



# Family Friendly Policy

## Document Control

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## Definitions

- Where the word 'Trust' is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the words 'Governance Body' is used it refers to the relevant Governance Body of an individual academy within the Trust.
- Where appropriate individual academies will publish details of the procedures and practices to implement Trust policies.

## Related policies and procedures

- Equality and Diversity Policy
- Special Leave of Absence Policy
- Flexible Working Policy
- School Teachers Pay and Conditions Document (STPC)
- Conditions of Service for School Teachers (the Burgundy Book)
- National Agreement on Pay and Conditions of Service (the Green Book)

## The Elliot Foundation Academies Trust Values

### 1. Put children first

- a. We trust and value your professionalism
- b. We share the responsibility for the learning and welfare of all of our children
- c. Our purpose is to improve the lives of children

### 2. Be safe

- a. Don't assume that someone else will do it
- b. Look after yourself, your colleagues and all children
- c. We are all responsible for each other's safety and well being
- d. Discuss any concerns with an appropriate member of staff

### 3. Be kind & respect all

- a. People are allowed to be different as are you
- b. Kindness creates the positive environment we all need to flourish
- c. This kindness should extend to ourselves as well as to others

### 4. Be open

- a. If you can see a better way, suggest it
- b. If someone else suggests a better way to you, consider it
- c. We exist to nurture innovators and support those who take informed risks in the interests of children

### 5. Forgive

- a. We all make mistakes
- b. Admit them, learn from them and move on

### 6. Make a difference

- a. Making the world a better place starts with you Model the behaviour that you would like to see from others

## **1. Policy statement and objectives**

- 1.1. The Elliot Foundation Academies Trust recognises that a supportive approach in relation to employees managing work and family life is important in maintaining good employment relationships and staff retention.
- 1.2. The Trust also recognises the importance of maintaining a safe, healthy and productive work life balance for all employees and ensures that it complies with statutory obligations underpinning employees managing their work and family life.
- 1.3. The Trust wants to ensure that appropriate support is in place for staff in a range of 'family' situations.. This policy sets out the Trust's approach to maternity, paternity, adoption, shared parental and parental leave and pay and other family related matters.
- 1.4. The policy aims to ensure that all employees are treated fairly and consistently when undertaking a period of maternity, paternity, adoption, shared parental or parental leave and to ensure that all staff are aware of their rights and entitlements for these situations.
- 1.5. Employees wishing to request a change to their working pattern should put their request in writing to the CEO (central Trust employee) or Principal (school based employee). All requests will be considered seriously and in an attempt to balance both employee and organisation needs.

## **2. Scope and principles**

- 2.1. This policy relates to all staff employed by Elliot Foundation Academies Trust who meet the specific eligibility criteria as set out below.
- 2.2. Statutory entitlements are those that are provided for in employment law.
- 2.3. Contractual entitlements are those that are provided for within the employee's contract of employment.
- 2.4. Whilst an employee is on maternity, paternity, adoption, shared parental, neonatal care or parental leave all contractual benefits, except pay, will continue as normal.
- 2.5. No-one who makes a request for maternity, paternity, adoption, shared parental, neonatal care or parental leave will be subjected to any detriment or have any career development opportunities withheld by the Trust as a result.
- 2.6. This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation with staff and recognised trade unions.

### 3. Maternity Leave and Pay

- 3.1. To qualify for maternity leave, the employee must inform the Trust by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) of their intention to take maternity leave. Ideally they will also provide the date from which they wish to do so. However, if they are unable to provide the date they intend to commence their maternity leave, they must do so as soon as possible and no later than 28 days before the start date. Please refer to section 5 for entitlements for those staff who are adopting a child.
- 3.2. The Trust will write to the employee within 28 days to confirm the start and end dates of Maternity Leave.
- 3.3. The employee should also supply their line manager with a MAT B1 form (this is a certificate usually provided after their 20 week scan by a registered medical practitioner or certified midwife stating the EWC).
- 3.4. The Trust has a duty of care to all employees in relation to health and safety. Once the Trust has been informed of the employee's pregnancy, a suitable risk assessment of the workplace will be undertaken and applicable adjustments will be put in place to support the employee and mitigate risks. It may also be necessary for further risk assessments to be conducted during the period prior to maternity leave being taken. In some cases if risks cannot be avoided, this may mean offering the employee suitable alternative work (if available) temporarily on terms and conditions that are not less favourable. If no suitable alternative work is available, the employee will be suspended on full pay for as long as necessary to protect the health, safety and wellbeing of the mother and baby.
- 3.5. Pregnant employees have the right to 52 weeks maternity leave, regardless of their length of service. The first 26 weeks leave is known as 'Ordinary Maternity Leave' (OML) and the last 26 weeks is known as 'Additional Maternity Leave' (AML).
- 3.6. The earliest that the maternity leave can commence is 11 weeks before the Expected Week of Childbirth (EWC), unless the baby is born prematurely.
- 3.7. Employees must take at least 2 weeks maternity leave after the birth of their baby before returning to work known as 'Compulsory Maternity Leave' (CML).
- 3.8. When the baby is born earlier than the intended start date of maternity leave, the maternity leave will commence the day after the birth. The employee should let the Trust know if this occurs as soon as possible.
- 3.9. When the employee is absent from work for pregnancy related reasons during the 4 weeks prior to the expected week of childbirth (EWC), their maternity leave will start automatically.

- 3.10. In circumstances where the baby is stillborn after the 24th week of pregnancy, or where a baby dies after birth, the employee will still qualify for maternity leave and pay, subject to the normal eligibility criteria.
- 3.11. Employees may be entitled to statutory and contractual maternity pay subject to their length of continuous service. Entitlements are outlined in **Appendix 1** for teaching staff and **Appendix 2** for support staff. Contractual entitlements are based on length of continuous service with all public authorities to which the Local Government Redundancy Payments Modification Order 1999 applies.
- 3.12. Pregnant employees are entitled to paid time off for routine antenatal appointments. However, where possible, employees should arrange antenatal appointments at dates and times which minimise the impact on working time as far as possible.
- 3.13. An expectant father or partner of a pregnant woman is able to take paid time off work to attend two antenatal appointments. However, where possible, employees should arrange antenatal appointments at dates and times which minimise the impact on working time as far as possible.
- 3.14. An employee has the right to request up to 10 Keeping In Touch Days (KIT), these days are optional and can be used throughout the maternity leave period. Whilst the Trust is not obliged to facilitate paid KIT days, it is recognised that maintaining contact during maternity leave is important to ensure that the employee is kept up to date with developments in the workplace. This is beneficial to both parties to ensure the employee is well equipped to return to work following maternity leave as effectively and successfully as possible. However, such KIT days are different from the reasonable contact that employers and employees may make with one another. Therefore, the purpose of any KIT days will need to be discussed between the employee and line manager in order to establish how they will be best utilised to assist the employee to return to work effectively.
- 3.15. Both parties should be aware when discussing KIT day proposals that:
- The use of KIT days would need to be approved by either the Principal (school based employees) or Chief Executive Officer (central Trust employees) via the KIT Day Claim Form (please refer to the Maternity Leave Procedure);
  - Where a KIT day has taken place, provided authorised in advance in accordance with Trust procedure, an employee is entitled to their normal rate of pay.
- 3.16. All employees who have been on Ordinary Maternity Leave (1<sup>st</sup> to 26<sup>th</sup> week of maternity leave) have a right to return to the same job that they were employed in prior to their leave and on terms and conditions no less

favourable than they would have been had they not been on maternity leave. Employees who have been on Additional Maternity Leave (27<sup>th</sup> to 52<sup>nd</sup> week of maternity leave), have a right to return to the same job role that they were employed in prior to their leave and on terms and conditions no less favourable than they would have been had they not been on maternity leave or, where this is not possible, to a suitable alternative role.

- 3.17. An employee is not required to give notice of their intention to return to work following maternity leave unless they return before the end of the 52<sup>nd</sup> week period, in which case they must give at least 21 days' (teachers) / 28 days' (support staff) notice of their intention to return. The Trust would also require the same notice if the employee wishes to change their intended date of return.
- 3.18. In circumstances where an employee has received full contractual maternity pay entitlements, it is expected that they will return to work for at least 13 weeks; otherwise they will be required to pay back the contractual maternity pay which they have received for 12 weeks at 50% pay. If the employee has returned to work on reduced hours, the 13 week period will be extended proportionately.
- 3.19. If the employee wishes to resign their employment, the normal contractual notice period applies.

## **4. Paternity Leave and Pay**

- 4.1. Employees may be entitled to paternity leave and pay if they and their partner are having a baby, adopting a child or having a baby through a surrogacy arrangement.
- 4.2. Employees are entitled to paternity leave if they have worked for the Trust continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth and:
  - are either the baby's biological father or are the spouse, civil partner or partner of the expectant mother; and
  - are taking the time off to support the mother or care for the child; and
  - have, or expect to have, responsibility for the upbringing of the child.
- 4.3. Employees must inform the Trust no later than the 15th week before the expected week of childbirth of their intention to take paternity leave.
- 4.4. Employees wishing to take paternity leave must inform the Trust/academy of the intended leave dates no later than 28 days before commencing the leave.
- 4.5. Eligible employees who have provided the appropriate notice are entitled to take 1 or 2 weeks paternity leave; this can be taken as 1 single week or as 2



consecutive weeks or as 2 separate blocks of 1 week. For this purpose, a week is deemed to be the same number of days an employee ordinarily works in a week.

- 4.6. Paternity leave must not start before the birth, but can start:
  - on the actual date of birth
  - on an agreed number of days after the birth
  - on an agreed number of days after the expected week of childbirth.
- 4.7. Paternity leave must finish within 12 months of the birth or due date where the baby has been born early. This does not apply to adoption leave, please refer to section 5 for information on start and end dates for adoption leave.
- 4.8. Employees entitled to paternity leave may also be entitled to statutory paternity and contractual pay as follows:
  - First week of paternity leave – full contractual pay (teaching staff)//full contractual maternity support pay (support staff)
  - Second week of paternity leave – statutory paternity pay (provided the employee earns an average of at least the Lower Earnings Limit (LEL)).
- 4.9. In circumstances where the baby is born early, employees are entitled to paternity leave, provided that they have worked for the Trust continuously for at least 26 weeks by the expected week of childbirth.
- 4.10. In circumstances where the baby is stillborn after the 24th week of pregnancy, or where a baby dies after birth, the employee will still qualify for paternity leave and pay provided they met the eligibility criteria.
- 4.11. Please refer to section 5 for further guidance and details of the entitlements for those staff who are adopting a child.
- 4.12. Employees who are the baby's father, expectant mother's spouse or partner or intended parents of a surrogacy arrangement are able to take paid leave to attend up to 2 antenatal appointments. Employees are expected to arrange antenatal appointments at dates and times which minimise the impact on working time as far as possible.

## **5. Adoption Leave and Pay**

- 5.1 Employees have the right to 52 weeks adoption leave, regardless of their length of service. The first 26 weeks leave is known as 'Ordinary Adoption Leave' and the last 26 weeks is known as 'Additional Adoption Leave'.
- 5.2 Employees are entitled to adoption leave when they provide proof of adoption and when they have informed the Trust of their intention to take adoption leave within 7 days of being 'matched with a child' or receiving 'official

notification' if adopting from overseas. The Trust requires the following information from employee's:

- an indication of how much leave they intend to take.
- the date with which they intend to start their leave.
- date of placement.

- 5.3 The Trust will write to the employee within 28 days to confirm the start and end dates of Adoption Leave.
- 5.4 Employees must tell the Trust within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.
- 5.5 If the employee jointly adopts a child with their partner, one will be entitled to take adoption leave and the other will be entitled to take paternity leave, subject to the eligibility criteria outlined in paragraph 4 above. Alternatively shared parental leave can be considered.
- 5.6 Adoption leave can commence:
- up to 14 days before the date the child starts living with the employee (UK adoptions)
  - no later than the date of placement for the child (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 a surrogate has been used)
- 5.7 Adoption leave must last a minimum of 2 weeks from the date the adopted child is placed.
- 5.8 Employees must give the Trust at least 28 days' notice if they wish to change the date in which they intend to return to work.
- 5.9 Employees may be entitled to statutory and contractual adoption pay subject to their length of continuous service and earnings level. Adoption leave pay will commence on the date that the employee takes up adoption leave. Entitlements are outlined in **Appendix 1** for teaching staff and **Appendix 2** for support staff. Contractual entitlements are based on length of continuous service with all public authorities to which the Local Government Redundancy Payments Modification Order 1999 applies.
- 5.10 If an employee is the main adopter they are entitled to paid time off to attend 5 adoption appointments which can be taken once a child to adopt has been identified but prior to adopting the child.
- 5.11 Employees are not eligible for adoption leave if:
- an adoption has been arranged privately
  - they become a special guardian or kinship carer
  - they adopt a stepchild

- they adopt a family member
- 5.12 Where a surrogacy arrangement is in place and an employee wishes to take adoption leave for such circumstances, the Trust will require notice of the employee's intention to take adoption leave at least 15 weeks before the expected due date. The Trust will request a statutory declaration that confirms the employee's application or intention to apply for a parental/adoption order in the 6 months after the child's birth.
- 5.13 Adoption Keeping in Touch Days (KIT) – the same principles apply for adoption KIT days as outlined for KIT days under section 3.13. Whilst the Trust is not obliged to facilitate paid KIT days, it is recognised that maintaining contact during adoption leave is important to ensure that the employee is kept up to date with developments in the workplace. This is beneficial to both parties to ensure the employee is well equipped to return to work following adoption leave as effectively and successfully as possible. Such KIT days are different from the reasonable contact that employers and employees may make with one another. Therefore, the purpose of any KIT days will need to be discussed between the employee and line manager in order to establish how they will be best utilised to assist the employee to return to work effectively.
- 5.14 The same right and principle outlined in section 3.15 apply for employees returning from Ordinary Adoption Leave (1st to 26th week of adoption leave) to return to the same job and terms and conditions no less favourable, or Additional Adoption Leave (27th to 52nd week of adoption leave) to return to the same job and conditions no less favourable or, where this is not possible, to a suitable alternative role.
- 5.15 Both parties should be aware when discussing KIT day proposals that:
- The use of KIT days would need to be approved by either the Principal (school based employees) or Chief Executive Officer (central Trust employees) via the KIT Day Claim Form (please refer to the Adoption Leave Procedure);
  - Where a KIT day has taken place, provided authorised in advance in accordance with Trust procedure, an employee is entitled to their normal rate of pay
- 5.16 In circumstances where an employee has received full contractual adoption pay entitlements, it is expected that they will return to work for at least 13 weeks; otherwise they will be required to pay back the contractual adoption pay which they have received for 12 weeks at 50% pay. If the employee has returned to work on reduced hours, the 13 week period will be extended proportionately.
- 5.17 If the employee wishes to resign their employment, the normal contractual notice period applies.

## 6. Shared Parental Leave

- 6.1. Subject to eligibility, shared parental leave (SPL) is available to each parent of the child and allows both parents the opportunity to play an active role in caring for the child during the first year of birth or adoption. Both parents must share the main responsibility for the care of the child at the time of the birth/placement of adoption. SPL can only be used by:
- the mother/adopter and
  - one of the following:
    - the father of the child (in the case of birth) or
    - the spouse, civil partner or partner of the child's mother/adopter.
- 6.2. An employee who is intending to take shared parental leave must give the CEO (central Trust employee) or Principal (school based employee) notification of their entitlement and intention to take SPL at least 8 weeks before they can take any period of SPL. The eligibility criteria requires the employee to provide the following:
- the name of the employee;
  - the name of the other parent;
  - the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
  - the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
  - the amount of SPL the employee and their partner each intend to take
  - a non-binding indication of when the employee expects to take the leave.
- 6.3. The employee must provide the Trust with a signed declaration from their partner confirming:
- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
  - that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
  - that they satisfy the 'employment and earnings test' (see section 6.10), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
  - that they consent to the amount of SPL that the employee intends to take;
  - that they consent to the Trust processing the information contained in the declaration form; and

- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 6.4. The Trust within 14 days of SPL entitlement notification being given, request:
- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self employed their contact details must be given instead)
  - in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
  - in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

To be entitled to SPL, the employee must produce this information within 14 days of the Trust's request.

- 6.5. Shared parental leave can be taken during one set continuous period of time or in block periods (maximum of 3 per parent, minimum of 1 week per block period). Subject to eligibility, a set, continuous period of shared parental leave will be accepted. Any requests for discontinuous leave (block periods) will need to be considered in line with the business needs of the Trust.
- 6.6. The amount of shared leave available is 52 weeks less the amount of maternity/adoption leave the mother/adopter has already taken during the 52 week period of entitled maternity/adoption leave. A mother must take the minimum period of 2 weeks following the birth. There is also a minimum period of 2 weeks following the date in which a child is placed for adoption. Therefore a maximum of 50 weeks of Shared Parental Leave will be available.
- 6.7. Any shared parental leave that is not taken by the first birthday of the child or first anniversary of placement for adoption will be lost.
- 6.8. In addition to the eligibility criteria outlined in paragraph 6.2 above, the following criteria must also be satisfied
- the employee or their partner must be entitled to take maternity, paternity or adoption leave; and
  - the employee must have at least 26 weeks continuous employment with the Trust by the end of the Qualifying Week; and
  - the employee must still be employed by the Trust in the week before the leave is to be taken.
- 6.9. Employees are eligible for statutory shared parental pay if they:
- are eligible for statutory maternity or adoption pay

- are eligible for statutory paternity pay and the employee's partner is eligible for statutory maternity pay.
- 6.10. In addition to the above outlined eligibility criteria, during the 66 weeks before the baby's due date (or the date that an employee is matched with an adopted child) an employee's partner must meet the 'employment earnings test':
- have been working for at least 26 weeks (this does not have to be in a row);
  - have earned at least the statutory minimum salary in 13 of the 66 weeks.
- 6.11. Shared parental leave can only start once the child has been born or placed with the employee for adoption and after the initial 2 week compulsory period of maternity or adoption leave has taken place.
- 6.12. To commence shared parental leave the mother or the person on adoption leave has to either:
- return to work, or;
  - provide the Trust with 'binding notice' that they intend to return to work before commencing shared parental leave. Maternity/adoption leave and pay must have also come to an end.
- 6.13. Shared parental leave and pay can commence whilst an employee's partner may still be on maternity or adoption leave, as long as the 'binding notice' has been served to end the leave. The Trust will request proof of this binding notice in order to allow the employee to commence shared parental leave.

- 6.14. Written notice of entitlement to take shared parental leave, pay and relevant documentation must always be provided to the Trust at least 8 weeks before the intended start date of the shared parental leave. 8 weeks' notice is also required for any change in plans to shared parental leave.
- 6.15. Although eligible employees are entitled to shared parental leave, a discussion must take place with the Trust before confirming the final leave dates. Discontinuous shared parental leave may be refused for justified business reasons; in such circumstances a continuous period of leave will be authorised. Further details are outlined in section 6.5.
- 6.16. Shared parental leave will be paid in line with statutory entitlements.
- 6.17. Decisions to withdraw binding notice to end maternity or adoption leave by the employee can be made under special circumstances, these being:
- the planned end date for maternity or adoption leave hasn't passed;
  - the employee hasn't already returned to work after a period of maternity or adoption leave;
- and one of the following must also apply:
- an employee finds out during the 8 week notice period before commencing shared parental leave that that neither they nor their partner is entitled to shared parental leave or pay;
  - the mother's or main adopter's partner has died;
  - the mother tells the Trust less than 6 weeks after giving birth (whilst also having given the correct maternity notice before the birth).
- 6.18. In circumstances where the baby is born early and notice of shared parental leave has been confirmed between employee and employer, the employee may continue with the arrangements that have been made.
- 6.19. In circumstances where the baby is born 8 weeks or more earlier than the expected due date and notice of shared parental leave hasn't been received from the employee, there is no requirement to give 8 weeks' notice, but should be given as soon as practicably possible after the birth.
- 6.20. Shared Parental Leave in Touch Days (SPLIT) – the same principle applies for SPLIT days as outlined for KIT days at paragraph 3.13. Where a clear business justification has been identified for the SPLIT day(s) to go ahead (20 maximum per employee, 20 per partner), this will need to be in agreement with either the Principal (school based employees) or Chief Executive Officer (central Trust employees). When a SPLIT day has taken place, provided authorised in advance in accordance with Trust procedure, the employee is entitled to their normal rate of pay.
- 6.21. In circumstances where the child dies before, during or after birth, and employees have already opted into shared parental leave, they will still be

entitled to take the leave. Where an employee has not yet submitted notice of their eligibility at the point of the child passing away, they cannot opt into shared parental leave. If employees wish to return to work before the end of the agreed shared parental leave dates, they will need to provide the Trust with 8 weeks' notice.

- 6.22. Shared parental leave will immediately cease in circumstances where an employee is no longer responsible for caring for the child (except when the child has died), employees in these circumstances must inform the Trust immediately they cease to care for the child.
- 6.23. If an employee's employment comes to an end whilst they are still entitled and claiming shared parental leave and pay, then any remaining weeks of pay will usually remain payable unless the employee commences employment elsewhere.

## **7. Neonatal Care Leave and Pay**

- 7.1. Employees may be entitled to neonatal care leave and pay if they and their partner are having a baby, adopting a child or having a baby through a surrogacy arrangement, and
- their baby is admitted to hospital for neonatal care for a continuous period of at least 7 days; and
  - the period of care starts within 28 days of the child's birth.
- 7.2. Neonatal care leave is a day-one right and is available to all employees regardless of length of service.
- 7.3. Neonatal care leave may be taken for up to 12 weeks, depending on the duration of the neonatal care required. An employee is entitled to take NCL for one week in respect of each qualifying period that the child has spent in neonatal care and provided that the employee has given the correct notice.
- 7.4. Qualifying period is defined as any period of a week during which a child receives neonatal care without interruption. For adoptive parents, entitlement only arises in respect of qualifying period falling after the date that child has been placed. For overseas adoption, entitlement only arises in respect of a qualifying period falling after the date the child has entered Great Britain.
- 7.5. The leave must be taken within 68 weeks of the child's birth. The leave can be taken in two tier periods:



- 7.5.1. Tier 1: while the child is receiving neonatal care and within 7 days of the care ending, although not starting before the second week of neonatal care. Tier 1 leave may be taken in non-consecutive weeks.
- 7.5.2. Tier 2: any NCL the employee does not choose to take in tier 1 period. Tier 2 leave may be taken before or after other relevant family leave has been taken. Tier 2 leave must be taken consecutively.
- 7.6. Entitlement to NCL may be accrued in respect of more than one child if children are born as a result of the same pregnancy, however, for any period where more than one child is in receipt of neonatal care at the same time, entitlement can only be accrued in that period in respect of one child. The maximum number of NCL weeks employees may be entitled to remains unchanged where more than one child is receiving neonatal care.
- 7.7. Employees must inform the Trust/academy of their entitlement and intention to take NCL. The Trust requires the following information from employees:
- The name of the employee;
  - The child's date of birth and where relevant the date of adoption placement or the date child enters Great Britain;
  - The date/s that child/ren started to receive neonatal care;
  - If child is no longer receiving neonatal care, the date the neonatal care ended;
  - The date with which they intend to start their leave;
  - The number of weeks they intend to take;
  - Confirmation that the employee is taking the leave to care for child;
  - Confirmation that an employee has or expects to have the responsibility for the upbringing of a child.
- 7.8. Employees must give the Trust/academy notice of NCL as follows:
- 7.8.1. For Tier 1 period, notice must be given in respect of each week of such leave before the employee is due to start work on the first day of absence from work in that week, or as soon as reasonably practicable.
- 7.8.2. For Tier 2 period, notice must be given in writing
- For a single week of NCL, notice must be given no later than 15 days before the first day of NCL to which the notice relates;
  - For two or more consecutive weeks, notice must be given no later than 28 days before the first day of NCL.

- The notice requirements for Tier 2 leave may be waived in exceptional circumstances.
- 7.8.3. Where an employee has given notice of NCL before a child has stopped receiving neonatal care, the employee must inform the Trust/academy of the date that the neonatal care ends, as soon as is reasonably practicable after that date.
- 7.8.4. Where a child starts to receive neonatal care again after the employee has notified their employer that neonatal care has ended, the employee must inform the Trust/academy of the date that the neonatal care started again and the date when it ends, as soon as reasonably practicable after each date.
- 7.9. An employee who has given notice to take leave in the tier 2 period in accordance with paragraph 7.8.2. (“the original notice”) may withdraw the original notice in writing
  - 7.9.1. where the original notice was given in relation to a single week, a notice of withdrawal must be given no later than 15 days before the first day of the week to which the original notice relates;
  - 7.9.2. where the original notice was given in relation to two or more consecutive weeks, a notice of withdrawal must be given no later than 28 days before the first day of the first week to which the original notice relates.
- 7.10. Employees entitled to neonatal care leave may also be entitled to neonatal care pay if they have worked for the Trust continuously for at least 26 weeks by the end of the relevant week, defined as:
  - 7.10.1. where employee is entitled to statutory maternity pay or to statutory paternity pay (birth) - the 15th week before the expected week of childbirth;
  - 7.10.2. where employee is entitled to statutory adoption pay or statutory paternity pay (adoption) - the week they were matched with a child;
  - 7.10.3. in any other case - the week immediately before the one in which the neonatal care starts.
- 7.11. Neonatal care pay will be paid in line with statutory entitlements.
- 7.12. All employees who have been on NCL, taken either as an isolated period of NCL or as the last of two or more consecutive periods of statutory leave taken in relation to a child, excluding parental leave of more than four weeks, and

where the total amount of statutory leave taken is 26 weeks or less, have a right to return to the same job that they were employed in prior to their leave and on terms and conditions no less favourable than they would have been had they not been on neonatal care leave. Otherwise, employees returning from NCL have a right to return to the same job role that they were employed in prior to their leave and on terms and conditions no less favourable than they would have been had they not been on NCL or, where this is not possible, to a suitable alternative role.

- 7.13. In circumstances where the employee has accrued the entitlement to NCL and a baby dies or the placement is disrupted before the end of the period in which neonatal care leave can be taken, employees may still qualify for neonatal leave and pay, provided they meet the eligibility criteria.

## **8. Pension Contributions**

- 8.1. The Trust and employee will pay pension contributions throughout Ordinary Maternity Leave, Ordinary Adoption Leave, Neonatal Care Leave and paid periods of Share Parental Leave, including during periods of statutory pay, unless the employee chooses to opt out of the pension.
- 8.2. The contributions will be based on the employee's actual pay. If they receive no pay, then no contributions will be payable.

## **9. Contact**

- 9.1. Prior to the period of leave commencing the Trust will discuss arrangements with the employee for how contact will be maintained during the period of leave. The Trust reserves the right to maintain reasonable contact with the employee from time to time.
- 9.2. This 'contact' does not constitute 'work' and such contact will not bring the period of leave to an end.
- 9.3. During the period of leave, line managers must keep employees informed about promotion opportunities and information relating to the job which the employee would normally be aware of when working.
- 9.4. Where possible employee's should be sent copies of all staff newsletters and any relevant information relating to the school or their place of work.

## 10. Parental Leave

- 10.1. Parental leave is available to eligible employees to look after their child's welfare.
- 10.2. Employees are eligible for parental leave if:
- a) they have been employed by the Trust for more than one year; and
  - b) they fulfil one of the following three requirements:
    - they are named on the child's birth or adoption certificate; or
    - they have or expect to have parental responsibility\*\*; or
    - they are a foster parent who has secured parental responsibility through the courts;
  - c) and the child is under 18
- \*\* A mother automatically has parental responsibility for her child from birth. A father usually has parental responsibility if he is married to the child's mother or is listed on the birth certificate.*
- 10.3. Parental leave is unpaid.
- 10.4. Employees are entitled up to 18 weeks parental leave per child up to their 18<sup>th</sup> birthday.
- 10.5. Employees can take a maximum of 4 weeks in any year for each child. Therefore, for example, an employee with twins can take up to 8 weeks in any one year.
- 10.6. Parental leave must be taken as whole weeks not individual days. Whole weeks are classed as the number of days the employee normally works during a 7 day period.
- 10.7. Where it may be required, the Trust will ask for documentation to prove the employee's parental responsibility to the child before agreeing the leave dates. Examples of documentation include:
- Child's birth certificate;
  - Papers confirming the child's adoption or date of placement for adoption;
  - Parental order for surrogate parents.
- 10.8. Employees are required to provide written notice to the Trust outlining their intention to take parental leave. 21 days' notice is required before the intended leave date. In circumstances when a baby is due to be born or is placed for adoption, the employee is required to provide 21 days' notice before the due date/placement date. Start dates and ends dates of intended leave are required from the employee to ensure the Trust can plan accordingly for the period of absence.

- 10.9. The Trust can delay or postpone parental leave where there is a significant business reason to do so. If this is the case the Trust will write to the employee within 7 days of receiving the request stating the reasons for postponement and providing alternative dates for leave to be taken.

## 11. Annual leave

- 11.1. All employee's will accrue annual leave throughout the whole period of their maternity, adoption, paternity, shared parental, neonatal care or parental leave.
- 11.2. Statutory annual leave holiday entitlement cannot be taken during periods of ordinary or additional maternity or adoption leave, shared parental leave, neonatal care or parental leave.

### Teachers

- 11.3. The annual leave year for teaching staff runs from September to August. The annual leave can be offset against any period of school closure that has taken place in the leave year in question, that is both before and after the maternity leave period.
- 11.4. Teachers have a statutory right to 28 days of holiday. Schools generally have closure periods of 65 days per year. For teaching staff it is therefore considered that statutory annual leave is taken during school closure periods.
- 11.5. However if due to taking maternity/adoption/shared parental/parental/neonatal care leave the teacher is unable to use their statutory holiday within the particular holiday year through the offset arrangements above, they would be able to carry over the untaken statutory entitlement into the following holiday year. Payment in lieu of annual leave cannot be made in circumstances where a teacher resumes their job at the end of their maternity, adoption, shared parental or parental leave.

### Support staff

- 11.6. **Support staff employed to work all year round** accrue annual leave entitlements during maternity, paternity, adoption, shared parental leave, neonatal care and parental leave.
- 11.7. A discussion relating to annual leave will take place with those employees who work all year round prior to the commencement of leave to plan how this will be taken.

- 11.8. Where possible, it is advised that employees take any outstanding annual leave before they go on maternity, adoption, shared parental, neonatal care or parental leave.
- 11.9. If employees have concerns relating to when they will be able to take their annual leave these matters should be raised as soon as possible with the CEO (central Trust employees) or Principal (school based employees) or line manager.
- 11.10. Where employees have been unable to take annual leave as a result of being on maternity, adoption, shared parental, neonatal care or parental leave, they are able to carry over a maximum of 28 days entitlement into the following leave year
- 11.11. **Support staff who work less than all year round (term time only etc)** accrue annual leave entitlements during maternity, paternity, adoption, shared parental leave, neonatal care leave and parental leave
- 11.12. The annual leave entitlement can be offset against any period of school closure that has taken place in the annual leave year in question, that is both before and after the maternity, adoption, shared parental, neonatal care or parental leave period.
- 11.13. However if due to taking maternity, adoption, shared parental, neonatal care or parental leave the member of support staff is unable to use their holiday within the particular holiday year through the offset arrangements above, they are entitled to payment in lieu of annual leave.

## 12. Multiple Children in One Birth

- 12.1. Employees are not entitled to additional leave or pay entitlements for maternity, paternity, adoption, shared parental, and/or neonatal care leave if they are expecting more than one child within the same birth/adoption. The eligibility criteria and entitlements are the same regardless of the number of children in one birth.

## 13. Breastfeeding

- 13.1. The Trust recognises its duty and legal obligation to support breastfeeding mothers in their return to work and therefore, in discussion with the employee, will provide appropriate facilities for the mother whilst continuing to breastfeed which are mindful to both privacy and hygiene.
- 13.2. Prior to an employee's return to work the employee will need to inform the Trust in writing of their intention to continue breastfeeding. This will enable the Trust to discuss and consider temporary adjustments or working arrangements with the employee if they wish to express breastmilk during their working day whilst also giving consideration to the everyday operation of the Trust.

- 13.3. On return to work, employees will be asked if they need suitable refrigerator storage for expressed milk and if so, the Trust will provide adequate facilities.

## **14. Foster Parents**

- 14.1. The Trust recognises the positive role that foster parents can play in young people's lives. Whilst there is no statutory right to paid time off for employees who foster a child, except in a "foster to adopt" situation, employees with at least 26 weeks' continuous service may make a request to the Trust for flexible working. Eligible foster carers will be able to use the Flexible Working request process to seek a working pattern that fits with their caring responsibilities. For further details employees should speak to the CEO (central Trust employees) or Principal (school based employees).
- 14.2. Employees who have a child placed with them in a "foster to adopt" situation may be entitled to adoption leave and pay. For further details employees should refer to paragraph 5.

## **15. Surrogacy Arrangements**

- 15.1. If an employee acquires an Adoption Order as a result of a surrogacy arrangement which results in them being the legal parent of the child with parental responsibility, they may be entitled to adoption leave and pay. For further details employees should refer to paragraph 5.
- 15.2. Employees who have adopted a child as a result of a surrogacy arrangement may also be entitled to unpaid Parental Leave. For further details please refer to paragraph 9.

## **16. Appraisal**

- 16.1. The Trust is committed to ensuring all staff receive an annual appraisal and will consider the appraisal cycle when employees are taking a period of maternity, adoption, paternity, parental, neonatal care or shared parental leave. Dependent on when the employee commences their period of leave, the appraisal will be done on the basis of the employee's performance prior to and/or following the period of leave in accordance with the Trust's Appraisal Policy and procedures. It is therefore recommended that the 'appraiser' (usually the employee's line manager) discusses the appraisal cycle with the employee and conducts a review with the employee if appropriate, prior to the period of leave commencing.
- 16.2. Upon the employee's return work following the period of leave the appraiser will agree the objectives and expectations of the employee for the remainder of that review period and will review them as part of the next appraisal period.

## Appendix 1 - Teacher Maternity/Adoption Leave and Pay Entitlements

What service do I have?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to?
<b>Less than 26 weeks service</b> (Irrespective of hours worked) as at the 15 <sup>th</sup> week before the expected week of childbirth or as at the week of being matched with a child.	<b>A</b> I would like to return to work	Up to 52 week's absence in total including up to 11 weeks before the expected week of childbirth	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
	<b>B</b> I would like to resign	Not applicable	As above
<b>26 weeks or more as at the 15<sup>th</sup> week</b> before the expected week of childbirth or as at the week of being matched with a child <b>and less than 1 years' service</b> as at the 11 <sup>th</sup> week before the expected week of childbirth (EWC) or as at the week of being matched with a child. (Irrespective of hours worked)	<b>C</b> I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	<b>D</b> I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	<b>E</b> I would like to resign	Not applicable	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP
<b>At least 1 years continuous service</b> (Irrespective of hours worked) as at the 11 <sup>th</sup> week before the expected week of childbirth or as at the week of being matched with a child.	<b>F</b> I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	4 weeks at full pay and 2 weeks at 90% of full pay, followed by, 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings:- 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
	<b>G</b> I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings:- 33 weeks lower rate SMP and the remainder unpaid. The 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks
	<b>H</b> I would like to resign	Not applicable	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings:- 33 weeks lower rate SMP



## Appendix 2 - Support Staff Maternity/Adoption Leave and Pay Entitlements

What service do I have ?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to?
<b>Less than 26 weeks service</b> (Irrespective of hours worked) as at the 15 <sup>th</sup> week before the expected week of childbirth or as at the week of being matched with a child..	<b>A</b> I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
	<b>B</b> I would like to resign	Not applicable	As above
<b>26 weeks or more as at the 15<sup>th</sup> week before the expected week of childbirth or as at the week of being matched with a child and less than 1 years service</b> as at the 11 <sup>th</sup> week before the expected week of childbirth or as at the week of being matched with a child.(Irrespective of hours worked)	<b>C</b> I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	<b>D</b> I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	<b>E</b> I would like to resign	Not applicable	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP.
<b>At least 1 years continuous service</b> (Irrespective of hours worked) as at the 11 <sup>th</sup> week before the expected week of childbirth or as at the week of being matched with a child.	<b>F</b> I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	6 weeks at 90% of contractual full pay followed by 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid Plus, depending on salary and average earnings:- 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
	<b>G</b> I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP and the remainder unpaid. 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks
	<b>H</b> I would like to resign	Not applicable	Depending on salary and average earnings:- 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP.