



# Triumph Learning Trust

Aspiration - Collaboration - Innovation

## Family Friendly Policy

### Policy Details

<b>Policy Level</b>	Trust
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## 1. Introduction

The Trust recognises the importance of work-life balance playing a part in the overall health and well-being of its employee. These policies reflect the Trust's commitment to supporting employees with family needs.

It is provided to all employees for guidance only. It does not form part of any individual's contract of employment with the Trust and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, the Trust reserves the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

## 2. Scope of Policy

This policy only applies to members of employee who are not contracted to the NJC National Agreement on Pay and Conditions of Service (also known as the Green Book) or the Conditions of Service for School Teachers in England and Wales (also known as the Burgundy Book).

This policy only applies to employees and does not apply to agency workers or the self-employed, unless specifically stated in that section of the policy.

This policy does not apply where there are matters of:

- Time off for Dependents
- Annual Leave
- Bereavement and Compassionate Leave
- Statutory Parental Bereavement Leave and Pay
- Time off for Medical Appointments and Medical Treatment

The above will be found in the Leave of Absence Policy.

## 3. Responsibilities

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with family matters. The Trust recognises that family friendly rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The CEO takes overall responsibility for the implementation of policies and procedures and ensures sufficient resources are allocated and authorised within the organisation's budget to meet statutory procedures and standards across the Trust.

Headteachers of schools are responsible for the implementation of and compliance with this policy within their school ensuring competence in those employee who are responsible for and involved in the operation of this policy and associated guidance.

Line managers are responsible for applying this policy within their own department and area of work and resolving any issues members of employee refer to them, informing the Headteacher of any issues to which they cannot achieve a satisfactory solution with the resources available to them.

## 4. Fertility Treatment Policy

Details of a section of the policy, written in sequential order as if someone was going through this process.

### Procedure

The Trust wishes to support employees in their personal circumstances and will make necessary accommodations for those undergoing fertility treatment, the Trust understand that this can be a difficult time for employees, both emotionally, physically, socially and financially; however, it is clearly important that the good operation of the Trust is not adversely affected, where this can be avoided.

To fully consider the request, the employee should inform their Line Manager/Headteacher of the request to take leave for fertility treatment as soon as possible, to discuss the days on which any treatment is to take place and to make necessary arrangements. For the Line Manager to implement the most beneficial adjustments through the fertility journey, we encourage the employee to be open and forthcoming as possible.

The Trust understand that the discussions may be difficult and upsetting, but would like to assure the employee that they will be met with sensitivity and empathy. We recognise each person's fertility journey will be different, so want to ensure that the most appropriate support measures are implemented for their individual circumstances.

Any information provided will be maintained in strict confidence and will only be disclosed on a "need-to-know" basis.

Employees may also be required to provide an appointment letter and/or a statement from a qualified medical practitioner that fertility treatment has been approved.

### Time off to Attend Appointments

The Trust treat fertility related appointments in the same way as other medical appointments. An employee is entitled to paid time off during normal working hours.

As usual, you should try to arrange medical appointments at times that will cause the minimum amount of inconvenience to the school and time off to attend medical appointments must be authorised by the Line Manager/Headteacher 1 week in advance.

Employees whose partner has an appointment for a fertility discussion/procedure and wishes to accompany them may also take time off in accordance with our time off for medical appointment process.

Employees should try to arrange fertility treatment at a time that will cause the minimum amount of inconvenience to the school, where possible:

- Teaching and term-time support employees should arrange any such procedures during the school holidays in order not to miss any days of the school term and keep to a minimum any disruption to the good operation of the school. Where this is not possible, you should speak to the Headteacher/CEO to discuss your circumstances.
- Support employees, on 52-week contracts may arrange to take paid annual leave if they require further paid time off, provided they comply with the Trust's requirements

for the taking of annual leave. (Employees should refer to their contracts of employment.)

There is no contractual or statutory right to receive paid time off for fertility treatment and any payment of salary made by the Trust in such circumstances is done so in its absolute discretion.

### Time Off to Make/Accept Personal Phone Calls During Working Hours

Due to the nature of the job, being absent from duties during the working day can be disruptive to the operations of the school. So that the employee's Line Manager can minimise impact to the school operations, the employee should inform their Line Manager that they are expecting a call and, where possible, an estimated time that the call may take place. The Line Manager should ensure that the employee is not around students/colleagues during that time.

We ask phone calls to be kept brief. If you anticipate that this will not be the case, please discuss this with your Line Manager so that an appropriate solution can be found. However, should the phone call last for more than 20 minutes during working hours, it is the Line Manager's discretion how to recover time lost.

### Flexible Working

The Trust may consider flexible working arrangements such as temporary changes to working hours for employees undergoing fertility treatment. The employee should speak to their Line Manager if they are considering flexible working. During which the **Trust's Flexible Working Policy** will apply.

### Medication

Should the employee require space to store or administer medication as part of the fertility treatment, they will need to speak to their Line Manager so appropriate accommodations can be made.

### Sickness Absence

Due to the impact of the fertility treatment and the employee takes sickness absence, this will be treated under the **Trust's Managing Health and Absence Policy**, except where this absence occurs after embryo implantation.

### If the Employee Becomes Pregnant

Should the employee or their partner fall pregnant following fertility treatment, they should refer to the Maternity/Paternity section of this policy. Once the Line Manager is aware of the pregnancy, a risk assessment will be arranged taking into account the specific circumstances.

### IVF Treatment

If the employee is undergoing IVF, the employee has pregnancy rights once they have had the last part of the IVF process ('embryo transfer') and might become pregnant. The employee does not have to tell the Trust at this stage, but they might find it helpful as the Trust could offer support.

If the employee then finds out they are pregnant, they continue to have the same rights throughout their pregnancy and maternity as with non-IVF pregnancies.



### If IVF was Unsuccessful

If you find out after this stage that you are not pregnant, you are still protected by law against pregnancy discrimination for two weeks after finding out an embryo transfer was unsuccessful. Please rest assured that the Trust will do everything reasonably possible to support the employee to make their fertility journey smooth.

### Employee Assistance Program

All employees have access to the Employee Assistance Programme, a free confidential service which offers support for issues at home and at work.

## 5. Adoption Leave Policy

This policy outlines the arrangements for adoption leave and pay for employees who are adopting a child through a UK or overseas adoption agency, including notification requirements and rights to time off work.

If you are matched for adoption with a child, you may be entitled to either adoption leave or paternity leave. One parent cannot take both periods of leave, and it is up to the employee and your partner to decide who is the primary adopter and so will take adoption leave. The primary adopter's partner may be entitled to take paternity leave. The employee may also wish to refer to the Trust's Paternity Leave Policy.

Primary adopters are entitled to a total of 52 week's leave. The Trust have set out below all of your rights and obligations should you be matched for adoption. The Trust would ask that the employee notify us as soon as possible of the situation so that we can ensure you are fully aware of all your entitlements and obligations.

In this policy the following terms are used and have the meanings stated below:

- **Qualifying Week:** the week, beginning on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child.
- **Expected Placement Date (EPD):** the date on which an adoption agency expects that it will place a child into your care with a view to adoption.
- **Ordinary Adoption Leave (OAL):** a period of up to 26 weeks' leave available to all employees who qualify for adoption leave
- **Additional Adoption Leave (AAL):** a further period of up to 26 weeks' leave immediately following OAL is available to the 'primary adopter'. (The primary adopter may curtail this entitlement so that they and the child's other adoptive parent may share the balance of the leave or pay period as shared parental leave).

### Eligibility for Adoption Leave

Adoption leave is available to eligible employees from the first day of employment, and who are adopting through a UK or overseas adoption agency.

Adoption leave is not available in circumstances where:

- A child is not newly matched for adoption, for example when a step-parent is adopting a partner's child/children. You must have notified the adoption agency of agreement

to the placement and of agreement to the date of placement.

- It is not available if there is no agency involved, for example, adopting a step-child, other relative or arrange a private adoption.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement. However, if an additional child is adopted at a later date as a separate agreement, then the employee could qualify again for a separate period of adoption leave.

An eligible employee is one who fulfils the following conditions:

- An adoption agency has given the employee written notice that it has matched them with a child for adoption and the EPD
- The employee has notified the agency that they agree to the child being placed on the EPD
- Your spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave and/or shared parental leave)

The Trust will write to you to **Request Evidence of Eligibility for Adoption Leave and Pay**.

### Ordinary and Additional Adoption Leave

The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (**OAL**) and 26 weeks' Additional Adoption Leave (**AAL**).

If the employee is eligible for OAL they will also qualify automatically for AAL.

During AAL the employment contract continues and the employee is entitled to the benefit of their normal terms and conditions of employment, except wages or salary. However, in the majority of cases, they will be entitled to Statutory Adoption Pay during some of this period.

### Commencement of Adoption Leave

The employee can choose to start their adoption leave on the date of the child's placement (whether this is earlier or later than was expected), or on a predetermined fixed date no earlier than 14 days before the expected date of placement and no later than the date of placement. Adoption leave can start on any day of the week.

### Notification Requirements

In the interests of effective planning for absence, the Trust would appreciate notice of intention to adopt as soon as possible from the employee. This can be raised informally with their line manager early in the process, however the Trust acknowledges that plans can change and will not take any direct recruitment action to cover planned absence until formal notice has been received.

You must use **the Employee Form to Notify of Intention to Take Adoption Leave** to give the Trust notice in writing of:

- The EPD; and
- Your intended start date for adoption leave.

This notice should be given not more than 7 days after the agency notified you in writing that it has matched you with a child.

In addition, at least 28 days before your intended start date (or, if this is not possible, as soon as you can), you must also provide us with:

- A Matching Certificate from the adoption agency confirming:
  - the agency's name and address
  - the name and date of birth of the child;
  - the date you were notified of the match; and
- the EPD; and written confirmation that you intend to take statutory adoption pay and not statutory paternity pay.

You are able to change your mind about the date on which you want your adoption leave to start providing you inform us using the **Employee Form to Request Change to the Start Date of Adoption Leave** at least 28 days in advance, unless this is not reasonably practicable.

We will write to you using the **Letter to Notify Employee of Expected Return Date** to notify you of the date on which you are expected to return to work if the full entitlement to adoption leave is taken, within 28 days of the date on which you notified us of your intention to take leave, or, if you have varied the date originally chosen to start adoption leave, within 28 days of the date on which adoption leave began.

### Adopting a Child from Overseas

If you are adopting a child from overseas this policy applies with the modifications set out in this paragraph.

Firstly, you must have received notification that the adoption has been approved by the relevant UK authority (**Official Notification**).

You are then required to give the Trust notice in writing using the **Employee Form to Notify of Intention to Take Adoption Leave** of the following:

- Your intention to take adoption leave (at least 28 days before this date);
- The date you received Official Notification and a copy (within 28 days of receiving this notification);
- The date the child is expected to enter Great Britain (within 28 days of receiving this notification);
- Declaration that the employee has chosen to receive statutory adoption pay and not statutory paternity pay (at least 28 days before SAP will begin);
- The date on which the child enters Great Britain (within 28 days of this date)

You can choose to start your adoption leave on the date that the child enters Great Britain or on a predetermined fixed date no later than 28 days after this date. Adoption leave can start on any day of the week.

The Trust may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain and will notify of this requirement in writing if applicable.

### Attending Adoption Appointments

The primary adopter is entitled to paid time off to attend up to five adoption appointments, with a maximum of six and a half hours per appointment.

The secondary adopter is entitled to unpaid time off to attend up to two adoption appointments. If the secondary adopter wishes to attend more than two adoption appointments, they should speak to their line manager who will consider the request at their discretion.

Employee must provide a **Declaration of eligibility for time off for appointments**.

### Starting Adoption Leave

Ordinary Adoption Leave (OAL) may start on a predetermined date no more than 14 days before the EPD, or on the date of placement itself, but no later.

First, you must notify us of your intended start date in accordance with the above provisions. We will then write to you within 28 days to inform you of the date we will expect you to return to work if you take your full entitlement to adoption leave (**Expected Return Date**).

You are permitted to either bring forward or postpone your chosen start date for adoption leave should you wish to do so provided you inform us in writing at least 28 days before the original date or where this is not possible, as soon as you reasonably can.

Shortly before your adoption leave starts, the Line Manager will contact you to arrange an informal meeting with you in which we shall discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

You may also find this a useful opportunity to discuss any concerns, questions or queries that you may have before your adoption leave commences. Unless you expressly request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.

### Entitlement to Statutory Adoption Pay

Statutory Adoption Pay (SAP) is payable for up to 39 weeks. It stops being payable if you return to work sooner or if the placement is disrupted.

You are entitled to SAP if:

- You have been continuously employed for at least 26 weeks ending with the week in which the agency notified you that you had been matched with the child (**Qualifying Week**) and are still employed by us during that week;
- your average weekly earnings during the eight weeks ending with the Qualifying Week (the **Relevant Period**) are not less than the lower earnings limit set by the government; and
- You have given us the relevant notification.

SAP is calculated as follows:

- First six weeks: SAP is paid at the **Earnings-Related Rate** of 90% of your average weekly earnings calculated over the eight week period up to the date of notification of a match;
- Remaining 33 weeks: SAP is paid at the **Prescribed Rate** which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower. This prescribed figure is updated annually. You should contact your Line Manager/Head of Department or the Headteacher for details of the current rate applicable to you.

SAP accrues with each complete week of absence, but payments shall be made on the next normal payroll date. Income Tax, National Insurance and pension contributions shall be deducted as appropriate.

If you leave employment for any reason (for example, if you resign or are made redundant) you shall still be eligible for SAP if you have already been notified by an agency that you have been matched with a child and complied with the notification provisions set out in this policy.

In such cases, SAP shall start 14 days before the Expected Placement Date or the day after your employment ends, whichever is the later.

### Occupational Adoption Pay Scheme

All employees have an obligation to return to their job for at least 13 weeks (including periods of School closure) as a qualifying condition to occupational adoption pay. In the event of the employee member not being available, or being unable, to return to their job for the required period, they shall repay such sum after the first six weeks' payment as the Trust (the employer), at its discretion may decide. Payments made by way of SMP are not refundable.

To qualify for occupational adoption pay, you must have been employed by the trust for at least 12 months before your qualifying week.

First 4 weeks of absence:	Full pay, offset against payments made by way of SAP.
5 <sup>th</sup> and 6 <sup>th</sup> week of absence:	90% of weekly pay offset against payments made by way of SAP.
7 <sup>th</sup> to 18 <sup>th</sup> week of absence:	50% of pay without deductions except by the extent to which combined pay and SAP exceeds full pay.
19 <sup>th</sup> to 39 <sup>th</sup> week of absence:	SAP.
40 <sup>th</sup> to 52 <sup>nd</sup> week of absence:	No entitlement to pay.

### Pay Rises Before the End of Adoption Leave

If you become eligible for a pay rise before the end of your adoption leave, you will be treated for SAP purposes as if the pay rise had applied throughout the Relevant Period.

In practical terms, this means that your SAP will be recalculated and increased retrospectively, or that you may qualify for SAP if you did not previously qualify.

The Trust will pay you a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay.

Terms relating to pay include, but are not limited to:

- Benefits in kind such as life insurance, health insurance, use of the Trust's sports facilities etc as appropriate shall continue;
- Annual leave entitlement under your contract shall continue to accrue (see below);
- Pension benefits shall continue (see below).

### Annual Leave Entitlement During Adoption Leave

When you are on OAL and AAL, your normal annual leave will accrue at the rate provided under your contract.

Annual leave entitlement cannot usually be carried over from one holiday year to the next and employees are normally required to take their holiday entitlement within the holiday year in which it accrues or forfeit any accrued but untaken holiday entitlement at the end of the holiday year.

However, the Trust recognises that this may operate in such a way as to unfairly disadvantage employees who elect to take the maximum statutory entitlement to adoption leave. As such, special exceptions apply in the case of adoption leave.

The Line Manager will usually hold an informal meeting to discuss the best way to manage your holiday entitlement during your proposed period of adoption leave as soon as possible after notification of your intended start date. The options the Trust will consider with you may include:

- Arrangement to take the period of holiday entitlement that you would have accrued but been unable to take during that holiday year by reason of proposed adoption leave dates prior to the commencement of adoption leave
- Arrangement to allow for an exceptional carry-over of such holiday entitlement to the following year to be taken at such time or times as the Trust's operational needs and requirements dictate
- Discussion regarding the possibility of changing the intended start date of your adoption leave voluntarily to enable you to take your holiday entitlement prior to commencing your adoption leave. If you wish to choose this option, you will be required to submit notification of intention to delay the start of your adoption leave as above within 28 days of the originally intended start date
- Discussion regarding the possibility of changing your intended adoption leave dates, voluntarily, by substituting days of AAL which are unremunerated for holiday days which will be paid at your normal rate of pay. If you wish to choose this option, you will be required to submit notification of intention to alter your intended return date



The Trust must in considering the alternatives with you have regard to its operational requirements, needs and demands throughout the academic term to ensure that a mutually satisfactory arrangement can be reached.

### Adoption Leave and Pension Entitlements

During OAL and any further period of paid adoption leave we shall continue to make any employer contributions that we usually make into the Teachers' Pension Scheme or the Local Government Pension Scheme, if applicable, based on the actual pay you receive during that period. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact the relevant Pensions Administrator directly.

The period of unpaid adoption leave will not count towards your membership of the Teachers' Pension Scheme or the Local Government Pension Scheme. Members of the Teachers' Pension Scheme are not obliged to make up for any missed contributions at a later date but may do so if they wish.

Employees who are members of the Local Government Pension Scheme may pay back their pension contributions for the period of unpaid adoption leave following their return to work and must inform the Trust if they intend to do this within 30 days of returning to work. If pension contributions are not paid during the unpaid period of adoption leave, this period will not count in the calculation of pensionable service.

For the avoidance of doubt, the Trust shall not make any payments into the Teachers' Pension Scheme or the Local Government Pension Scheme during periods of unpaid adoption leave.

### Redundancy during Adoption Leave

In the event your post is affected by a redundancy situation occurring during your adoption leave. The redundancy protection period has expanded to the day an employee's adoption leave begins.

The protection ends 18 months from either when the employee's adoption placement starts or the date the child enters Great Britain for an overseas adoption.

Employees on adoption leave shall be given any suitable alternative vacancies that are appropriate to their skills, knowledge and experience with the redundancy protection they will be given priority over other employees.

### Disruption of Intended Adoption Plans

Adoption leave is treated as disrupted if:

- You are notified that the placement will not take place
- The child is returned to the adoption agency after placement
- The child dies after placement.

In such circumstances your entitlement to adoption leave and pay (if applicable) will continue for a further 8 weeks from the end of the week in which disruption occurred, unless your entitlement to leave and/or pay would have ended earlier in the normal course of events.

If such circumstances arise, you are required to notify the Trust as soon as reasonably practicable so that your continued entitlement can be correctly administered for you.

### Keeping in Touch during Adoption Leave

The Trust may make reasonable contact with you from time to time during your adoption leave and will continue to inform you of internal news, job vacancies and social events unless you expressly ask us not to before your leave commences.

You may also work (including attending training) up to 10 days during adoption leave without losing statutory payments for that week or ending your entitlement to leave. This is by no means compulsory and arrangements, including any additional pay, would be set by agreement with the Headteacher. You will be paid your normal rate of pay for KIT day.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return to work. This may include:

- Updating you on any changes that may have occurred
- Discussing any necessary training
- Discussing any changes to working arrangements (for example, if you have made a request to work flexibly - see below)

### Notification of and Changes to Expected Return Date

Once you have notified the Trust in writing of your intended start date, we shall send you a letter within 28 days to inform you of your Expected Return Date.

If your start date changes, we shall write to you within 28 days of the start of adoption leave with a revised Expected Return Date.

The Trust expects you to return on the Expected Return Date unless you tell us otherwise (see below). It is helpful to us if you confirm during your adoption leave that you will be returning to work as expected.

If you wish to return to work earlier than the Expected Return Date, you must give us at least eight weeks' notice. It is helpful if you give this notice in writing.

If you do not give enough notice, we may postpone your return date until four weeks (or eight weeks as appropriate) after you gave notice, or to the Expected Return Date if sooner.

If you wish to return later than the Expected Return Date, you should either:

- Request unpaid parental leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days; or
- Request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our usual sickness policy will apply.

In any other case, late return will be treated as unauthorised absence and may result in disciplinary action under the Trust's Disciplinary Policy and Procedure.

### Deciding Not to Return to Work after Adoption Leave

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract.



The amount of adoption leave left to run when you give notice must be at least equal to your contractual notice period; otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SAP.

### Rights on Return to Work After Adoption Leave

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been if you had not been absent.

However, if you have taken any period of AAL or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position; we may provide you with another suitable and appropriate job on terms and conditions that are not less favourable.

### Requests to Change Working Patterns on Return

We will deal with any requests by employees to change their working patterns (such as working part-time) after adoption leave on a case-by-case basis. However, employees should note that there is no absolute right to insist on working part-time, only a statutory right to request flexible working.

The Trust will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business.

It is helpful if requests are made as early as possible.

Employees should refer to the **Trust's Flexible Working Policy** for further information and practical guidance about making an application to work flexibly.

### Shared Parental Leave (SPL) in Relation to Adoptions

In some cases, you and your spouse, civil partner or partner may be eligible to opt into the SPL scheme which gives you more flexibility to share the leave and pay available in the first year. Your spouse, civil partner or partner should check with their employer that they are eligible.

You would need to give us at least 8 weeks' written notice to end your adoption leave and opt into SPL. You can give this notice before or after the child is placed with you, but you must take at least two weeks' adoption leave. You would then be able to share any remaining leave with your spouse, civil partner or partner. Please refer to the Shared Parental Leave section of this policy for further information.

### Surrogacy and Fostering Rights

The requirements are the same if you are in a surrogacy arrangement, except you must have been continuously employed by the Trust for at least 26 weeks by the 15<sup>th</sup> week before the baby's due.

The intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order you may be entitled to either adoption leave and pay or paternity leave and pay. One parent cannot claim entitlement to both periods of leave and pay.

You should provide documentary evidence - a statutory declaration. This document will state that you have obtained, applied for or intend to apply for a Parental Order in respect of the surrogate child and, where not received, this is expected to be made.

If you have begun a period of adoption leave in respect of a child before approval of a Parental Order, and you are subsequently notified that the application is refused, your adoption leave period will end eight weeks after the week of that notification or the end of the adoption leave period, if that is earlier.

If you're genetically related to the child, you can choose to get paternity leave and pay instead of adoption leave.

Fostering for adoption are eligible to take the same leave and pay as a parent eligible to claim adoption leave, pay and statutory paternity leave and pay.

## 6. Maternity Leave Policy

The Trust endeavour to ensure that employees are given support and encouragement before, during and on their return to work from maternity leave. We believe that employees should be provided with sufficient assistance that they feel able to take as much time off to bond and care for their child.

The Trust aims to ensure that the employee's duties are adequately covered during maternity leave and that an effective communication is implemented at all stages for employees to feel fully informed about their entitlements and the process to follow.

All employees taking maternity leave are covered by this policy.

Definitions:

The following terms are used within this policy:

- **EWC:** The expected week of childbirth is the week, beginning on the Sunday, during which the baby's birth is expected.
- **MATB1:** The maternity certificate, or form, which is provided to confirm a pregnancy and confirm the expected week of childbirth
- **Qualifying week:** The 15th week before the expected week of childbirth

### Notification of Pregnancy

You must inform the Trust as soon as possible that you are pregnant. This is important as there may be health and safety considerations that the Trust needs to take into immediate account to protect the health, safety and welfare of you and the baby you are carrying.

To qualify for maternity leave we require that you provide the Trust with written notification by the Qualifying Week, or as soon as reasonably practicable afterwards, of the following:

- The fact that you are pregnant;

- Your Expected Week of Childbirth (EWC); and
- The date on which you would like to start your maternity leave period, which can be any time from the 11<sup>th</sup> week before the EWC.

To provide the information, complete the **Maternity Leave Request Form**, which can be accessed from Trust HR (HR@triumphlearning.org).

The Trust requires you to provide a certificate from your doctor or midwife (usually on a MATB1 form) confirming your EWC to the Operations Manager. The MATB1 is normally provided to you around 20-week stage.

Once you have notified the Operations Manager of your intended start date of OML, the Trust will confirm, in writing within 28 days of your notification:

- The date that we expect you to return to work after AML has ended
- Amount of leave you can take and the payment arrangements
- The information that we will need from you to process your maternity leave
- Time off for ante-natal appointments
- Risk assessments to ensure your role does not pose a risk to your, or your baby's, health and safety
- Your right to return after maternity leave to the same or a similar role
- The opportunity to request flexible working and how a request should be made.

In order to ensure good communication and a smooth transition in the time leading up to maternity leave, and during the leave itself, you will be informed of the arrangements for covering your work and also for remaining in contact whilst you are on leave. We will also consult you on how to cover your workload during your leave and whether any temporary reporting arrangements need putting in place.

The Trust would like to keep you fully informed of any news or developments at work during your leave.

### Time off for Ante-Natal Care

An employee is entitled to paid time off during normal working hours to receive ante-natal care.

Ante-natal care can include medical examinations, relaxation classes or parentcraft classes advised by a medical practitioner. You should try to give us as much notice as possible of the appointment so that the Trust has sufficient time to put any cover arrangements in place that may be necessary during the time of your absence.

Time off will be provided for any time spent travelling to and from these appointments including any waiting time.

The Trust may ask you to provide the following, unless it is the first appointment:

- A certificate from the doctor, midwife or health visitor stating that you are pregnant;
- An appointment card.

**Time Off for Ante-Natal Care Form** should be used to request time off for antenatal appointments.

### Sickness During Pregnancy

Periods of pregnancy-related sickness absence shall be paid in accordance with our normal managing sickness and absence policy in the same manner as any other sickness absence.

You should consult your individual contracts of employment and the Trust's **Managing Health and Absence Policy** for further information.

However, employees should note that periods of pregnancy-related sickness absence from the start of their pregnancy until the end of their maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

If you are absent for a pregnancy-related reason during the four weeks before your EWC, your maternity leave will usually start automatically.

### Health and Safety Considerations

The Trust has a general duty to take care of the health and safety of all employees. We are also required to carry out a specific risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding. The earlier you notify us of your circumstances the sooner we can carry out the required risk assessment so it is to your advantage to notify us as soon as possible.

The Trust will use the **Risk Assessment Form for New and Expectant Mothers**. This will provide you with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken.

If the Trust considers that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work we will take such steps as are necessary (and for as long as is necessary) to avoid those risks.

This may involve:

- Changing your working conditions or hours of work; or
- Offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- Suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

### Statutory Maternity Leave

Shortly before your maternity leave starts the Trust will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

Unless you expressly request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.

All employees are entitled to a period of up to 52 weeks' maternity leave which is divided into:

- Ordinary Maternity Leave of 26 weeks (**OML**), including a 2-week period of compulsory maternity leave;

- Additional Maternity Leave of a further 26 weeks immediately following OML (AML).

Unless you notify the Trust that you wish to take a shorter period, the Trust will automatically assume you are taking your full entitlement of 52 weeks, and will write to you to confirm your expected return date using the **Letter Confirming Expected Date of Return to Work from Maternity Leave**.

During periods of OML and AML, you remain entitled to receive your normal contractual terms and conditions of employment that you would have received had you not taken this leave, with the exception of remuneration.

### Starting Maternity Leave

The earliest date you can start maternity leave is 11 weeks before the EWC (unless your child is born prematurely before that date).

You must notify the Trust of your intended start date in accordance with the notification requirements set out above.

Once we receive your notification, we will then write to you within 28 days to inform you of the date we will expect you to return to work if you take your full entitlement to maternity leave (**Expected Return Date**), using the **Letter Confirming Expected Date of Return to Work from Maternity Leave**.

You may wish to start your maternity leave a little later than originally intended. If this is the case, you can postpone your intended start date by informing us in writing and giving at least 8 weeks' notice or by notifying us in writing at least 28 days before the original intended start date. If that is not possible, then as soon as reasonably practicable.

Alternatively, you may decide that you need or wish to start your maternity leave earlier than originally anticipated. If so, you can bring forward the intended start date by informing us in writing and giving at least 8 weeks' notice or by notifying us in writing at least 28 days before the new start date, whichever is sooner. If that is not possible, then as soon as reasonably practicable.

Please use the **Form for Employee to Vary Start Date of Maternity Leave and Pay**.

Your maternity leave shall start on the earlier of:

- Your intended start date (if notified to us in accordance with this policy); or
- The day after any day on which you are absent for a pregnancy-related reason during the four weeks before the EWC; or
- The day after you give birth

If you are absent for a pregnancy-related reason during the four weeks before the EWC, you must let us know as soon as possible in writing using the **Form Providing Notification of Absence for Pregnancy-Related Reasons**. Maternity leave will be triggered automatically unless both parties agree to delay it.

If you give birth before your maternity leave was due to start, you must let us know the date of the birth in writing as soon as possible.

Once you have notified the Operations Manager that your OML period has been triggered due to pregnancy-related absence or childbirth, we will confirm, in writing, the date that we expect you to return to work after the AML period has ended. This confirmation will be sent to you within 28 days of your notification using the Letter to an **Employee whose Maternity Leave has been Triggered by Pregnancy-Related Absence**.

Employees should note that the law prohibits you from working during the two weeks following childbirth and during this period you are required to take compulsory maternity leave, even if you do not wish to do so, to protect your and your new babies' health, safety and welfare.

### Terms and Conditions of Employment During OML and AML

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay.

In particular:

- Benefits in kind such as life insurance, health insurance, use of the Trust's sporting and leisure facilities as applicable shall continue
- Annual leave entitlement under your contract shall continue to accrue (see below); and
- Pension benefits shall continue (see below).

### Annual Leave Entitlement's During Maternity Leave

During OML and AML your statutory entitlement to paid annual leave will accrue at the normal rate.

Annual leave entitlement cannot usually be carried over from one holiday year to the next and employees are normally required to take their holiday entitlement within the holiday year in which it accrues or forfeit any accrued but untaken holiday entitlement at the end of the holiday year.

However, the Trust recognises that this may operate in such a way as to unfairly disadvantage employees who elect to take the maximum statutory entitlement to maternity leave. As such, special exceptions apply in the case of maternity leave.

The Line Manager will usually hold an informal meeting to discuss the best way to manage your holiday entitlement during your proposed period of maternity leave as soon as possible after notification of your intended start date.

The options the Trust will consider with you may include:

- Arrangement to take the period of holiday entitlement that you would have accrued but been unable to take during that holiday year by reason of proposed maternity leave prior to the commencement of maternity leave;
- Arrangement to allow for an exceptional carry-over of such holiday entitlement to the following year to be taken at such time or times as the Trust's operational needs and requirements dictate;



Discussion regarding the possibility of changing the intended start date of your maternity leave voluntarily to enable you to take your holiday entitlement prior to commencing your maternity leave. If you wish to choose this option, you will be required to **Form for Employee to Vary Start Date of Maternity Leave and Pay** as above within 28 days of the originally intended start date;

Discussion regarding the possibility of changing your intended maternity leave dates, voluntarily, by substituting days of AML which are unremunerated for holiday days which will be paid at your normal rate of pay. If you wish to choose this option, you will be required to **Submit notification of intention to alter your intended return date.**

The Trust must consider the alternatives with you and have regard to its operational requirements, needs and demands throughout the academic term to ensure that a mutually satisfactory arrangement can be reached.

### Pension Entitlement During Maternity Leave

During OML and any further period of paid maternity leave, the Trust will continue to make any employer contributions that we usually make into the Teachers' Pension Scheme or the Local Government Pension Scheme, if applicable, based on the actual pay you receive during this period. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact the relevant Pensions provider directly.

The period of unpaid maternity leave will not count towards your membership of the Teachers' Pension Scheme or the Local Government Pension Scheme. Members of the Teachers' Pension Scheme are not obliged to make up for any missed contributions at a later date but may do so if they wish.

Employees who are members of the Local Government Pension Scheme may pay back their pension contributions for the period of unpaid maternity leave following their return to work and must inform the Trust if they intend to do this within 30 days of returning to work.

If pension contributions are not paid during the unpaid period of maternity leave, this period will not count in the calculation of pensionable service.

For the avoidance of doubt, the Trust shall not make any payments into the Teachers' Pension Scheme or the Local Government Pension Scheme during periods of unpaid maternity leave.

### Statutory Maternity Pay

Statutory maternity pay (**SMP**) is payable for up to 39 weeks. SMP will stop being payable if you return to work (and this excludes keeping in touch or KIT days as below).

You are entitled to SMP if:

- You have been continuously employed for at least 26 weeks at the end of your Qualifying Week and are still employed by us during that week
- Your average weekly earnings during the eight weeks ending with the Qualifying Week (the **Relevant Period**) are not less than the lower earnings limit set by the government
- You provide us with a doctor's or midwife's certificate (MAT B1 form) stating your EWC;
- You give at least 28 days' notice (or, if that is not possible, as much notice as you can)

of your intention to take maternity leave; and

- You are still pregnant 11 weeks before the start of the EWC or have already given birth

SMP is calculated as follows:

- First six weeks: SMP is paid at the **Earnings-Related Rate** of 90% of your average weekly earnings calculated over the Relevant Period.

Remaining 33 weeks: SMP is paid at the **Prescribed Rate** which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower. This prescribed figure is updated annually. You should contact the Line Manager for details of the current rate applicable to you.

SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

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

- The week following the week in which employment ends; or
- The 11th week before the EWC.

If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify.

We shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

### Maternity Allowance

If you do not qualify for Statutory Maternity Pay you may be entitled to Maternity Allowance, paid by the Benefits Agency, for up to 39 weeks. To qualify, you must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth.

### Occupational Maternity Pay Scheme

All employees have an obligation to return to their job for at least 13 weeks (including periods of School closure) as a qualifying condition to occupational maternity pay. In the event of the employee not being available, or being unable, to return to their job for the required period, they shall repay such sum after the first six weeks' payment as the Trust (the employer), at its discretion may decide. Payments made by way of SMP are not refundable.

To qualify for occupational maternity pay, you must have been employed by the trust for at least 12 months by the expected week of childbirth.

Minimum Service Requirement	EMP Entitlement
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First 4 weeks of absence:	Full pay, offset against payments made by way of SMP or Maternity Allowance (MA).
5 <sup>th</sup> and 6 <sup>th</sup> week of absence:	90% of weekly pay offset against payments made by way of SMP or MA, if not eligible for SMP.
7 <sup>th</sup> to 18 <sup>th</sup> week of absence:	50% of pay without deductions except by the extent to which combined pay and SMP (or MA if not eligible for SMP) exceeds full pay.
19 <sup>th</sup> to 39 <sup>th</sup> week of absence:	SMP.
40 <sup>th</sup> to 52 <sup>nd</sup> week of absence:	No entitlement to pay.

### Keeping in Touch (KIT) During Maternity Leave

The Trust may make reasonable contact with you from time to time during your maternity leave and will continue to send you all internal information relating to Trust social events, internal changes and job opportunities unless you expressly ask us not to. The Trust will write to you using the **Letter Explaining Keeping in Touch (KIT) day arrangements**.

You can work (including attending training) for up to 10 days during maternity leave without bringing your maternity leave or SMP to an end. These days are called Keeping In Touch or KIT days.

The employee will be paid at their normal basic rate of pay for time spent working on a KIT day.

You are not obliged to undertake any such work during maternity leave. In any case, you must not work in the two weeks following birth and KIT days may not therefore be arranged during that time.

Any work and the type of work undertaken during the maternity leave period must be by agreement with the Trust; there is no obligation on either party for work to be offered or accepted respectively. Part days worked will count as whole days and you will be paid your normal daily rate of pay for days worked offset by any SMP that may be due to you.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return to work with the Line Manager.

This may include:

- Updating you on any changes that may have occurred
- Discussing any necessary training
- Discussing any changes to working arrangements (for example, if you have made a request to work flexibly)

**Maternity KIT Days Record Form** should be used to record KIT days and to submit for payment, the form can be accessed from Trust HR (HR@triumphlearning.org).

### Shared Parental Leave (SPL)

Shared Parental Leave will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed.

SPL allows parents to take up to 52 weeks leave in total on the birth of their child, less the two weeks' compulsory maternity leave. Your partner will not have an autonomous right to SPL; this right will only arise if you choose to curtail your statutory maternity leave and share your remaining entitlement.

You should refer to the Trust's Shared Parental Leave Policy for further guidance and eligibility criteria.

### Your Expected Return Date

Once you have notified us in writing of your intended start date, we shall send you a letter within 28 days to inform you of your Expected Return Date using the **Letter Confirming Expected Date of Return to Work from Maternity Leave**.

If your start date has been changed (either because you gave us notice to change it, or because maternity leave started early due to illness or premature childbirth) we shall write to you within 28 days of the start of maternity leave with a revised Expected Return Date.

We expect you to return on the Expected Return Date unless you tell us otherwise. It is helpful to us if you confirm during your maternity leave that you will be returning to work as expected.

If you wish to return to work earlier than the Expected Return Date, you must give us 8 weeks' prior notice. It is helpful if you give this notice in writing.

If you give insufficient notice, we may postpone your return date until 4 weeks (or 8 weeks if appropriate) after you gave notice, or to the Expected Return Date if sooner.

If you wish to return later than the Expected Return Date, you should either:

- Request unpaid parental leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days; or
- Request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our usual **Managing Health and Absence policy** will apply.

In any other case, late return will be treated as unauthorised absence and may depending on the circumstances result in disciplinary action in accordance with our **Disciplinary Policy and Procedure**.

In addition to the above requirements, all employees are under an obligation to return to their job for at least 13 weeks (including periods of School closure) as a qualifying condition to occupational maternity pay. Employees who are not available, or are unable, to return to

their job for the required period, shall repay such sum after the first 6 weeks' payment as the Trust, at its discretion may decide. Payments made by way of SMP are not refundable.

### Deciding Not to Return to Work

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. You are encouraged to book an informal meeting with the Line Manager to discuss this and obtain any information you may require as soon as you able to do so.

If you decide not to return you should give notice of resignation in accordance with your contract. The amount of maternity leave left to run when you give notice must be at least equal to your contractual notice period; otherwise we may require you to return to work for the remainder of the notice period.

Employees are reminded that once you have given notice that you will not be returning to work, you cannot change your mind without our agreement and your contract of employment with the Trust will be terminated accordingly by reason of resignation.

A decision not to return to work does not affect your right to receive SMP. The Trust will require repayment of any contractual maternity pay in excess of your statutory entitlement that you have received during maternity leave.

### Rights on Return to Work After Maternity Leave

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been if you had not been absent.

However, if you have taken any period of AML, or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position; we may provide you with another suitable and appropriate position on terms and conditions that are not less favourable.

### Flexible Working

The Trust will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. The Trust will make every effort to accommodate requests for part-time working, provided that your duties can still be effectively carried out on such basis.

The Trust will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible. Employees should refer to the **Trust's Flexible Working Policy** for further information and practical guidance about making an application to work flexibly.

### Switching to Shared Parental Leave

In some cases, you and your spouse, civil partner or partner may be eligible to opt into the SPL scheme which gives you more flexibility to share the leave and pay available in the first year after birth. Your spouse, civil partner or partner should check with their employer that they are eligible.

You would need to give us at least 8 weeks' written notice to end your maternity leave and opt into SPL. You can give this notice before or after the birth, but you must remain on

maternity leave until at least 2 weeks' after birth. You would then be able to share any remaining leave with your spouse, civil partner or partner. Please refer to the Shared Parental Leave section of this policy for further information.

### Agency Workers and Maternity

Agency workers who have completed the 12 week qualifying period must not be unreasonably refused time off during working hours to attend appointments for antenatal care, which have been made on the advice of a medical practitioner, a registered midwife or a registered health visitor. Apart from the first appointment, if requested by their employer, the worker must produce a certificate confirming their pregnancy and a document from one of the above, proving that antenatal appointments have been made.

Antenatal care includes classes such as, attending for medical advice, relaxation classes or pre and post birth parenting classes recommended on medical advice.

The duties towards a pregnant agency worker by the Trust (end user) and the agency are triggered once the worker has notified them that they are expecting or that they have given birth within the last 6 months or they are breast feeding.

The agency worker who has completed the 12 week qualifying period will also be entitled to be paid by the agency at the appropriate hourly rate for attending their antenatal appointments.

Agency workers who have completed the 12 week qualifying period will also have the same rights to accompany a pregnant employee or worker to antenatal appointments described in the **Leave of Absence Policy**.

### Stillbirth and Miscarriage

If you experience a miscarriage before 24 weeks of pregnancy, you will no longer be entitled to take maternity leave. It is anticipated that an employee may need some time off work in these circumstances and this will usually be taken as sick leave, during which the **Trust's Managing Health and Absence Policy** will apply.

If you suffer a stillbirth after 24 weeks of pregnancy, your entitlement to maternity leave and pay will not be affected and you will still be able to take the time off, and receive pay, as planned.

### Redundancy

In the event your post is affected by a redundancy situation occurring during your maternity leave. The redundancy protection period has expanded to during pregnancy and maternity. The protection starts when an employee tells their employer that they are pregnant and ends 18 months from the exact date the baby is born.

The employee needs to ensure they tell the Trust the exact date as the protected period ends 18 months from the EWC.

A suitable vacancy during a redundancy exercise for 18 months after birth.

The redundancy protection will help shield new parents and expectant mothers from workplace discrimination, offering greater job security at an important time in their lives.

Employees on maternity leave shall be given any suitable alternative vacancies that are appropriate to their skills, knowledge and experience with the redundancy protection they will be given priority over other employees.

### Grievances Relating to Maternity Rights

The **Trust's Grievance Policy & Procedure** may be used in the event that you are dissatisfied with any decision made in respect of your maternity rights.

## 7. Paternity Leave Policy

This policy applies where the expected date of childbirth is after 6 April 2024, or the expected date of adoption placement is on or after 6 April 2024. Where the expected date of childbirth or the expected date of adoption placement is earlier than these dates, our previous paternity leave policy will apply to you.

### Ordinary Paternity Leave

Paternity Leave and Paternity Pay is designed to enable employees who have parental responsibility to take time off work to provide support to their partner at the time of birth, surrogacy or adoption.

Eligible employees are entitled to take either two non-consecutive weeks or a single period of either one week or two weeks, paid Paternity Leave following the birth or placement of a child in order to care for the child or support its mother.

In this policy the following terms are used and have the meanings stated below:

- **Expected Week of Childbirth (EWC)** - The week, starting on a Sunday, in which your doctor or midwife expects you (or your spouse, civil partner or partner) to give birth.
- **Statutory Paternity Pay (SPP)** - payable to eligible employees during SPL.
- **Occupational Paternity Pay (OPP)** – Also known as enhanced pay. Payable to eligible employees, inclusive of SPP.

### Eligibility

#### Paternity Leave Following the Birth of a Child

The employee must meet the eligibility criteria for paternity leave:

- Be the biological father, the mother's husband or partner or having a baby through a surrogacy arrangement (Whether of the same or different sex) or one partner in a couple who are both entitled to apply for, and propose to apply for, a parental order for the child.

Will be or expect to be responsible for the child's upbringing, where you are the father, or expect to be mainly responsible for the child's upbringing where you are the mother's husband or partner but not the father of the child.

- Have worked continuously for the Trust for a minimum period of 26 weeks by the end of the 15th week before the expected week of childbirth (EWC).
- Have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the 8 week period leading up to and including the

Notification Week.

- Have given the required notice of your intention to take leave.
- Have not previously taken shared parental leave for the same child.

The Trust may ask an employee to provide a [Self-Certificate Form \(SC3\)](#) as evidence that the employee meet the necessary conditions above.

### Paternity Leave Following Adoption

You will be eligible for paternity leave and pay on the adoption of a child if you:

- Will be or expect to be mainly responsible for the child's upbringing.
- Are married to the child's adopter or the partner of the child's adopter (Whether of the same or different sex).
- Have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the week the matching notification is given to the child's adopter.
- Have given the required notice of your intention to take leave and, where requested, have provided evidence.
- Have not previously taken shared parental leave for the same child.

Only one period of leave is available even if more than one child is born as a result of the same pregnancy or adopted as part of the same arrangement.

Only one period of Adoption Leave and one period of Paternity Leave may be taken between the couple even if each individual works for different employers.

Further details of this entitlement are set out in the Trust's Adoption Leave section of this policy.

### Antenatal Appointments

An employee who will be taking Statutory Paternity Leave can take paid time off to attend 2 pregnancy – related or adoption appointments. This includes attending pregnancy appointments with a surrogate.

The maximum time permitted for each appointment is 6.5 hours for each appointment which includes travel to and from the appointment.

The right to take time off to attend ante-natal appointments start from day one of employment with the Trust.

Employees wishing to take time off to attend ante-natal appointments must give 1 week notice, and must submit the **Request for Time Off to Attend Ante-natal Appointment Form** to their Line Manager. The form can be requested from Trust HR ([HR@triumphlearning.org](mailto:HR@triumphlearning.org)).

The Trust may refuse an employee time off to attend an ante-natal appointment where it is reasonable for the Trust to do so.



### Taking Paternity Leave

An employee is permitted to take paternity leave in either two non-consecutive weeks or single period of either one week or two weeks.

Leave may start on any day of the week on or following the child's birth or placement but must be completed:

- From the birth date or date of adoption (whether this date is sooner or later than anticipated) or
- On a specific day after the birth date or date of adoption (whether this day is sooner or later than anticipated) or
- From a specific date that is after the first day of the EWC (in birth case and not adoption) or
- On a specific date, arranged in advance, that is after the expected placement date (in adoption cases)

If the child is born earlier than expected before the EWC, paternity leave must be taken:

- Within a period of 52 weeks from that actual date or birth or placement; or
- An employee may change their mind about the starting date for Paternity Leave providing they tell the Trust at least 28 calendar days in advance of the changed start date where reasonably practicable.

If the same pregnancy results in more than one child being born, or more than one child is adopted in the same arrangement, the entitlement to paternity leave does not increase and only one period of leave can be taken.

### Notification Requirements

#### Birth – Notice of Entitlement and Leave

An employee who wishes to take paternity leave must notify the Trust during or before the 15th week before the expected week of child (EWC). The Operations Manager must be informed, in writing, using the **Form to provide notice of paternity leave entitlement**:

- You are either the father of the child, or married to or the partner of the child's mother, but not the child's father
- If you are the father, that you have or expect to have responsibility for the upbringing of the child
- If you are married to or the partner of the child's mother but not the child's father, the main responsibility (apart from any responsibility of the mother) for the upbringing of the child.
- When the leave is to start
- Length of leave intended to take.

As soon as reasonably practicable after birth, you must notify us of the actual date of birth in writing.

A **Form to provide notice of paternity leave entitlement** stating you intend to utilise a period of paternity leave to care for a child or provide support to the mother of the child and that

you meet the eligibility criteria for the leave may be requested. Where requested, this should be provided to the Operations Manager.

If wish to change the date of your paternity leave after giving notice, you must provide an additional written notice requesting a variation to the leave using the **Form to vary dates of paternity leave**. This notice must be provided at least 28 days in advance of the new start date of the leave period.

If the child is born prematurely, the employee must give notice, as above, as soon as reasonably practicable and state the date the child was born.

### Adoption – Notice of Entitlement and Leave

The intention to utilise a period of paternity leave must be notified to the Trust within 7 days of the date the matching notification is given to the child’s adopter. If this is not reasonable practicable, the notification must be provided to the Trust as soon as possible. The Operations Manager must be informed, in writing, using the **Form to provide notice of paternity leave entitlement**:

- The date the matching notification was given to the child’s adopter;
- The expected date of placement;
- Whether the employee wishes to take either two non-consecutive weeks or a single period of either one week or two weeks;
- The date you wish the leave to begin.

A **Form to provide notice of paternity leave entitlement** must also be given to the Operations Manager that the employee is taking leave for the purpose of caring for a child or supporting the child’s adopter.

### Birth and Adoption - Changing your mind about dates of leave

Notice must be given by whichever is the earlier of at least 28 days before the original date of leave or the new date of leave, unless this is not reasonably practicable. If the employee gives the Trust notice to vary a period of paternity leave, they must also sign a signed declaration as to the purpose of the absence using the **Form to vary dates of paternity leave**.

### Required changes to dates of leave — birth and adoption

If the employee has chosen to start a period of paternity leave on a particular predetermined date, and the child has not been born/is not placed with the adopter on or before that date, they must change the date they want paternity leave to start and give notice of the new date. This notice must contain a signed declaration as to the purpose of the absence using the **Form to vary dates of paternity leave**.

### Telling us the date of birth/placement

The employee must give further notice, in writing using the **Form to confirm date of birth/placement for paternity leave**, as soon as is reasonably practicable after the child’s birth or placement for adoption, of the date on which the child was born or placed, if the date of placement was not provided in the notice of intention to take paternity leave.



### Statutory Paternity Pay

You may be entitled to receive SPP from the Trust for the period of paternity leave. SPP is paid at a specific rate set by the government each tax year, or at 90% of your average weekly during the relevant period, whichever is lower. For details of the current SPP rate, please contact the Operations Manager.

In order to meet the eligibility criteria for SPP, average weekly earnings for the relevant period must be equal to or higher than the specific lower earnings limit set by the government each tax year.

The relevant period is:

- The period of eight weeks which ends immediately before the 14th week before the EWC (in birth cases) or
- The period of eight weeks which ends immediately before the week where the matching notification was given to the child's adopter (in adoption cases).

The employee is entitled up to two weeks with full pay. This includes OPP and the entitlement to SPP.

### Contractual Benefits

An employee on paternity leave is entitled to enjoy their normal terms and conditions of employment with the exception of pay. The employee is entitled to return to the same job following paternity leave. Any contractual obligations continue to apply during the leave and the employee is remain bound by these.

### Still birth and Miscarriage

If the employee experiences a miscarriage before 24 weeks of pregnancy, the employee will no longer be entitled to take paternity leave. It is anticipated that an employee may need some time off work in these circumstances and this will usually be taken as sick leave, during which the **Trust's Managing Health and Absence Policy** will apply.

If the employee suffers a stillbirth after 24 weeks of pregnancy, the employee is entitled to paternity leave and pay will not be affected if the employee were otherwise eligible to take it and will still be able to take the time off, and receive pay, as planned.

Parental bereavement leave is also available for employees who suffer a stillbirth after 24 weeks of pregnancy. You can read more information on this entitlement in the **Trusts Leave of Absence Policy**.

### Shared Parental Leave

Eligible employees are able to make arrangements for shared parental leave and pay in relation to the birth of a child or following the placement of a child after adoption. Once a period of shared parental leave has been taken in respect of a child, paternity leave cannot be taken for the same child.

You will not have an autonomous right to SPL; this right will only arise if the mother or primary adopter chooses to curtail their statutory maternity leave and share their remaining entitlement with you.

Employees should refer to the Trust's Shared Parental Leave section of this policy for further guidance and eligibility criteria for Shared Parental Leave.

### Parental Leave

Eligible employees are able to make arrangements for parental leave in relation to the birth of a child or following the placement of a child after adoption.

An employee can either take parental leave:

- Straight after a birth or adoption then go on paternity leave after to allow more time off work for fathers to care for their partner and child or;
- Take parental leave any time after paternity leave.

Employees should refer to the Trust's Parental Leave section of the policy for further guidance and eligibility criteria for Parental Leave.

### Returning to Work

Following two weeks' paternity leave or a period of parental leave of no more than four weeks', the employee is entitled to return to the job which they were employed before the absence.

If the employee wishes to change their working hours following paternity leave, the Trust will consider each request on its individual facts in line with the **Trusts Flexible Working Policy**. A copy of the policy is available from Trust HR ([HR@triumphlearning.org](mailto:HR@triumphlearning.org)). The employee's Line Manager will fully consider the request and aim, wherever possible, to accommodate the change. The needs of the business will be assessed as part of the consideration. Requests should be submitted as far in advance as possible to allow the full consideration process to take place.

The employee should discuss with their Line Manager as soon as possible if they are planning on not returning to work. Resignation should be notified to the Line Manager, in writing, as set out in the employment contract. Following notification of the resignation, Trust agreement is needed to withdraw this. Any payments of SPP will not be altered by the resignation.

## 8. Shared Parental Leave Policy

Shared Parental Leave (SPL) is a form of leave that provides more flexible arrangements alternative to the default system of maternity and adoption leave whereby one partner qualifies for up to 52 weeks' leave and the other partner may qualify for up to 2 weeks' ordinary paternity leave.

The birth parent must take a minimum of 2 weeks leave so the remaining can be shared between the two parents, this leaves up to 50 weeks of leave to be shared.

Under the SPL system, eligible parents can get up to 50 weeks of shared parental leave. Assuming both parents are eligible, a couple can choose how to split that leave between them. They may be able to take this leave at the same time or different periods.

An explanation of the available entitlements and the procedures employees should follow in order to take shared parental leave will be set out in this policy.

Eligible employees are able to make arrangements for shared parental leave and pay in relation to the birth or adoption of a child.

Shared parental leave gives more choice in how two parents can care for their child. Eligible parents who are sharing responsibility for a child can get shared parental leave in the first year:

- Birth of their child
- Adopting a child
- Parental order when they have a child through surrogacy.

Employees wishing to take shared parental leave should inform their Line Manager at the earliest possible opportunity so that their entitlement can be explained.

The essential features of shared parental leave are:

- Eligible employees will be able to bring maternity/adoption leave to an early end and share the remaining leave entitlement
- Eligible employees will have a certain amount of flexibility to decide which parent takes leave and when, including being on leave at the same time
- The maximum amount of leave to be shared is 50 weeks (Depending on how much maternity/adoption leave has been taken)
- Leave may be split into a shorter period of at least a week
- Eligible employees may make up to three requests for leave (3 separate blocks), including any changes to previously booked leave
- The employee must notify the Trust of any change to the number of weeks of shared parental leave allocated to him or her as a result of transferring leave to or from their partner.
- A request for a continuous period of leave becomes fixed
- A request for discontinuous leave is subject to agreement with the Trust.

In this policy the following terms are used and have the meanings stated below:

- Shared Parental Leave (SPL)
- Shared Parental Pay (ShPP)
- Qualifying Week - The 15th week before the Expected Week of Childbirth, or the week in which you are notified in writing by an adoption agency of having been matched with a child.
- Relevant Week - An 8-week period ending with the Qualifying Week in birth cases, or the 8-week period ending with the week in which you or your spouse, civil partner or partner were notified of being matched with a child in adoption cases.
- Expected Week of Childbirth (EWC) - The week, starting on a Sunday, in which your doctor or midwife expects you (or your spouse, civil partner or partner) to give birth.
- Statutory Maternity Pay (SMP) - SMP for eligible employees can be paid for up to 39 weeks.

- Maternity Allowance (MA) - Maternity Allowance is paid to pregnant women who do not get Statutory Maternity Pay.
- Statutory Adoption Pay (SAP) – Payable to employees who adopt a child and are on adoption leave.
- Parent - To describe employees in both birth and adoption circumstances.
- Partner - Someone (whether of a different sex or the same sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle, niece or nephew.

### Eligibility for Shared Parental Leave (SPL)

In order to take SPL, both the employee and their partner must meet certain eligibility criteria, they are able to check if they are [eligible for shared parental leave by clicking the link](#). They must:

- Be the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- Have 26 weeks' service at the end of the 15th week before the expected week of childbirth (EWC) or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- Have a partner who meets the employment and earnings test
- Share the primary responsibility for the child with the other parent at the time of the birth/adoption
- Have made the required notifications in respect of their entitlement and have provided the necessary declarations and evidence
- The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).
- Be working for the Trust until the week before any leave is taken.

### Employment and Earnings Test

For the mother to take SPL and ShPP, both the mother's partner and the mother must meet some eligibility criteria.

The parent who is to take shared parental leave must:

- Have worked for the Trust for at least 26 weeks by the end of the 15th week before their baby is due or their adoption match date
- Still be working for the Trust a week before the start of each block of leave they take
- To be eligible for SPL, the parent must be an employee.
- To be eligible for ShPP the parent must earn on average the rate set by the Government each year

The other parent must:

- Have been working for at least 26 weeks out of the 66 weeks before the week their baby is due or their adoption match date
- Earned at least £30 a week in a total of 13 weeks of the 66 weeks (£390 in total)

## Notification Requirements

### Notice of entitlement and intention to take leave and pay

At least 8 weeks before any leave is to be taken, the employee must provide the following information on the **Notice of Entitlement and Intention to take Shared Parental Leave Form**, which is available from Trust HR (HR@triumphlearning.org):

- Name of employee
- Name of partner
- The start and end dates of maternity/adoption leave (or pay if employee was not entitled to leave)
- The total amount of shared parental leave available
- The expected week of childbirth/placement (or the actual date of birth/placement if this has taken place)

A non-binding indication of how the employee and their partner think they will split and take shared parental leave.

- Employees can give up to three period of leave notices. This may enable employees to take up to three separate blocks of shared parental leave.

If the employee is the mother, they must also provide a signed declaration confirming they meet the eligibility requirements for taking leave and produce a signed declaration from the other parent confirming:

- Their name and address
- That they meet the eligibility requirements
- That they consent to the employee taking the amount of leave it has been notified they intend to take
- That they permit the Trust to process their information and
- That immediate notification will be made if any of the eligibility requirements cease to be met.

### Curtailed notice (ending adoption or maternity leave)

Maternity or adoption leave must be curtailed (ended early) if shared parental leave is to be taken. The mother/main adopter must inform the Trust that maternity/adoption leave will be brought to an end by providing a curtailment notice at the same time as the notice of entitlement is provided in **Notice of Entitlement and Intention to take Shared Parental Leave Form – Section 2**

The curtailment notice will give 8 weeks' notice of leave (or pay in the event that the employee is not entitled to leave) being brought to an early end.

For shared parental leave to start, the mother or adopter must:

- Return to work
- Given a curtailment notice to end adoption or maternity leave; or
- Given a curtailment notice to end SAP or SMP/SMA (if they are not entitled to maternity leave)

A notice of curtailment can only be revoked in the following specific circumstances:

- Neither the mother/adopter nor their partner has any entitlement to shared parental leave (SPL) or pay (ShPP);
- In the event of the death of the partner;
- If the notice was given before the birth, and the mother revokes her maternity leave curtailment notice in the 6 weeks following the birth.

They can give the notice before or after adoption/maternity leave starts, but they must take at least 2 weeks' adoption or maternity leave.

If a partner is eligible to take SPL from their employer, they cannot start it until the Trust has been given the curtailment notice.

Once a curtailment notice has been revoked both parties will be unable to opt back in to the SPL scheme.

### Evidence Requirements

In order for the Trust to verify the information the employee has provided, the employee must provide on request:

- A copy of the child's birth certificate
- And the name and address of the other parent's employer (or a declaration that they have no employer).

Within 14 days of the Trust receipt of the notice of entitlement in relation to an adoption, the employee must produce documents from the adoption agency which show the following:

- One or more documents from the adoption agency showing the agency's name and address;
- The expected placement date;
- The date the employee was notified of being matched with the child.

Where requested, the information above must be provided within 14 days. Where the employee is unable to provide a birth certificate because it has not yet been issued, the employee will be required to sign a declaration to that effect which also includes the date and location of the child's birth.

### Amount and Timing of SPL

Parents cannot take more than 52 weeks of leave in total made up of maternity or adoption leave and shared parental leave. This excludes paternity leave which is a standalone entitlement (Paternity leave is additional to any SPL entitlement and a person will lose any untaken paternity leave entitlement once they start a period of SPL).

If the mother is entitled to statutory maternity/adoption pay/maternity allowance but not maternity/adoption leave, the maximum number of weeks of shared parental leave to be taken is the remainder of 52 weeks' minus the number of weeks' pay received.

Mothers are not able to share compulsory maternity leave entitlement of two weeks. This is a statutory requirement enabling the employee to recover from the birth and is to be taken



exclusively by the mother. Correspondingly, adopters may share a maximum of 50 weeks' leave.

### Continuous Leave

If the employee requests one continuous block out of 3 notices, the employee is entitled to take this period of leave and the Trust will confirm the dates in writing using the **Letter Acknowledging a Period of Leave Notice**.

### Procedure for Requesting Split Periods of SPL (Discontinuous Leave)

In general, a period of leave notice should set out a single continuous block of leave. The Trust may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between.

It is best to discuss this with the Line Manager in advance of submitting any formal period of leave notices. This will allow the Trust time to consider the request and make a decision on whether this can be accommodated. The Headteacher will arrange a meeting with the employee. The outcome of the request will be one of the following:

- Agreement to the request
- Proposal of alternative leave dates or
- Refusal of the request

Employees must submit a period of leave notice setting out the requested pattern of leave at least 8 weeks before the requested start date. If the Trust are unable to agree to the employees request straight away, there will be a two-week discussion period.

At the end of that period, the Trust will confirm any agreed arrangements in writing.

If the Trust have not reached an agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in their notice.

Alternatively, employees may:

- Choose a new start date (which must be at least 8 weeks after their original period of leave notice was given), and tell the Trust within 5 days of the end of the two-week discussion period; or
- Withdraw their period of leave notice any time up to the 15th day after it was made. (in which case it will not be counted and the employee may submit a new one if they choose).

### Changing or Cancelling Shared Parental Leave

Once a period of leave notice has been submitted, an employee can cancel or change a period of leave by notifying the Trust in writing at least 8 weeks before the start date in the period of leave notice. Employees should use the **Notice to Cancel or Vary a Period of SPL Form**.

Each eligible parent has up to 3 times to either:

- Change the dates of booked shared parental leave (Notice to vary leave);
- Book a block of shared parental leave (Notice to take leave).

To change or cancel the dates booked, the employee must give the Trust:

- 8 weeks' notice before the original start date and the new start date;
- A notice to vary leave.

A notice to change or cancel a period of leave will count as one of the three periods of leave notices, unless:

- The variation is a result of the child being placed earlier or later than the expected placement date;
- The variation is a result of the child being born earlier or later than the EWC;
- The variation is at the Trust's request; or
- The Trust agrees otherwise.

If the employee is submitting a variation notice but the Trust asks an employee to change the dates of booked shared parental leave, if the employee agrees this would not count as one of the maximum three notices.

#### If a Parent Stops Having Parental Responsibility

If a parent taking shared parental leave stops sharing responsibility for a child, must tell the Trust as soon as possible.

The entitlement to SPL or ShPP will end and the Trust might require the employee to return to work.

If it's not practical for the Trust to have the employee back at work straight away, the employee can still be required to be off for any shared parental leave they had booked for up to 8 weeks but will not get ShPP.

#### Changing the Amount Each Parent Takes

Parents that are entitled to take shared parental leave are able to change the amount of leave each of them will take.

Both parents must both agree to sign each other's notices of entitlement with the updated amount of shared parental leave they're each entitled to. The employee should tell the Trust as soon as possible and their partner should inform their employer.

#### Entitlement to Shared Parental Pay (ShPP)

Statutory ShPP can be paid to both parents for a maximum of 37 weeks in total. ShPP can be claimed for any remaining weeks after the birth parent or primary adopter stops their maternity pay, adoption pay or maternity allowance, the timing of pay will be decided between the parents.

Due to the statutory SMP and SAP at 39 weeks. If a birth parent stops their maternity pay or adoption pay early for example 30 weeks, they or their partners could get ShPP for the remaining 9 weeks.

To be eligible to receive ShPP, the employee must:

- Have been continuously employed for at least 26 weeks up to and including the qualifying week (the 15th week prior to the expected week of childbirth or placement for adoption);



- Have average earnings not less than the lower earnings limit calculated over the 8 weeks prior to the qualifying week;
- Comply with notification requirements.

All ShPP is paid at the lower of the standard rate which could be:

- 90% of the employee's normal weekly earnings;
- a rate set by the government each tax year.

### Enhanced Shared Parental Pay

You will qualify for enhanced shared parental pay if you have been continuously employed during the 12 month period ending with your EWC or Qualifying Week and did not take any maternity, adoption or shared parental leave during that 12 month period.

Leave shared between a partner is deducted from the allowance of the employee. This means that when a new block of shared parental leave starts, any leave taken by the employees partner is taken into account and enhanced pay commences from this point, not necessarily where the previous block ended.

First 2 - 4 weeks of absence:	Full pay, offset against payments made by way of ShPP.
5th and 6th week of absence:	90% of weekly pay offset against payments made by way of ShPP
7th to 18th week of absence:	25% of pay without deductions except by the extent to which combined pay and ShPP
19th to 39th week of absence:	ShPP.
40th to 52nd week of absence:	No entitlement to pay.

### Terms and Conditions During SPL

This paragraph replicates an employee's statutory entitlement to the benefit of terms and conditions of employment during shared parental leave.

#### Annual Leave

An employee's terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual leave entitlement will continue to accrue at the rate provided under the employment contract.

#### Teachers and Support employees (term time)

However, on the rare occasions that there are insufficient Trust closure periods to accommodate teachers annual leave entitlement, they will be entitled to take any remaining leave during term time at a time mutually agreed upon with the Headteacher.

#### Support employees – full working year

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over and must be taken immediately before returning to work, unless the Line Manager agrees otherwise.

### Pensions

If an employee is a member of the pension scheme, the Trust will make employer pension contributions during any period of paid SPL, based on the employee's normal salary, in accordance with the pension scheme rules. Any employee contributions made will be based on the amount of any shared parental pay being received, unless the employee informs the Line Manager that they wish to make up any shortfall.

### Keeping in Touch (KIT) Days

The SPL Regulations allow the Trust to make "reasonable contact" with the employee from time to time during shared parental leave.

The Trust may make reasonable contact with the employee from time to time during their SPL, although the Trust will keep this to a minimum. This may include contacting the employee to discuss arrangements for their return to work.

The employee may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during their SPL. This is in addition to any KIT days that they may have taken during maternity or adoption leave (The entitlement to 10 KIT days will not be affected). KIT days are not compulsory and must be discussed and agreed with the Headteacher.

The employee will be paid at their normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

### Returning to Work

If an employee wants to end a period of SPL early, they must give the Trust 8 weeks' written notice of the new return date. If they have already given the Trust three periods of leave notices, they will not be able to end their SPL early without the Trust's agreement.

If an employee wants to extend their SPL, assuming they still have unused SPL entitlement remaining, they must give the Trust written notice at least 8 weeks before the date they were due to return to work. If they have already given the Trust three periods of leave notices, they will not be able to extend their SPL without the Trust's agreement. They may instead be able to request annual leave or ordinary parental leave, subject to the needs of the Trust.

Employees are normally entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for the Trust to allow the employee to return into the same position, the Trust may give the employee another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

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

- If the SPL was taken consecutively with more than four weeks of ordinary parental

leave.

If an employee wanted to change their hours or other working arrangements on return from SPL they should make a request under the **Trust's Flexible Working Policy**. It is helpful if such requests are made as early as possible.

If an employee decides that they do not want to return to work they should give notice of resignation in accordance with their contract.

### Redundancy

In the event your post is affected by a redundancy situation occurring during your shared parental leave. Employees on shared parental leave will have protections through an expanded period from when an employee tells the Trust they are pregnant until 18 months after the birth.

For employees that have not taken maternity or adoption leave, there is a 6-week threshold of continuous leave that needs to be for requirements to apply for a period of time after shared parental leave has ended. Where the 6-week threshold is not met, the requirements apply during shared parental leave.

The redundancy protection will help shield new parents and expectant mothers from workplace discrimination, offering greater job security at an important time in their lives.

Employees on shared parental leave shall be given any suitable alternative vacancies that are appropriate to their skills, knowledge and experience with the redundancy protection they will be given priority over other employees.

### Relationship with Paternity Leave

An employee who intends to take paternity leave must take it in the first 8 weeks after the child is placed with them or the child is born, otherwise it will be lost. An employee will also lose any untaken paternity leave entitlement once they start a period of SPL. Therefore, it is usually advisable for an employee who is not taking adoption or maternity leave or SAP / SMP to use up their paternity leave entitlement first, rather than going straight onto SPL. Unlike adoption or maternity leave, time spent on paternity leave does not reduce the amount of SPL available.

### Taking Shared Parental Leave

Not less than eight weeks before the date an employee intends SPL to start, an employee must give the Trust a written opt-in notice.

#### When a child is born:

- Employee's name and their partner's name
- If you are the child's mother: The start and end dates of maternity leave
- If you are the child's father or mother's partner: The start and end dates of the mother's maternity leave or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period
- The total SPL available, which is 52 weeks minus the number of week's maternity leave, SMP or MA period taken or to be taken
- How much will be allocated to you and how much to the other parent. (The allocation

can be changed by given further written notice, and they do not have to use their full allocation)

- If the employee is to claim ShPP, the total of ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken) – How much will be allocated to you and how much to the other parent.
- An indication of the pattern of leave they are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but should include as much information as possible about future intentions
- Declarations that the employee and their partner both meet the statutory conditions to enable them to take SPL and ShPP.

#### When a child is adopted:

- The employees name and their partner's name
- If the employee is taking adoption leave: Adoption leave start and end dates
- If you are not taking adoption leave: The partner's adoption leave start date and end dates, or if the partner is not entitled to adoption leave, the start and end dates of their SAP
- The total SPL available, which is 52 weeks minus the number of weeks' adoption leave or SAP taken or to be taken by the employee or their partner.
- How many weeks of the available SPL will be allocated to the employee and how many to their partner (They can change the allocation by giving us a further written notice, and they do not have to use their full allocation)
- If the employee is claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken).
- How many weeks of the available ShPP will be allocated to the employee and how many to their partner (They can change the allocation by giving us a further written notice, and they do not have to use your full allocation)
- An indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but should include as much information as possible about future intentions.
- Declarations that the employee and their partner both meet the statutory conditions to enable them to take SPL and ShPP.

## 9. Parental Leave Policy

Parental leave is a form of statutory unpaid leave available to both natural parents and adoptive parents. Parental leave is available to eligible employees who wish to take time off work to spend time with their child.

This policy applies to employees only and therefore does not apply to agency workers or the self-employed. It does not form part of any individual's contract of employment with the Trust and is not intended to have contractual effect.

## The Purpose of Parental Leave

Parental leave can only be used for the purposes of caring for a child you have parental responsibility for.

This includes for example:

- Spending more time with a young child.
- Accompanying a child during a stay in hospital.
- Checking out new schools.
- Settling a child into new childcare arrangements.
- Enabling a family to spend more time together

If an employee uses or attempts to use parental leave for purposes other than caring for a child they have parental responsibility for, the Trust may take disciplinary action under the Trust's Disciplinary Policy and Procedure.

Parental leave is not intended for cases of dealing with an emergency involving your dependents. Employees are referred to their statutory right to take unpaid emergency time off as outlined in the Trust's **Time off for Dependants Policy**.

## Entitlement

Each parent of the child is entitled to take up to 18 weeks parental leave for each child until each child is 18 years old.

No more than 4 weeks can be taken in relation to each child in one year.

You must take parental leave as whole weeks rather than individual days, unless your employer agrees otherwise or if your child is disabled. You don't have to take all the leave at once. A week here means your number of normal working days per calendar week. For example, if you normally work 3 days a week, a week shall mean 3 days, if you work a 5 day week, a week shall mean 5 days.

Your right to take parental leave is a personal right. You cannot transfer your entitlement to the other parent.

You will still accrue holiday entitlement a usual while on parental leave.

Any parental leave that employees take in relation to a child whilst working for another employer counts toward their 18 week entitlement. Where you have already taken part of your entitlement to parental leave for a particular child from previous employment, we will need to contact your previous employer to confirm details of the entitlement you have previously used in order to ensure the correct administration of any current or outstanding parental leave.

## Eligibility

An employee must meet certain eligibility criteria in order to take statutory parental leave, as follows:

- Must have at least one year's continuous employment with the Trust counted from the date that parental leave would start
- Named on the child's birth or adoption certificate or they have or expect to have

parental responsibility

- Child is under 18 years of age

Provide the Trust with evidence of eligibility when requested

The following evidence may be requested from you in order to assess the eligibility for parental leave:

- Child's date of birth (in respect of natural parents)
- Date of adoption placement (in respect of adoptive parents)

The child is entitled to a Disability Living Allowance or Personal Independence Payment (if appropriate) to permit you to take leave in blocks of days rather than one weeks

### Responsibility for a Child

You have responsibility for a child if you:

Are the child's biological mother or father (whether or not you are living with the child);

- Are the child's adoptive parent; or
- Have legal parental responsibility for the child, for example, if you are the child's guardian, or a step-parent who has a parental responsibility agreement or parental responsibility order.

### Restrictions on Arrangements of Periods of Parental Leave

You are only entitled to take a maximum of four weeks' parental leave for each child in any one year. Also, you are only permitted to take parental leave in blocks of one complete week or more unless you are a parent with responsibility for a disabled child in which case you may take parental leave one day at a time.

### Adding Parental Leave to Paternity Leave

An employee can take parental leave straight after a birth or adoption, the employee is able to take statutory paternity leave after parental leave as this will allow more time off work for fathers to care for their partner and child. The Trust cannot postpone parental leave if the employee is adding it to paternity leave.

To take parental leave before paternity leave the employee must give the Trust at least 21 days' notice before:

- Baby is expected to be born
- Adoption placement start date

The Trust can postpone parental leave if the employee takes parental leave any time after paternity leave, if it would cause unacceptable disruption to the operations of the School or Trust at the proposed time.

### Notification Requirements for Parental Leave

The employee is required to give the Trust at least 21 days' notice of their intention to take parental leave. The notice must set out the dates on which the period of leave is to begin and end, this should be in writing and submitted directly to the Line Manager using the **Employee Form to Request Parental Leave**.



### **Taking parental leave immediately on the birth of a child**

If you wish to take parental leave commencing immediately on the birth of a child, you must give notice of this intention at least 21 days before the start of the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave.

### **Taking parental leave immediately on the adoption of a child**

If you wish to take parental leave commencing immediately on the adoption of a child, you should give notice of this intention at least 21 days' before the start of the expected week of placement (EWP). If this is not possible, you must give as much notice as you can. The notice must specify the EWP and the duration of the period of leave required

### **Taking parental leave immediately after a period of paternity leave**

If you wish to take a period of parental leave immediately after a period of ordinary paternity leave, it would be helpful if you could give the Headteacher notice of the intention at least 21 days' before the start of the EWC (or EWP, if applicable). If this is not possible, you should give as much notice as you can. If you do not give notice at least 7 days before your period of ordinary paternity leave starts, the Trust might not allow you to take the period of parental leave requested. However, we shall consider each case on its merits.

When the Trust received notice of intention to take parental leave, we may ask for evidence of eligibility as set out above.

### **Trust's Right to Postpone Parental Leave**

The Trust has the right to postpone parental leave for up to six months if your absence would cause unacceptable disruption to the operations of the School or Trust at the proposed time. We might do so for example:

- An employee wishes to take parental leave during a peak period
- A number of employees taking parental leave at the same time
- Cover for the work cannot be found before the date on which the parental leave is due to start
- Academic, administrative and pastoral needs and requirements.

Where leave is to be postponed, we will discuss the reasons for the postponement with you and confirm in writing the newly agreed dates of leave within 7 days of the request using the **Letter postponing parental leave**.

The Trust may not however postpone parental leave that you request to take place immediately after the birth of a child or on the placement of a child for adoption, provided you have given at least 13 weeks' notice of your intention to take parental leave at this time.

### **Before Taking Parental Leave**

Shortly after the Trust has received a notification from the employee that they wish to take parental leave, a meeting will be arranged between the employee and their Line Manager. The purpose of this meeting is to discuss:

- Your entitlement to parental leave
- The requirements to give appropriate notice
- Arrangements to cover your duties in your absence

- Your right to return to work
- Opportunities for flexible working
- The nature of any appropriate contact during parental leave
- The fact that parental leave is unpaid.

You will receive either a letter accepting the parental leave request or letter declining parental leave request, a copy will be held in the employees HR personnel file.

### Returning to Work

Employees are entitled to return to work following parental leave to the same position they held before commencing leave. Your terms and conditions will remain the same as they would have been had you not been absent.

However, it might not be possible for us to allow you to return to the same job where your period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave. In such circumstances, we will offer you a suitable and appropriate alternative position.

We will deal with any requests by employees to change their working patterns (such as working part-time), after parental leave on a case-by-case basis, in accordance with the Trust's Flexible Working Policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if flexible working requests are made as early as possible.

## 10. Carer's Leave Policy

Employees with caring responsibilities have a statutory right to take unpaid or paid statutory carer's leave from day one of their employment. This policy sets out the Trust's stance on employees taking time off for this purpose whilst ensuring the Trust's operations are not unduly affected. Employees will not be subject to any disadvantages for taking carer's leave.

### Entitlement

Employees are entitled to take up to one working week of carer's leave per rolling 12-month period to provide or arrange care for a dependant with a **long-term care need**. The employee can request to take their entitlement in a continuous block or separate occurrences, but each occurrence must be at least one-half of their working day.

For these purposes, a week is based on the number of days the employee normally works in a week.

A dependant is defined as a:

- Spouse or civil partner
- Child
- Parent
- Person who lives in the same household but is not a tenant, lodger, boarder or employee
- Person who reasonably relies on you to provide or arrange care.

A dependant has a long-term care need if:

- They have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months
- They have a disability for the purposes of the Equality Act 2010
- They require care for a reason connected with old age.
- You are not required to provide evidence of your eligibility in relation to a request for carer's leave.
- Employees who request or take time off under this policy for reasons other than those for which the statutory right to carer's leave is intended may be subject to investigation and subsequent disciplinary proceedings.

### Pay for Time Off

You are entitled to 3 days pay per rolling 12-month period. Your remaining entitlement to carer's leave in that period will be unpaid.

### Requests for Carer's Leave

A request for carer's leave must be made in writing using the **Carer's Leave Request Form** and must specify:

- That you are entitled to take carer's leave in terms of the person to be cared for
- That you will take leave in order to provide or arrange care for that person
- That you have not exceeded your entitlement
- The days on which you want to take leave and if the leave relates to part of a day

The length of notice to be given is twice as many days as the period of leave required to take off as carer's leave in that instance or three days, whichever is longer.

The Trust will write to you to confirm or decline your request using the **Letter accepting request for carer's leave / Letter declining request for carer's leave**.

### Postponing Carer's Leave

The Trust may decide to postpone the employee's request for carer's leave for up to one month, if the Trust reasonably considers that the operation of the business would be unduly disrupted if they took carer's leave at the time they have asked for. The Trust will try to avoid postponement wherever possible.

The Trust will consult with the employee before determining a new date for them to take the carer's leave requested. The new period of carer's leave will be for the same length of time as the original request.

The Trust will confirm to the employee in writing using the **Letter Postponing Request for Carer's Leave** the reason for the postponement and the new agreed date of leave, no later than whichever is earlier out of: seven days after you gave the request to the Trust and the earliest day or part-day of the leave originally requested.