



Family Leave Policy and Procedure Version 3.1

<p>Important: This document can only be considered valid when viewed on the Trust website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p>Name and Title of Author:</p>	
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<p>Related Documents: All Trust policies and procedures referred to are located on the trust website, www.theeducationalalliance.org.uk. If English is not your first language, and you require assistance/translation, please contact the HR Department.</p>	<p>National Agreement on Pay and Terms and Conditions for Teachers (Burgundy Book) National Agreement on Pay and Terms and Conditions for Associate Staff (Green Book) Special Leave Policy Flexible Working Policy Health and Wellbeing Policy Disciplinary Policy</p>

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POLICY STATEMENT

We are here to make great schools and happier, stronger communities so that people have better lives. We do this by:

- Always doing what is right
- Trusting in each other and standing shoulder to shoulder
- Doing what we know makes the difference

Doing what is right means always acting with integrity, in the interests of others and being honest, open and transparent.

The Education Alliance (the Trust) supports staff wishing to access family leave in a fair, consistent, transparent way, which adheres to legal and statutory requirements.

1. PURPOSE AND SCOPE

This Policy applies to all staff employed by the Trust and provides guidance and clarification regarding the family leave employees are entitled to, assisting employees in understanding their options. The Policy adheres to the Employment Rights Act 1996; Maternity and Parental Leave Regulations 1999; Maternity and Parental Leave and Paternity and Adoption Leave (Amendment) Regulations 2024; Additional Paternity Leave Regulations 2010; Additional Statutory Paternity Pay (General) Regulations 2010; Parental Leave (EU Directive) Regulations 2013; Paternity and Adoption Leave (Amendment) Regulations 2014; Children's and Families Act 2014; Shared Parental Leave Regulations 2014; Protection from Redundancy Act 2023; Paternity Leave (Amendment) Regulations 2024; Carer's Leave Act 2023; Carer's Leave Regulations 2024; Management of Health and Safety at Work (MHSW) Regulations 1992; the Conditions of Service for School Teachers in England and Wales (Revised August 2000) Burgundy Book and the NJC for Local Government Services National Agreement on Pay and Conditions of Service (Green Book) (Revised March 2019).

2. ROLES AND RESPONSIBILITIES

The **Trust Board** is responsible for approving this policy.

The **CEO and Executive Principal** are responsible for overseeing the application of this policy in practice.

The **Human Resources Department** is responsible for ensuring that all employees are aware of this policy. The team will also ensure that this policy is implemented fairly and consistently.

Leaders and managers must ensure they implement this policy fairly and equitably, seeking guidance, clarification and support as and when required.

All **employees** must adhere to the requirements and timescales specified within this policy.

Headteachers are responsible for monitoring the application of this policy within their respective schools.

3. EQUALITY AND DIVERSITY

The Trust is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged

The application of this policy will be monitored to ensure staff feel supported when approaching, taking and returning from family leave, and that they are not disadvantaged by taking family leave or having caring responsibilities.

4. MATERNITY LEAVE

Entitlement

All pregnant employees, with the exception of those on fixed term contracts, are entitled to take 26 weeks' ordinary maternity leave followed immediately by 26 weeks' additional maternity leave. Pregnant employees can therefore choose to take up to 52 weeks total maternity leave; however, they must legally take a minimum of 2 weeks' compulsory maternity leave, which is the 2-week period immediately following childbirth.

Occupational Maternity Pay (OMP)

At TEAL, enhanced maternity pay is a day one entitlement for all staff regardless of length of service. Staff are eligible to take up to the maximum provisions, which are as follows:

- For the first 8 weeks the employee will receive full pay (including Statutory Maternity Pay or maternity allowance where receivable);
- For the next 18 weeks the employee will receive half of full pay plus any Statutory Maternity Pay or maternity allowance receivable;
- For the next 13 weeks the employee will receive any Statutory Maternity Pay or maternity allowance receivable (providing the total receivable does not exceed full pay);
- For the final 13 weeks, the employee will receive no pay.

For employees whose remuneration varies due to variable normal working hours, a week's pay should be calculated by looking at the average remuneration in the 12-week period preceding the date on which the last complete week ended prior to maternity leave, excluding any week in which no remuneration was earned.

If an employee does not return for the 13-week period following the end of their maternity leave, they will be required to repay the amount of OMP they have received, with the exception of the amount received in the first 8 weeks. Statutory Maternity Pay (SMP) is not refundable. Full-time staff may agree with their manager/Headteacher to return on a part-time basis, and they would need to return for a period, which equates to 13 weeks of full-time service.

Bank Holidays

Bank holiday entitlements will be paid at the rate of pay received whilst on maternity leave at the time of the bank holiday. Bank holidays, extra-statutory days and concessionary days are not accrued and cannot be carried over provided that minimum statutory leave entitlements are met.

Deductions from Pay

Any non-statutory deductions from pay will continue to be charged during the period of maternity leave, unless the employee has reached a point at which their maternity pay does not cover for such payments. Employees must ensure that they make adequate financial provision for the payment of such deductions, which may include alternative arrangements to maternity pay.

Contractual Rights during Maternity Leave

During maternity leave, the employee's contract will remain continuous (unless there is a fixed term contract which ends without renewal, or an organisational change issue that results in redundancy). Maternity leave does not constitute a break in service and therefore counts as continuous service for annual leave, sickness and redundancy purposes. With the exception of remuneration, employees will continue to benefit from all their terms and conditions that would have applied should they have remained at work.

Fixed Term Contracts

Pregnant employees on fixed term contracts are entitled to take statutory maternity leave up to the point where their fixed term contract ends, regardless of their length of service and number of hours worked. Statutory maternity pay (SMP) is payable for 39 weeks for those who qualify (otherwise staff may be able to claim Maternity Allowance from the Government). Any entitlement to occupational maternity pay (OMP) will end when the fixed term contract ends.

Starting Maternity Leave

Employees can choose to start their maternity leave on any date within the 11-week period before their expected week of childbirth (EWC), however, it can begin sooner than anticipated if they are absent due in part or wholly related to their pregnancy or; if the employee's baby is born earlier than anticipated. Employees who give birth early start their SMP, OMP and maternity pay period (MPP) on the day following the date of childbirth. Employees who are absent from work due to sickness, wholly or partly related to pregnancy, within 4 weeks of the EWC, may be moved into maternity leave early, depending on the circumstances and length of sickness absence.

Notification of Pregnancy

Employees can tell their manager they are pregnant as soon as they want to. This can be before they have decided when they want to take their maternity leave. Employees must inform their manager and the HR Department by the 15th week (14 weeks' prior notice for teaching staff, as detailed in the Burgundy Book) before the expected week of childbirth (EWC), or as soon as reasonably practicable, of the date on which they want to start their maternity leave and of their EWC.

Once the HR Department has been notified, they will arrange to meet with the employee to discuss the Family Leave Policy, providing guidance and support. The employee will receive the following information during their pregnancy and maternity leave:

- Notification form for the employee to complete and return to HR
- Risk assessment form for the employee to complete with their manager. This should be regularly reviewed, taking into account any changes in circumstances and ensuring risks are appropriately managed.
- Maternity confirmation letter from HR, with a copy of the Family Leave Policy and the Flexible Working Policy.
- Preparing for maternity leave letter from HR, with Keep in Touch (KIT) form. This will normally be issued a month prior to the intended maternity leave commencement date.
- Return to work letter from HR, which will normally be issued a month prior to the intended return to work date.
- A return to work meeting with HR and/or manager will normally take place before a return to work, to ensure the employee is appropriately supported in their return to work.

Employees should receive a copy of their Mat B1 form from their midwife around the 20th week of pregnancy, which should state their expected due date. Employees should ensure HR receives a copy of their Mat B1 form when they receive it.

Employees can change their notified start date for maternity leave, giving 28 days' notice. They should do so in writing, to the HR Department.

Antenatal Appointments

Employees are entitled to time off work to attend antenatal appointments (preferably at the start or end of the day to minimise the impact on students and service delivery). Antenatal care includes midwifery appointments, GP appointments, hospital clinics and relaxation classes. Employees are required to produce an appointment card or other documentation that confirms the appointment prior to permission being granted. They should submit their request via the HR system, in line with the Special Leave Policy and Procedure.

Risk Assessments

Protection under the Management of Health and Safety at Work (MHSW) Regulations 1992 includes protection for new and expectant mothers. This includes women who are pregnant, or who have given birth in the last 6 months, or those who are breastfeeding. The line manager will undertake a risk assessment when they are notified of the pregnancy, and this should be regularly reviewed with the employee throughout the pregnancy and following their return to work, if they return within 6 months of giving birth, or are breastfeeding when they return to work. If the risk assessment identifies risk for the employee's health or that of their baby, the line manager must make arrangements to control or remove the risk. They should seek advice from the HR

Department, and if it is not possible to control or remove the risk, it may be necessary to try to re-organise duties (the employee's pay will not be affected).

In exceptional circumstances, if no suitable alternative work is available and the risks associated with their substantive role cannot be adequately controlled, the employee may be instructed not to attend work. If this happens, the employee will continue to receive their pay and any other contractual benefits in the usual way. If the employee is offered a suitable alternative and they unreasonably refuse, they may be suspended on health and safety grounds due to pregnancy and they may lose their right to be paid during their period of suspension. The decision to suspend or redeploy a pregnant employee sits with the Headteacher, Executive Principal or CEO.

Keep in Touch Days

Up to 10 keep in Touch (KIT) days may be accessed at any point of the maternity leave (other than the compulsory 2 weeks' following the birth) without bringing the maternity leave to an end. Employees must seek agreement for KIT days with their line manager. Any work undertaken on a KIT day will be viewed as 1 full KIT day (e.g. 2 hours would count as 1 day). Where an employee works KIT days they will receive payment at their standard hourly rate for the actual hours worked if they are not in receipt of maternity pay when they work. If they are in receipt of maternity pay, they may receive a top up amount, which takes them up to their standard hourly rate.

It is vital that managers approach discussions regarding KIT days with a flexible approach and sensitivity, and if they require any guidance or support they should contact the HR Department.

Access to KIT days must be by mutual agreement between the employee and their manager. Employees will not be penalised for not working KIT days. Similarly, the manager may not agree to a KIT day if there would be no/little value in the employee working it, in which case a discussion regarding alternative opportunities for KIT days would be held.

Returning to Work

Employees intending to return to work following Additional Maternity Leave (AML) do not need to provide notification of their return, as they will be expected to return on the date stated in their letter from the HR Department. However, employees are strongly encouraged to contact their manager and HR prior to their return to work to ensure their return to work is managed and supported effectively. Employees are able to return to work at any time after the 2 weeks' compulsory maternity leave and before the end of their 52 weeks combined Ordinary Maternity Leave (OML) and AML, unless they are employed on a fixed term contract, which ends without renewal. Employees wishing to return to work before the date specified in their letter from the HR Department must write to the HR Department advising of their wish to return to work, using the notification of proposed return to work form (appendix 3). Employees must do this at least 8 weeks before their new proposed date of return.

With the exception of employees on fixed term contracts, employees on maternity leave are entitled to return to their job following OML, or to a suitable alternative post following AML on terms and conditions that are no less favourable, should a return to their substantive role not be practicable. However, where organisational change means their substantive role no longer exists, due to their protected period, from a legal perspective, they must be given first consideration above other affected staff should opportunities for suitable alternative employment arise. The protected period starts when the employee notifies the employer that they are pregnant and ends 18 months from the exact date that the baby is born (or from the expected week of childbirth if the employee does not notify the exact date of birth).

Employees preparing to return from maternity may wish to request a return to a different working pattern (e.g. reduced hours), and they can discuss this with HR when they meet. Further guidance can be found in the Flexible Working Procedure, which is located on the Trust website (www.theeducationalliance.org.uk). All flexible working requests are given serious consideration by managers and requests are approved wherever possible (although there are occasions where the request cannot be approved and either an alternative may be suggested or the request will be rejected with clear rationale provided).

Resignation

If an employee decides to resign before or during their maternity leave, they must do so in writing to either their manager, the HR Department or the Headteacher. Employees must be mindful that if they submit a resignation and it takes effect prior to the commencement of their maternity leave, they will lose their right to maternity leave and associated pay. However, if they are employed during the fifteenth week before the EWC and qualify for SMP, and they leave after the start of the fifteenth week, they will still be entitled to SMP.

5. MATERNITY AND ADOPTION SUPPORT LEAVE

Maternity and Adoption Support Leave is a provision for staff to take up to one week of leave to assist in the care of a new child and to provide support to the birthing person/primary adopter. At TEAL, this is a day one entitlement for all staff and will be paid at full pay.

For Maternity Support Leave, this is provided for the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

For ASL, this is provided for the partner or nominated carer of the primary adopter at or around the time of the placement. A nominated carer is the person nominated by the primary adopter to assist in the care of the child and to provide support to the primary adopter at or around the time of the placement.

MSL and ASL is a similar right to paternity leave, and some employees may qualify for both MSL/ASL and paternity leave. In that scenario, an employee would be required to choose either MSL/ASL or paternity leave, i.e., they would not be entitled to take both.

TEAL has committed to allowing employees to take their MSL/ASL in blocks of days, where operationally feasible. Employees wishing to access MSL/ASL must submit a request to their line manager and the HR Department as soon as is reasonably practicable.

6. PATERNITY LEAVE

Entitlement

At TEAL, all staff have a day one entitlement to paternity leave and pay. The right to paternity leave arises in relation to birth children, children adopted from within the UK and children adopted from overseas. Employees will be eligible for ordinary paternity leave (OPL) if:

- The employee is the biological father of a child, or the mother's husband, civil partner or partner.
- The employee is the spouse, civil partner or partner of an individual who has adopted a child (or who is one of a couple who have jointly adopted a child) under the law of any part of the UK.
- The employee is the spouse, civil partner or partner of an individual who has adopted a child (or who is one of a couple who have jointly adopted a child) from overseas.

The leave must be taken to care for the child or to support the child's mother/adopter.

Only one period of paternity leave is available, even if more than one child is born as the result of the same pregnancy, or if more than one child is placed with an individual or couple for adoption under the same arrangement.

Employees who qualify for paternity leave can take up to two weeks' ordinary paternity leave (OPL) on the birth or adoption of a child, which is paid at their normal rate of pay. Where the employee qualifies for Statutory Paternity Pay (SPP) this will be included in their normal rate of pay.

The Paternity Leave (Amendment) Regulations 2024 brings greater flexibility for parents and adopters exercising their rights to paternity leave, in that:

- Employees can take their two-week statutory paternity leave entitlement as either a single two-week block or two separate one-week blocks. TEAL has increased this flexibility by providing employees with

the option of taking the second week as either a week or more flexibly, as long as it is operationally feasible.

- Employees can take paternity leave at any time in the 52 weeks after birth (or the first day of the expected week of childbirth if the child is born early).
- In the case of UK adoption, the leave can be taken within the 52 weeks after the date the child is placed with the adopter. In the case of an adoption from overseas, the leave can be taken within the 52 weeks from the date the child arrived in Great Britain.

In the following circumstances, eligible employees will retain their entitlement to paternity leave, but this must be taken within 8 weeks of the end of the week in which the event occurred:

- if the employee is notified that the child will no longer be placed with the person with whom the child was to be placed for adoption;
- if the child dies; or
- if the child is returned after being placed for adoption.

If the employee has already taken shared parental leave (SPL) to care for the child under the Shared Parental Leave Regulations they cannot take paternity leave afterwards i.e., paternity leave must be taken prior.

Deductions from Pay

Any non-statutory deductions from pay will continue to be charged during the period of paternity leave, unless the employee has reached a point at which their paternity pay does not cover for such payments. Employees must ensure that they make adequate financial provision for the payment of such deductions.

Contractual Rights during Paternity Leave

The employment contract continues as normal during paternity leave. This means that the period spent on paternity leave will count towards the employee's continuous service.

Notification of Paternity Leave

To be eligible to take paternity leave, the employee is encouraged to discuss their request with their line manager, prior to completing their notification form. Notice must be given on or before the 15th week before the EWC, or within seven days of the employee having been notified of matching in cases of adoption, or as soon as it is reasonably practicable. The notice must specify:

- The EWC/date of matching and expected date of placement for adoption
- The period of leave the employee wants to take and when

Once notified, a member of the HR Department will contact the employee and their manager to provide advice and guidance.

Antenatal Appointments

Expectant fathers or partners of a pregnant woman are entitled to time off to attend ante-natal appointments with their pregnant partner. Staff should make efforts to make arrangements outside normal working hours, wherever possible, or at times which result in the least disruption for students. Paid leave will be granted for antenatal appointments. The right extends to those who will become parents through a surrogacy arrangement, if they expect to satisfy the conditions for, and intend to apply for, a parental order for the child, born through that arrangement.

Employees wishing to request time off work to attend antenatal appointments must submit a request for special leave via the HR system.

Adoption Appointments

The primary adopter can take paid time off to attend adoption appointments. An employee who exercises the right to paid time off is not entitled to take ordinary paternity leave in respect of the child, so it will usually be the parent taking adoption leave who exercises the right to paid time off. The other adoptive parent can request time off to attend adoption appointments, and they must submit requests via the HR system, attaching evidence of the date and time of the appointment, and confirmation that it has been arranged by an adoption agency. Staff should make efforts to make arrangements outside normal working hours, wherever possible, or at times

which result in the least disruption for pupils, and paid special leave will be granted. Employees are encouraged to contact the HR Department to ensure they receive advice and guidance, prior to submitting a request.

Return to Work

The employee has a right to return to work after paternity leave, without giving notice. Employees returning from one or two weeks' paternity leave are entitled to return to the same job they were doing before the leave period commenced.

7. SHARED PARENTAL LEAVE

Shared parental leave is an option for families to consider, where a mother wishes to curtail her maternity leave and pay, or a primary adopter wishes to curtail their adoption leave and pay, to enable their partner to access shared parental leave. The total amount of shared parental leave available to be taken depends on the number of weeks of statutory maternity/adoption leave and pay taken prior to the curtailment. The amount of leave and pay available can be calculated as follows:

- Deduct the number of weeks' maternity/adoption taken, or due to be taken, from 52
- Deduct the number of weeks' statutory maternity pay/statutory adoption pay already or due to be taken, from 39

To be eligible for shared parental leave, the mother or primary adopter must curtail their maternity/adoption leave and pay, returning to work before the end of their statutory maternity/adoption pay. During shared parental leave, the employee's contract will remain continuous (unless they have a fixed term contract that is due to end). To access shared parental leave, the employee must ensure that their partner has given their employer notice to curtail their leave, and they must submit a notification form requesting access to shared parental leave, providing at least 8 weeks' notice before the first period of leave would commence. Both the employee and their partner provide written declarations regarding their eligibility and the accuracy of the information provided.

Shared parental leave can be taken as a single continuous period or in periods of a week or multiples of a week. A parent can take a period of shared parental leave while the other parent is also on SPL, maternity or adoption leave.

Employees can make up to three requests for periods of SPL. Leave must be taken before the child's first birthday and the right to take SPL applies to each birth, regardless of the number of children born, and is in addition to the right to 18 weeks' unpaid parental leave under the Maternity and Parental Leave Regulations 1999.

Eligibility

An employee will qualify for SPL if the other parent meets certain basic work and earnings conditions. An employee will be entitled to take shared parental leave to care for a child if they:

- have been continuously employed by their employer for at least 26 weeks, ending with the 15th week before the expected week of childbirth, or for adoption, 26 weeks ending with the week in which the adopter is notified of having been matched with the child, and remains in continuous employment with that employer until the week before any period of shared parental leave
- has main responsibility for the care of the child at the date of their birth, or for adoption, the date of notification of being matched (apart from the responsibility of the partner)
- is entitled to statutory maternity leave/adoption leave in relation to the child
- has brought their statutory maternity leave/adoption leave to an end by giving their employer a "leave curtailment notice" (the leave period must remain curtailed) or returned to work before the end of their statutory maternity leave/adoption leave
- has submitted a "notice of entitlement and intention to take shared parental leave"
- has submitted a "period of leave notice" to her employer

For the mother to be eligible to take shared parental leave, the partner must:

- satisfy the employment and earnings test which requires that, in the 66 weeks immediately preceding the child's expected week of childbirth/the week in which the adopter is notified of having been matched for the adoption with the child, they have: been engaged in employment as an employed or self-employed earner for any part of the week in at least 26 of those weeks; and
- average weekly earnings of at least the maternity allowance threshold (£30) in any 13 of those weeks (whether or not consecutive); and
- main responsibility for the care of the child at the date of the child's birth/child's placement for adoption (apart from the mother /adopter's responsibility).

SPL must be taken before the child is 1 year old or before the first anniversary of a child's placement for adoption.

Contractual Rights during Shared Parental Leave

During shared parental leave, the employee's contract will remain continuous (unless there is a fixed term contract which ends without renewal, or an organisational change issue that results in redundancy). All terms and conditions that would have applied to the employee had they not been absent due to SPL will continue, other than terms and conditions relating to remuneration.

Notification Requirements

An employee must fulfil the following notification requirements before being entitled to take SPL:

- The parent must end their maternity leave/adoption leave by serving a leave curtailment notice.
- The parent wishing to take leave must submit a notice of entitlement and intention to take leave.

Each of the above submissions of notice must be given at least 8 weeks before the first period of leave the employee wishes to take, and the forms can be found in appendices 5 and 6.

The date chosen for the end of maternity/adoption leave:

- Cannot be before the end of the two weeks' compulsory maternity leave period following the birth of a child or the end of the two weeks of ordinary adoption leave
- Must be at least 8 weeks after the date the notice is given to the Trust
- Must be at least one week before the date the maternity/adoption leave would otherwise have ended

The notice of entitlement must contain the following:

- The parents' names
- The start and end dates of the mother's maternity leave or adoption leave
- The child's EWC and date of birth, or date of matching and date of placement
- The total amount of SPL and pay available
- The amount of SPL and pay each parent intends to take
- A non-binding indication of when the parent giving notice intends to take SPL

The notice of entitlement and intention to take leave must be accompanied by written declarations from both parents about their eligibility to take leave and the accuracy of the information. The employee giving notice must confirm they will notify the Trust if they cease to be eligible for SPL, and the other parent must provide their name, address, national insurance number, consent to the leave their partner wishes to take, confirmation that they will notify the Trust if they cease to be eligible for SPL, and they must also agree to the processing of the information in the declaration. The indication of how the SPL and pay will be divided between the parents can be altered by the parents submitting a variation of notice of entitlement to the HR Department.

The Trust is not required to check the employee's eligibility for leave, however, the employee is required to provide the HR Department with a copy of the child's birth certificate (or evidence from the adoption agency regarding the date of matching and the date of placement) and the name and address of the other parent's employer within 14 days of the birth/placement.

Employees can withdraw or cancel a leave curtailment notice if they stop being eligible for SPL, if the other parent dies or if the leave curtailment notice was given before the child's birth/adoption.

Requests for Multiple Periods of Leave

If more than one period of shared parental leave is requested, the notice must detail the start and finish dates for the periods of leave the employee wishes to take. If the employee has requested a single period of SPL, they are entitled to take the leave on the dates requested, however, if they have requested multiple periods of leave in the same notice, the Trust will have 2 weeks in which it will either:

- Agree to the periods of leave requested
- Propose alternative dates for the periods of leave
- Refuse the request without proposing alternative dates

The Trust will agree to periods of leave requested wherever possible. If a pattern of leave cannot be agreed, the employee can either withdraw their request or submit notice for a single continuous period. If an employee wishes to change a period of SPL that has already been agreed, they must submit a leave variation notice. Employees can submit up to three period of leave notices in total. Notices withdrawn due to a failure to agree do not count towards this limit, whilst variation notices will count. There is a form whereby employees can request multiple periods of shared parental leave (appendix 7). The employee should complete it and return it to the HR department for consideration.

Shared Parental Leave 'in Touch' Days

With the Trust's agreement, employees can take up to 20 SPL 'in touch' days (SPLIT days) during a period of SPL. Any work carried out on a particular day will count as a day's work for the purposes of calculating SPLIT days worked. Where employees work SPLIT days, they will receive payment at their standard hourly rate for the actual hours worked if they are not in receipt of SPL pay when they work. If they are in receipt of SPL pay, they may receive a top up amount, which takes them up to their standard hourly rate. Access to SPLIT days must be by mutual agreement between the employee and their manager and employees will not be penalised for not working SPLIT days. Similarly, the manager may not agree to a SPLIT day if there would be no/little value in the employee working it.

SPLIT days are in addition to the 10 KIT days that can be worked during a period of maternity leave. The application form for SPLIT days can be found in appendix 8.

Statutory Shared Parental Pay

Statutory shared parental pay (ShPP), paid at the lower rate of SMP, will be available for eligible employees in accordance with how the parents have decided to split their statutory shared parental pay entitlement between them. Additional/occupational pay (as receivable during maternity, paternity or adoption leave) does not apply during SPL. No more than 39 weeks of SMP and ShPP can be paid in total to both parents, with a maximum of 37 weeks being paid as ShPP (at least the first two weeks must be SMP).

Bank Holidays

Bank holiday entitlements will be paid at the rate of pay received whilst on shared parental leave at the time of the bank holiday.

Deductions from Pay

Any non-statutory deductions from pay will continue to be charged during the period of SPL unless the employee has reached a point at which their ShPP pay does not cover for such payments. Employees must ensure that they make adequate financial provision for the payment of such deductions, which may include alternative arrangements to pay.

Returning to Work

Unless there is a fixed term contract which ends without renewal, employees intending to return to work following SPL of 26 weeks or less will return to their job. Where organisational change means their substantive role no longer exists, their protected period means they should be given first consideration above other affected staff should opportunities for suitable alternative employment arise (e.g. if they meet the essential criteria of a vacant suitable alternative they needn't apply for it).

8. ADOPTION LEAVE

Entitlement

All employees who qualify for adoption leave, with the exception of those on fixed term contracts, have a right to take up to 52 weeks' adoption leave. This is made up of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' additional adoption leave (AAL). Parents of a child placed for adoption may also be eligible to take a period of shared parental leave (SPL) if adoption leave is curtailed, however, the same parent may not apply for shared parental leave in relation to a child for whose care they have already taken statutory adoption leave or paternity leave. Where a couple is adopting a child jointly they are required to choose which parent will take adoption leave and pay and the other parent will have access to paternity or parental leave instead.

Eligibility

To qualify for adoption leave and associated pay, the employee must be newly matched with a child for adoption by an approved adoption agency (this does not include circumstances whereby a step parent adopts a stepchild or private adoptions). To qualify for ordinary statutory adoption leave, the employee must have notified the adoption agency that they agree to the placement and the date. An employee will qualify for additional adoption leave if they have taken a period of ordinary adoption leave (OAL) and the placement has not ended prematurely.

Occupational Adoption Pay (OAP)

At TEAL, enhanced adoption pay is a day one entitlement for all staff regardless of length of service. Staff are eligible to take up to the maximum provisions, which are as follows:

- For the first 8 weeks the employee will receive full pay (including Statutory Adoption Pay where receivable);
- For the next 18 weeks the employee will receive half of full pay plus any Statutory Adoption Pay receivable;
- For the next 13 weeks the employee will receive any Statutory Adoption Pay receivable (providing the total receivable does not exceed full pay);
- For the final 13 weeks, the employee will receive no pay.

For employees whose remuneration varies due to a lack of normal working hours, a week's pay should be calculated by looking at the average remuneration in the 12-week period preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

If the employee does not return for the 13-week period following the end of their adoption leave, they will be required to repay the amount of OAP they have received, with the exception of the amount received in the first 8 weeks. Statutory Adoption Pay (SAP) is not refundable. Full-time staff may agree with their manager/Headteacher to return on a part-time basis, and they would need to return for a period, which equates to 13 weeks of full-time service.

Fixed Term Contracts

Employees on fixed term contracts are entitled to take adoption leave up to the point where their fixed term contract ends, regardless of their length of service and number of hours worked. Any entitlement to occupational adoption pay (OAP) will end when the fixed term contract ends. Statutory adoption pay (SAP) is payable for 39 weeks for those who qualify (see Gov.uk for eligibility criteria).

Bank Holidays

Bank holiday entitlements will be paid at the rate of pay received whilst on adoption leave at the time of the bank holiday. Bank holidays, extra-statutory days and concessionary days are not accrued and cannot be carried over provided that minimum statutory leave entitlements are met.

Deductions from Pay

Any non-statutory deductions from pay will continue to be charged during the period of adoption leave, unless the employee has reached a point at which their adoption leave pay does not cover for such payments.

Employees must ensure that they make adequate financial provision for the payment of such deductions, which may include alternative arrangements to adoption pay.

Contractual Rights during Adoption Leave

The employee's contract continues as normal throughout the adoption leave period, with the exception of remuneration, and the period of adoption leave will count towards their continuous service.

Notification of Adoption

Employees can advise their manager they intend to adopt as soon as they want to. This can be before they have decided when they want to take their adoption leave. Employees must notify the HR Department of their intention to take adoption leave within seven days of being notified of a match with the child by the adoption agency, by making a request for adoption leave. If this is not reasonably practicable, the employee must give notice as soon as it is reasonably practicable.

Once HR has been notified they will invite the employee to meet with a member of the HR Department who will discuss the Family Leave Policy, providing guidance and support. The employee will receive the following information to assist them in preparing for adoption leave and also to assist in preparing to return to work following adoption leave:

- Notification form for the employee to complete and return to HR, notifying us of their adoption match
- HR will send the employee an adoption leave confirmation letter, with a copy of the Family Leave Policy and the Flexible Working Policy.
- HR will meet with the employee and will send the employee a 'preparing for adoption leave' letter with a KIT form, normally a month prior to the intended adoption leave commencement date.
- HR will send the employee a return to work a month prior to the intended return to work date, and they will arrange a return to work meeting with HR and manager, to prepare the employee and their manager for their return to work.

The employee must inform the HR Department of:

- The date the child is expected to be placed with them for adoption
- The date that he/she wishes adoption leave to commence

The employee can request to commence adoption leave:

- From the actual date of the child's placement, or;
- From a fixed date up to 14 days before the expected date of placement (but no later than the date of placement)

Leave can begin on any day of the week and only one period of leave is permitted for each placement, regardless of the number of children placed at that time.

If the adopter wishes to vary the date they would like their leave to commence, they must notify the HR Department as soon as possible, giving at least 14 days' notice of the new start date (unless this is not reasonably practicable). The HR Department will respond to the employee's request for adoption leave within 14 days of receipt of the request, notifying the employee of the date on which their additional adoption leave will end. The employee will be required to submit documentary evidence from the adoption agency of the placement for adoption (e.g. a matching certificate) prior to approval being given.

Time Off for Adoption Appointments

An employee who has been notified that a child is to be placed for adoption, has the right to paid time off to attend adoption appointments arranged by the adoption agency, to have contact with the child or for any other purpose connected with the adoption. The primary adopter can take time off on up to five occasions to attend adoption appointments. An employee who exercises the right to paid time off is not entitled to take ordinary paternity leave in respect of the child. It will, therefore, usually be the parent taking adoption leave who exercises the right to paid time off. The other adoptive parent can request time off to attend adoption appointments. Staff should make every effort to make arrangements outside normal working hours, however, where this is not possible, and an appointment has been made near the start or end of the working day. Paid leave will be granted.

Employees wishing to request time off work to attend appointments must submit their request via the HR system, as per the Special Leave Policy and Procedure, attaching evidence of the date and time of the appointment, and confirmation that it has been arranged by an adoption agency.

Fostering to Adopt

Fostering to adopt places a child with carers who may become their adopters at an early stage. This occurs while the court makes its final decision whether the child should be adopted, and the adoption agency approves the match between the carers and the child. In the event of approval, the placement will become an adoption placement.

We appreciate that this is an uncertain time for both the child and the carers, and that the initial time with the child is important in initiating an effective relationship and providing the child with a loving and secure home as early as possible.

An employee who meets the eligibility criteria for adoption pay and leave will be entitled to claim this from the time they become a fostering for adoption (or concurrent planning) carer. Leave can be claimed from the start of the fostering placement, or delayed until the placement for adoption happens. The employee should discuss and agree their preferences with their line manager in advance.

Unexpected Events

If the placement is not successful and ends during the adoption leave period, or the child dies, the employee will be allowed to continue the leave for a maximum of eight weeks after the placement ends. The Trust will approach such situations with care and sensitivity.

Keep in Touch Days

Employees on adoption leave may wish to access KIT days and further details can be found in the maternity section of this policy.

Returning to Work

With the exception of employees working under fixed term contracts, which are due to end during the period of leave, any employee taking adoption leave has an automatic right to return to work after their additional adoption leave period, and they do not need to provide any notice of this unless they wish to return earlier than planned (e.g. before the end of their additional adoption leave period). In such circumstances, the employee must provide the HR Department with 8 weeks' notice in writing. If they fail to provide adequate notice, their return may be delayed.

If the adoptive parent is placed at risk of redundancy, the employee will have the right to be offered a suitable alternative role in preference to other employees that are not in a protective period.

Unless they are working under a fixed term contract, employees returning from ordinary adoption leave are entitled to return to the same job they were doing before the leave period commenced. If the employee takes additional adoption leave, they are entitled to return to their substantive role, however, where this is not feasible the employee must be offered an alternative role which is suitable and appropriate and has no less favourable terms and conditions.

9. KINSHIP CARE LEAVE

Kinship care is when a child lives with a relative or close family friend, usually because their parents are not able to care for them. This often happens unexpectedly and can be for a variety of reasons. We recognise the importance of supporting our staff who step up to care for a child in this circumstance by offering paid kinship care leave as a day one entitlement, paid at the same rate as adoption leave pay (see Section 8.0 for full details).

To receive kinship care leave, this must be a new arrangement and you must:

- Be the child's primary caregiver; and,

- Either have the children living with you or be preparing for them to live with you as a permanent arrangement.

You do not need to have a legal order in place and you are not required to provide formal documentation confirming you are a kinship carer, as we recognise many kinship carers will not have this.

You must inform your line manager in writing of your request for kinship care leave no later than two weeks after the date on which the child(ren) moved in with you, or that you were informed that they would be moving in.

You must provide:

- written details of the date on which you were notified of having the child(ren) placed with you.
- the date the child(ren) is/are expected to be placed with you (if different).
- when you wish your kinship care leave to start, which can be from the date the child is placed or a date that is up to 14 days before the expected date of placement.

Leave can begin on any day of the week and only one period of leave is permitted for each placement, regardless of the number of children placed at that time.

Like with adoption leave, you can work up to 10 Keeping in Touch days during your leave without this affecting your kinship care leave pay.

With the exception of employees working under fixed term contracts, which are due to end during the period of leave, any employee taking kinship care leave does not need to provide any notice of their return unless they wish to return earlier than planned (i.e. before the full 52 weeks entitlement). In such circumstances, the employee must provide the HR Department with 8 weeks' notice in writing. If they fail to provide adequate notice, their return may be delayed.

10. PARENTAL LEAVE

Entitlement

Parental leave is available for employees with at least one year's continuous local government service (including the academy sector). To be eligible, the employee must have, or expect to have, responsibility for the child. This includes those who provide kinship care for a child. Parental leave must be taken:

- Before the child is 18 years old
- Within five years of the start of the placement if the child is adopted and before the child is 18 years old

Employees who qualify for parental leave may take up to 18 weeks' **unpaid** parental leave in total for the purposes of caring for a child. The right to take leave applies in relation to each of the employee's children, including twins or other multiple births. They may access:

- A maximum of four weeks' leave per year
- Parental leave can only be taken in blocks of a week or multiples of a week, unless the child is disabled. A week is based on an employee's working pattern over seven days. When an employee's working pattern is irregular, a week's leave is calculated by the total number of days the employee works in a year divided by 52.
- Leave may be taken straight after the birth or adoption of following a period of maternity leave.
- Employees can submit a request for parental leave at any time up to the child's eighteenth birthday.

Notification of Intention to Take Parental Leave

An employee wishing to access parental leave must submit a request via the HR system, providing at least 21 days' notice, detailing the dates on which they wish the period of leave to commence and cease. Whilst the Trust will try to accommodate parental leave requests wherever possible, there may be occasions where an alternative period may be proposed. The HR Department will respond within seven days of receipt of the

request and if the outcome is a postponement, the Trust will agree to allow the employee to take the same period of leave at a later date, providing the opportunity for a period of consultation with the employee regarding the date and the reason for the postponement.

If it is not possible to give 21 days' notice, the employee must give notice as soon as is reasonably practicable.

Parental Leave Pay and Contractual Rights

The employee's contract continues as normal throughout the parental leave period, with the exception of pay, as parental leave is unpaid. The period of parental leave will count towards their continuous service.

Parental leave does not count towards LGPS membership unless an employee makes contributions as they would have if they had been at work. If an employee wishes to do this, they must inform the HR Department within 30 days of returning to work (or within 30 days of leaving if they do not return). Employees are also encouraged to contact the pension provider for advice, prior to making a decision.

Returning to work

An employee taking parental leave is normally entitled to return to their substantive role, however, if the parental leave covers a single period of more than four weeks, or it was immediately preceded by a period of statutory leave, which included a period of additional maternity or adoption leave, the employee should check with the HR Department the impact this may have on their right to return to their substantive role. If a return to their substantive role is not feasible, the employee must be offered an alternative role, which is suitable and appropriate and has no less favourable terms and conditions.

11. CARERS LEAVE

The Carer's Leave Act 2023 came into force from 6 April 2024, providing unpaid carers with a statutory leave entitlement of up to five working days every 12-month rolling period. Staff wishing to request carer's leave should complete a special leave request. Whilst the Act provides an entitlement to unpaid leave, the Trust Board has decided that such leave will be paid.

This is a day one right and applies to carers with dependants who have a long-term care need. There is no requirement for carers to supply evidence of why the leave is needed.

The leave may be taken as half days, full days or in blocks. The required notice period is either twice as many days as the period of leave required, or three days, whichever is the greater.

Employees acquire the right when they need to give or arrange care for a dependant who has:

- a physical or mental illness or injury (which needs more than 3 months of care).
- a disability (as defined in the Equality Act 2010).
- care needs because of their old age.

The dependant does not have to be a family member. It can be anyone who relies on them for care.

The duration of leave is up to one week of leave every 12 months. A 'week' is the length of time they usually work over 7 days (i.e. someone usually works 3 days a week can take 3 days of carer's leave). No additional days of carer's leave are earned if an employee needs to care for more than one person.

Employers cannot refuse a carer's leave request but can ask the employee to take it at a different time if the employee's absence would cause serious disruption to the organization. If they delay it, the employer must:

- agree another date within one month of the requested date for the leave.
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave.

12. SURROGACY

In a surrogacy arrangement, intended parents are entitled to adoption leave and pay and paternity leave and pay where they are entitled and intend to make an application for a parental order to become the child's legal parents (assuming the other relevant conditions are met, as specified within this policy). They will also be able to opt into the SPL system if the parent taking adoption leave chooses to bring the leave to an end early (as specified within the Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations 2014).

Intended parents can request time off to attend antenatal appointments to enable them to accompany the birth mother and the Special Leave Policy and Procedure should be followed in these circumstances. Staff should make every effort to make arrangements outside normal working hours, however, where this is not possible, and an appointment has been made near the start or end of the working day. Paid special leave will be granted.

Adoption leave can start the day of the birth or the day after. Employees must notify the HR Department and their line manager at least 15 weeks before the baby is due that they intend to take adoption leave.

13. FERTILITY TREATMENT

There is a varied and constantly evolving range of options for fertility treatment for those who require it, and the trust recognises that this will be experienced differently for each member of staff that requires assistance in their journey to parenthood. This includes but is not limited to: IVF; IUI; surrogacy; egg/sperm/embryo freezing.

Appointments and sickness absence relating to fertility treatment should be treated in the same way as any other medical appointment or sickness in line with the Special Leave and Health and Wellbeing policies. Employees requiring time off for fertility treatment or investigations should submit a request via the HR system, as per the Special Leave Policy and Procedure, which will not be unreasonably denied.

Employees are encouraged to notify their line manager and the HR Department when entering into fertility treatment to discuss ways in which the employee can be supported.

Special protection applies for employees undergoing IVF treatment. An employee has pregnancy rights following the final stage of the IVF process, the embryo transfer. If the cycle is successful, pregnancy rights will continue in the same way as any other pregnant worker. If the treatment is unsuccessful, the protection ceases two weeks after finding out. A pregnancy test is taken two weeks after embryo transfer and, if the test is negative, the protected period extends for a further two weeks. Whilst within the protected period, the employee is protected from discrimination or unfavourable treatment under the Equality Act 2010 and entitled to reasonable paid leave for related appointments.

14. PREMATURE BIRTH AND NEONATAL CARE LEAVE

The trust recognises the unique needs of employees whose baby is born premature and/or requires neonatal care and provides enhanced leave arrangements to support both parents. Babies may receive neonatal care either because they have been born prematurely (before 37 weeks of pregnancy) or at full-term but sick.

Where a baby is born premature (before 37 weeks) or receives neonatal care within the first 28 days of their life, requiring care for seven days or more, the trust provides additional support and leave to both parents in the form of neonatal care leave.

At TEAL, neonatal care leave is a day one right for employees who are mothers, birthing-parents, fathers and non-birthing parents. The length of leave will be based on the greater of either (i) the number of weeks early that a premature baby is born (*e.g. a baby born at 35 weeks entitles an additional 5 weeks leave and pay*); or (ii), how long their baby receives neonatal care (up to 12 weeks). Neonatal care leave will be paid at full pay, regardless of the employee's length of service.

Neonatal care leave must be taken within 68 weeks of the baby's birth or admission to neonatal care, and can be taken in addition to the employee's full entitlement to other types of parental leave and pay (including maternity, paternity, adoption and parental bereavement leave).

Neonatal care leave must be taken after maternity or adoption leave ends, due to statutory restrictions. However, the interaction of other types of parental leave (shared parental leave and paternity leave) with neonatal leave is more flexible and can be used at different times.

Employee eligibility for maternity/paternity/shared parental/adoption leave and pay will not be adversely impacted by a child being born early, i.e. the employee will remain entitled to leave and pay that is no less favourable than if the baby had been born at full term.

The trust also understands that babies born too soon, or unwell, can have ongoing medical needs, and may require additional hospital appointments and check-ups. Flexible working requests and requests for special leave in line with the respective policies will be considered as a short-term priority.

15. PREGNANCY AND BABY LOSS

The trust is committed to supporting all employees who suffer the loss of a pregnancy, whether it happens directly to them, their partner or their baby's surrogate, regardless of the nature of their loss or their length of service. Pregnancy loss includes but is not limited to miscarriage, stillbirth, abortion, ectopic pregnancy, molar pregnancy, termination for medical reasons, and neonatal loss.

All employees and partners who sadly experience pregnancy loss, which occurs before the 16th week before the Expected Week of Childbirth (EWC) (i.e. before 24 weeks) are entitled to take paid time off from work. We recognise that everyone experiences loss differently, and the time employees may need away from work will vary. Entitlement to paid leave is irrespective of the gestation of the pregnancy. If an employee were to unfortunately experience recurrent pregnancy loss this entitlement to leave would apply to each case. The principles of the Trust Bereavement policy will be followed, and managers will engage and support the employee during and/or upon return from their leave as appropriate.

In the sad event of a pregnancy loss occurring after 24 weeks of pregnancy, or in the case of still birth or the death of a child during the maternity leave period, the employee will be entitled to all the maternity pay and leave entitlements as set out in section 4. Similarly, partners will be entitled to the same paternity leave and pay as if the baby had survived.

Requests from employees to temporarily amend their working pattern to support them through the difficult time of grieving and recovery following pregnancy loss should be treated sensitively and supportively.

16. PENSIONS

All staff are encouraged to access further information regarding the impact of family leave on their pension, so that they can make informed decisions. The HR and Payroll Departments can provide information, for example regarding the impact of family leave on pensionable pay and service, but they cannot provide financial or pension advice. In all cases, please seek advice from your pension provider.

The pension scheme websites contain information regarding family leave. The website for the teachers' pension scheme is www.teacherspensions.co.uk and the website for the local government pension scheme is www.lgps.org.uk.

17. MISUSE OF THE POLICY

If an employee is suspected of misusing this policy, the matter will be investigated and may be dealt with under the Disciplinary Policy and Procedure.

18. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY AND PROCEDURE

Effectiveness and compliance of this Policy and Procedure will be monitored by the HR Department.

19. REVIEW

This Policy and Procedure will be reviewed within 2 years of the date of implementation with recognised trade unions via the Trust's JCNC.

Glossary

OML	Ordinary Maternity Leave
AML	Additional Maternity Leave
EWC	Expected Week of Childbirth
SMP	Statutory Maternity Pay
OMP	Occupational Maternity Pay
MPP	Maternity Pay Period
MHSW	Management of Health and Safety at Work Regulations 1992
KIT	Keep in Touch
SLT	Senior Leadership Team
MA	Maternity Allowance
LGPS	Local Government Pension Scheme
OPL	Ordinary Paternity Leave
APL	Additional Paternity Leave
SPP	Statutory Paternity Pay
OPP	Occupational Paternity Pay
SPL	Shared Parental Leave
ShPP	Statutory Shared Parental Pay
OShPP	Occupational Shared Parental Pay
OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave
SAP	Statutory Adoption Pay
OAP	Occupational Adoption Pay
MSL	Maternity Support Leave
ASL	Adoption Support Leave
IVF	In Vitro Fertilisation

Appendix of policy updates following each review

December 2024

Overall, the policy change is in line with our trust values and strategy, both in the retention of talented staff who can contribute within TEAL, as well as in our commitment to wider civic and system leadership. • Introduction of kinship care leave will support employees who want to stay in work to maintain their income and job security, while changing the lives of the children they look after. • Kinship carers are more prevalent in lower-paid roles, often overly impacting the lowest earners in our community. • Currently, there is no statutory provision for kinship care leave as there is for other family leave, such as maternity or adoption.