



Tudhoe Learning Trust

Maternity, Adoption, Paternity, Parental and Shared Parental Leave Policy (Including Neonatal Care Leave)

Approved by: Trust Chief Executive Officer **Date:** April 2026

Last reviewed on: April 2026

Next review due by: April 2028

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Introduction

The Trust is committed to ensuring that working parents have a greater choice in balancing work and family life.

This policy provides guidance on the Trust's maternity adoption, paternity, parental and shared parental leave scheme and has been divided into sections for ease of reading.

Section A	Maternity and Adoption Leave
Section B	Paternity Leave
Section C	Parental Leave
Section D	Shared Parental Leave

This includes leave and pay arrangements and provisions for return to work.

This policy covers all Trust employees including those on temporary contracts who meet the eligibility criteria, regardless of the number of hours worked. Part-time employees also receive the same entitlement as full-time employees - where appropriate this will be on a pro-rata basis. Self-employed workers, volunteers and agency workers are not covered.

The policy has been separated into different sections for ease of reading.

Head Teachers will be responsible for the operational management of the policy.

In applying this policy, the Trust will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act and specified below:

- Age
- Disability
- Gender reassignment
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

The operation of this policy will be kept under review and changes will be made as deemed appropriate.

Section A - Maternity/Adoption Leave

Maternity/Adoption Leave Entitlement

All pregnant employees and primary adopters have a right to 52 weeks of maternity leave - the 'maternity leave period'. This leave is made up of 26 weeks of ordinary maternity leave (OML/OAL) and 26 weeks of additional maternity Leave (AML/AAL) regardless of the number of hours worked or length of service. Where a couple are adopting, only one parent (the primary adopter) can request adoption leave;

Maternity Leave can start no earlier than 11 weeks before the Expect Week of Childbirth (EWC) as confirmed by the MATB1 but can be triggered by the actual childbirth, or by a pregnancy related absence if this happens from the start of the 4th week before EWC. No employee is allowed to work during the first 2 weeks after giving birth or during the first two weeks of adoption leave - this is a compulsory maternity leave period.

Employees starting maternity leave may also wish to consider the more flexible leave arrangements that may be available to them which includes Shared Parental Leave. Further information about Shared Parental Leave can be found in Section D of this policy.

Adoption leave can start no earlier than 14 days before the date the child is expected to be placed and up to the date the child is placed with the family. For overseas adoptions, leave can commence when the child arrives in the UK or within 28 days of this date.

Adoption leave is also available to the primary carer in a legal surrogacy arrangement.

During the period of OML/OAL, the contract of employment and benefits continue - the employee is seen as temporarily absent from work. The contract of employment continues throughout the AML period.

Maternity/Adoption Pay

It is up to each employee to choose when to start their maternity/adoption leave and how much of the 52 weeks leave they wish to take. However, to qualify for maternity/adoption pay an employee must have 26 weeks' continuous service by the 15th week before the EWC and have provided proof of pregnancy including their EWC (MATB1).

Statutory Maternity/Adoption Pay (SMP) - All Employees

Statutory Maternity/Adoption Pay (SMP/SOP) is an entitlement that the school pays on behalf of the Government. SMP/SOP is payable for the first 39 weeks where the qualifying conditions are met. Payments can start on any day of the week, provided that the maternity/adoption leave starts on the same day. However, where maternity leave is triggered by childbirth or a pregnancy related absence, the SMP can start on the following day.

The payment consists of:

Weeks 1 - 6 = 90% of an average week's pay

Weeks 7 - 39 = SMP payment or 90% off average weekly earnings, whichever is lower

Details of the current rate and the qualifying conditions can be found via www.gov.uk/maternity-pay-leave

To qualify for SMP/SOP an employee must have an average weekly earnings (before tax and NI) at least equal to the Lower Earnings Limit and have given appropriate notice.

Please note: If an employee does not qualify for SMP/SOP, they may qualify for maternity allowance (MA) or other benefits. These are paid directly by the Department for Work and Pensions (DWP)

Occupational Maternity Pay/Adoption (OMP/OAP) - Support Staff

OMP is an enhanced maternity pay package available to Trust employees when qualifying conditions are met.

To receive OMP/OAP, an employee (school - non teaching) must have 26 weeks' continuous service by the 15th week before the EWC and have provided proof of pregnancy including their EWC (MATB1). If an employee does not have the required service, they may still be entitled to Statutory Maternity/Adoption Pay (SMP/SAP).

OMP/OAP provides employees with a payment of 12 weeks pay and is paid during weeks 7 to 18 of the maternity/adoption leave absence in addition to SMP on the understanding that the employee will return to their employment for at least 3 calendar months. An employee will be considered as having returned to work even if they are physically unable to return to work because of sickness, or they choose to add holiday on to the end of maternity/adoption leave.

If the employee decides not to return to work after OMP/OAP has been paid then the OMP/OAP paid for weeks 7 - 18 will need to be refunded to the Trust.

Payment for OMP/OAP will be as follows:

Weeks 1 - 6	90% of an average week's pay offset against SMP payments
Weeks 7 - 18	*half-pay plus SMP payment
Weeks 19 - 39	SMP payment
Weeks 40 - 52	No payment

* OMP/OAP plus SMP/SAP (or MA and any other dependent's allowances) is paid without deduction, unless this amount exceeds full pay. In this case, the OMP/OAP part will be reduced.

If the employee decides not to return to work after OMP/OAP has been paid then the OMP/OAP paid for weeks 7 - 18 will need to be refunded to the Trust.

Occupational Maternity/Adoption Pay (OMP/OAP) - Teaching Staff

To receive OMP/OAP, a teacher must have more than one year of continuous service as a teacher with the Trust or continuous service with a relevant local authority organisation at the start of the 11th week before EWC. If a teacher does not have the required service, they may still be entitled to Statutory Maternity/Adoption Pay (SMP/SAP).

OMP/OAP is paid on the understanding that the teacher will return to their employment for a period which equates to 13 weeks full time service (including periods of School closure). The teacher will be considered as having returned to work even if they are unable to return to work because of sickness.

If the teacher decides not return to work after OMP has been paid then the OMP paid for weeks 7 to 18 must be refunded to the Trust.

Payment for OMP/OAP will be as follows:

Weeks 1 - 4	Full Salary (offset against payments of SMP or MA)
Weeks 5 - 6	90% of salary (offset against payments of SMP or MA)
Weeks 7 - 18	Half pay plus lower rate SMP (paid without deduction unless this amount exceeds full pay)
Weeks 19 - 39	Lower rate of SMP only
Weeks 40 - 52	No payment

An employee should be aware that the OMP/OAP plus SMP/SAP payment cannot exceed their normal rate of full pay, therefore if this occurs, the occupational pay element will be reduced.

Maternity/Adoption Notification requirements

Employees must notify the Head Teacher of their intention to take maternity/adoption leave by using the respective notification form at Appendix 1 and Appendix 2 providing confirmation of pregnancy and expected week of confinement (MATB1)/matching certificate/date the child will be placed for adoption.

Employees must give you proof of adoption to qualify for Statutory Adoption Pay. Proof is not needed for Statutory Adoption Leave unless you ask for it. For adoption, the proof must show the:

- name and address of the agency and employee
- date the child was matched, for example the matching certificate
- expected or actual date of placement, for example a letter from the agency
- relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)
- date the child arrived in the UK, for example a plane ticket (overseas adoptions only)

[Statutory Adoption Pay and Leave: employer guide: Proof of adoption - GOV.UK](#)

Where an employee is adopting via surrogacy, the employee must complete the notification form and provide a copy of the parental order within 6 months of the adoption leave/pay commencing. The Trust reserves the right to reclaim any payment made and to be compensated for leave taken if the parental order is not provided within this timeframe.

If an employee does not give the required notification, they lose their right to start maternity/adoption on their chosen date. The only exception to this is where it is not reasonably practicable for the employee to give notice any earlier e.g. if the baby is born much earlier than expected.

The employee must provide 28 days notice (support staff) or 21 days notice (teaching staff) of the date they want to start their statutory maternity/leave and must provide proof of their pregnancy within 21 days before they intend to start their statutory maternity.

Once the employee has notified the Trust of the date, the employee will receive a letter confirming their maternity leave and pay. If the employee is not eligible or if the employee does not provide the correct notice, the Trust can refuse statutory pay. If this is the case the employee will receive a SMP1 form within 7 days of the Trust decision. The employee must receive the SMP1 form within 28 days of their request for statutory maternity pay or the birth, whichever is earlier.

If maternity leave is triggered by the birth of the child, the employee must advise her Head Teacher about the date of the birth as soon as reasonably practicable. Similarly, if she is absent due to a pregnancy related issue, confirmation of the start of maternity leave must be advised as soon as possible. In these situations, the maternity leave actually starts on the day following the first day of absence or the day of childbirth.

Written confirmation of the end of the maternity/adoption leave will be sent to the employee by the Trust HR Manager. It will be assumed that the employee is taking 52 weeks leave.

Once an employee notifies a Head Teacher that she is expecting a baby, the following issues will need to be considered:

Risk assessments

The School's responsibility for the health and safety of our employees comes into sharp focus when considering the requirements for an expectant or new mother. It is important that the Head Teacher carries out a formal risk assessment for an employee when she declares her pregnancy.

The risk assessment should be reviewed on a regular basis during the pregnancy and on her return to work. Bear in mind that the risk assessment also relates to the unborn child or the child of a woman who is breastfeeding. Where risks that may adversely affect the health and safety of the employee or their baby are identified, the Head Teacher should consider temporary adjustments to working conditions and/or hours or offer suitable alternative work if this is available. Should adjustments not be deemed feasible, the employee is entitled to paid leave for as long as necessary to protect her and/or the child's health and safety.

The following are examples of the type of risks that can arise in the workplace:

- For pregnant women and women who have had a caesarean section, lifting heavy items can lead to injury. The amount of physical work should be reduced or suitable aids supplied;
- Physical fatigue from standing or poor posture position for long periods of times can lead to miscarriage, premature birth and low birth weight. Potential remedies include avoiding excessive volume and hours of work, seating being made available, longer rest breaks or work stations being adjusted;
- Work involving substantial vibration or movement may lead to miscarriage. Tasks should be avoided if they risk whole body vibration or jolts to the abdomen;

Exposures to radiation, chemical & biological agents, lead, infectious diseases, work related stress, extremes of cold and heat should also be avoided. Although the level of radiation from display screen equipment poses no significant risks to health, any concerns should be sympathetically addressed and the employee encouraged to seek medical guidance if they require further reassurance. The outcomes of the risk assessment may mean alternative work or alternative hours need to be offered to the employee. In some situations, it may even lead to the employee being suspended and given paid leave.

The following table gives some examples of the aspects of pregnancy that may lead to changes in the work environment:

Aspects of pregnancy	Factors in work
Morning sickness	Early shift work Exposure to nauseating smells
Backache	Standing, manual handling, posture
Varicose veins	Standing, manual handling, posture
Haemorrhoids	Working in hot conditions
Frequent visits to toilets	Difficulty in leaving work area
Increasing in size	Use of protective clothing Work in confined spaces Lifting & handling Dexterity, agility & coordination Speed of movement & reach
Tiredness	Overtime, night work/evening work
Balance	Working on uneven, wet or slippery surfaces
Comfort	Problems of working in tightly fitting workspaces

A risk assessment form can be obtained from the HR Department.

When an employee returns to work after maternity leave, the school may need to undertake a risk assessment that over's the employee for specific needs if the employee is:

- Returning to work fewer than 6 months after giving birth
- Breastfeeding (further details can be found within this policy if the employee is still breastfeeding).

Time Off

Antenatal care

All pregnant employees, regardless of hours worked, pay or length of service, have the right to time off for antenatal care **WITH PAY**. They must provide evidence of appointments if requested to do so. Antenatal appointments can also include parentcraft and relaxation classes where an appointment is recommended by a registered midwife, medical practitioner or health visitor.

All time off, including travelling time, must be paid at a normal hourly rate of pay (i.e. the normal rate of pay for normal working hours). Where an employee does not have normal working hours, the rate of pay during any time off should be her average rate in the last 12 complete weeks prior to the time off.

In addition to entitlements for the mother, primary adopter/parental order parent, **all employees** are entitled to take leave **WITHOUT PAY** in order to attend up to 2 antenatal or pre-adoption appointments providing they are:

- the baby's father;
- the expectant mother/primary adopter's spouse or civil partner;
- in a long-term relationship with the expectant mother/adopter;
- parental order parents in a legal surrogacy arrangement who intend to become the child's legal parents.

The employee can take up to a maximum of 6½ hours per appointment.

Assisted Conception (IVF) Leave

The Trust will support employees with time off for the purpose of undergoing programmes of treatment.

Employees with 12 months' continuous service with the Trust will be entitled to a maximum of 5 days' (pro-rata for part-time staff) in any 12 month period, to attend appointments and programmes of treatment. There is no requirement for the time off to be taken in full-day blocks. This time off is **WITH PAY**.

Authorised unpaid leave will be granted to employees with less than 12 months' continuous service with the Trust, or those who have used their full paid leave allowance. Alternatives may include annual leave, or the use of flexitime.

Employees must inform their Head Teacher of their intention to take the leave, giving reasonable notice of the leave. The Head Teacher reserves the right to request documentation in support of the request for leave.

Pre-adoption leave

The primary adopter is entitled to time off **WITH PAY** to attend up to 5 pre-adoption appointments after they have been matched with a child.

A maximum of up to 6.5 hours is allowed per appointment.

Pre-surrogacy leave

Employees in a legal surrogacy arrangement have the right to paid time off to attend 2 antenatal appointments with the surrogate mother.

A maximum of up to 6.5 hours is allowed per appointment.

Sickness

If an employee has not started their maternity leave, it will be automatically triggered by a pregnancy related absence during the 4 weeks before the EWC. However, before this time, a pregnancy related absence would not automatically trigger maternity leave to start. Occupational sick pay or SSP will still be payable during the 4 weeks before the EWC if the absence is due to anything other than a pregnancy related condition.

Special Circumstances

Premature births

If a baby is born prematurely, the Head Teacher will consider each case on an individual basis as to what assistance may be relevant. For example, it may be appropriate to extend the maternity leave arrangements.

Stillbirth and miscarriage

In the unfortunate event that the baby is stillborn or lost through miscarriage, the employee is entitled to take maternity leave.

Where a miscarriage or termination takes place before 24 weeks the school should give sympathetic consideration to the individual circumstances. Where necessary, sick leave or other leave may be appropriate, depending on the needs of the employee and any medical opinion. Please refer to the Trust's Bereavement Leave Policy at www.tudhoelearningtrust.co.uk for further information.

Adoption placement ends

Adoption leave will end where the adoption placement does not take place or breaks down or where the child dies. The adoption leave will end 8 weeks after such an event.

Parental order is refused

Where the intended parents' application for a Parental Order is refused by the court, the employee's entitlement to adoption leave will end 8 weeks later or at the end of the adoption leave, whichever is earlier.

For surrogacy arrangements the Trust reserves the right to reclaim any payment made and to be compensated for leave taken, if the employee fails to provide a copy of the Parental Order within 6 months of the adoption leave/pay commencing.

Annual Leave

Annual leave continues to accrue during OML and AML. In cases of non-term time non-teaching employees holiday arrangements need to be discussed and agreed between the Head Teacher and employee before maternity leave commences. Holidays can be carried forward from one Leave year to the next when maternity leave continues between two leave years. However, during the year when the maternity absence commences, the employee should take a proportionate amount of their holiday allocation, before the actual OML/OAP begins. The remaining holiday from that leave year should then be 'tagged on' to the end of the overall maternity absence.

Bank Holidays also accrue during both the OML/OAL and AML/AAL periods - a substitute day of leave should be provided to staff employed on a non-term time basis.

Communication during maternity and adoption leave

A number of measures have been introduced through the Work and Families Act 2006 to encourage communication and contact between employers and employees during maternity or adoption leave in the form of 'reasonable contact from time to time' and 'Keep in Touch' (KIT) days.

Reasonable contact

This can be arranged through the Head Teacher or with another contact person, if this is thought to be more appropriate. Discussions should be held with the employee before maternity or adoption leave starts to agree ways of doing this.

In addition the employee needs to be informed of issues like vacancies, workplace developments and training opportunities. This contact could include discussions on the right to request flexible working. For example, it may be appropriate to explore options like part-time working, job-share, teleworking, family leave etc., alongside the needs of overall service provision. Further information on the right to request flexible working can be found on the Trust Website at www.tudhoelearningtrust.co.uk

Any discussions should also consider the practicality of any other support facilities that the employee may need. For example, the needs of breast-feeding employees must be taken into account.

It is important to note that 'reasonable contact' is quite distinct from KIT days. It simply encourages communication and contact without the employee doing any actual work.

Keeping in touch (KIT) days

All employees on maternity or adoption leave can participate in Keeping in touch days (KIT days). These are up to 10 mutually agreed days where an employee can work during her maternity or adoption leave without bringing their leave period to an end or her losing a week's Statutory Maternity Pay (SMP) or Statutory Adoption Leave (SAP), provided no more than 10 days are worked. However KIT days are not allowed to be worked during the compulsory leave period (i.e. the first two weeks after the birth).

KIT days are not limited to the employee's normal job. It can include attending training events, appraisals, meetings as well as easing an employee's return to work. Working part of a day will count as one full day for the purpose of calculating KIT days.

The 10 days are allocated per person, not per job, where an employee may have multiple contracts.

Working any part of a day will count as one full day for the purposes of calculating the number of KIT days taken. A person's normal rate of pay, offset against any SMP or SAP paid will be paid for such days. Payment arrangements should be discussed and clearly understood and agreed before any work is undertaken.

However, an employer cannot insist that work be carried out during the statutory maternity/adoption leave period. Indeed the regulation provides the employee with protection from detriment and unfair dismissal in this situation. Similarly, an employee cannot insist on working during the period - it must be mutually agreed.

Payment for KIT days - Support Staff

The employee's normal rate of pay, offset against any SMP/SAP and/or OMP/OAP received will be paid for such days.

Payment for KIT days - Teaching Staff

Payment will be based on the number of hours actually worked on a KIT day, paid at their normal rate of pay, offset against any SMP/SAP and/or OMP/OAP received for that day.

Returning to work

It will be assumed that an employee will take their full 52 weeks of maternity or adoption entitlement and will return to work at the end of their AML/AAL.

There are a number of practical issues to consider when an employee is returning to work:

- An employee must advise the Trust at least 21 days before the day they intend to return, if this is before the end of 52 weeks of leave entitlement. If the notice given is less than 21 days, the Head Teacher can postpone the return to ensure 21 days of notice. However, any postponement like this must not go beyond the end of the maternity or adoption leave period.
- Employees should provide at least 8 weeks' notice where they wish to change an agreed return date
- Please note that if less than 21 days' notice is given there may be a delay in full pay being reinstated if the payroll deadline is missed.
- An employee who does not want to return to work after maternity/adoption leave must give their employer the notice required by their contract of employment.
- The Head Teacher should ensure that they meet with the employee, either prior to their return or immediately upon their return, to aid their return to the workplace and discuss any particular

needs or wishes they may have e.g. changes to the working environment to assist with breastfeeding (see below).

Breastfeeding on return to work

If the employee is intending to continue breastfeeding after returning to work from maternity leave, please speak to the Head Teacher as soon as possible so that we can support you the best we can.

The school will provide a suitable area where the employee can breastfeed, although it is appreciated that space is often at a premium in many buildings, every effort should be made to provide suitably quiet, hygienic and private facilities for women who are breastfeeding or expressing milk. The toilets are not a suitable place. A place where the employee can store their milk i.e. a fridge.

Employees who are breastfeeding are entitled to more frequent breaks. We encourage you to talk to the Head Teacher so you can agree the timing and frequency of breaks.

Section B - Paternity leave

Paternity Leave entitlement

Paternity leave provides employees whose partner is having a baby or having a baby through a surrogacy arrangement with 1 or 2 weeks' time off work, subject to the following criteria being met.

- Employees have a day-one right to Statutory Paternity Leave provided they satisfy the statutory relationship and responsibility requirements by the end of the 15th week before the EWC;
- You expect to have responsibility for the upbringing of the child;

The law on statutory paternity leave and pay changed on 6 April 2024. Therefore a baby that is due on or after 7th April 2024 the employee can choose to take either 1 or 2 weeks' statutory paternity leave.

This can take the leave as either:

- 2 weeks together
- 2 separate blocks of 1 week

An employee can take their statutory paternity leave at any time in the first 52 weeks after the birth. This is if their baby is due on or after 7 April 2024. They cannot start statutory paternity leave before the birth. But they could agree with their employer to take another type of leave before paternity leave, for example holiday. To take statutory paternity leave, the employee must tell their employer:

- they're having a baby and due date - at least 15 weeks before the baby expected is expected
- they're planning to take paternity leave
- the expected week of childbirth

The employee must give this information to their employer before the end of the 'qualifying week'. To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is due. The qualifying week starts on a Sunday and ends on a Saturday.

The employee may also be entitled to Shared Parental Leave, details of which can be found in Section D.

Statutory Paternity Pay (SPP)

From April 2026, Statutory Paternity Leave is a day one employment right, although eligibility requirement for Statutory Paternity Pay remain.

The School pays SPP to employees on behalf of the Government, where certain qualifying conditions are met. SPP is paid for up to 2 weeks during an employee's paternity leave at the SPP minimum rate or 90% of average weekly earnings, whichever is the lower.

Details of the current SPP rate can be found by visiting www.gov.uk/paternity-pay-leave

To qualify for SPP the employee must have:

- be employed by your employer up to the date of birth
- have average weekly earnings at or above the Lower Earnings Limit for National Insurance purposes
- give the [correct notice](#)
- have been [continuously employed by your employer](#) for at least 26 weeks up to the end of any day in the 'qualifying week'

The 'qualifying week' is the 15th week before the baby is due.

Paternity Leave Notification requirements

The employee can change their mind about the start date for their paternity leave. However, they should provide their Head Teacher with 28 days of notice of any change, unless this is not reasonably practicable.

Employees must notify the Head Teacher of their intention to take paternity leave by using the respective notification form at Appendix 3 following their intention to take paternity leave by the end of the 15th week before the EWC (no later than 28 days before the start of the leave):

- The EWC
- The length of the leave requested;
- The timeframe which the leave will start;

This information can be provided in writing.

The employee should also advise their Head Teacher of the date the child was born. The Head Teacher must then notify the Trust HR Manager of the child's date of birth as soon as possible.

Maternity/Adoption Support Leave - Support Staff Only

Where an employee wishes to take maternity/adoption support leave, either in addition to paternity leave or on its own, they should advise the Head Teacher in writing. The expectant mother/adopter will need to declare that the employee is the only person they have nominated as their carer. This must be presented to their Head Teacher along with a copy of the maternity certificate (MATB1) or adoption placement certificate.

Other time off

In addition to entitlements for the mother, parental order parent, **all employees** are entitled to take leave **WITHOUT PAY** in order to attend **up to 2** antenatal appointments providing they are:

- the baby's father;
- the expectant mother/civil partner;
- in a long-term relationship with the expectant mother;
- parental order parents in a legal surrogacy arrangement who intend to become the child's legal parents.

The employee can take up to a maximum of 6½ hours per appointment.

Special circumstances

Premature births

If an employee's baby is born prematurely, at any point in the pregnancy, an employee will be eligible to take paternity leave and/or maternity support leave where appropriate as usual.

Stillbirth and miscarriage

In the unfortunate event that the baby is still born or lost through miscarriage after 24 weeks, the employee is entitled to take paternity and/or maternity support leave.

Where a miscarriage or termination takes place before 24 weeks the School will give sympathetic consideration to the individual circumstances.

Bereaved Partner's Paternity Leave

Bereaved partner's paternity leave is for the partner of someone who has died. It applies to deaths that happen on or after 6 April 2026.

It can be used when someone dies within the first year of their child's life. The person who's died must be either:

- the mother or parent who gave birth
- the primary adopter
- an intended parent having a baby through surrogacy

The father or partner can take up to 52 weeks' unpaid leave to care for their child. They can choose the amount of time. They must take it in one block.

In most cases, they must take the leave within 52 weeks of either:

- the child's birth - including intended parents in a surrogacy
- the child's adoption placement
- the child's entry to Great Britain for overseas adoptions

There's an exception, if the death happens less than 14 days before the end of the 52 weeks. The father or partner can still take 14 days' leave.

This is a 'day one right'. This means someone can take leave from the first day of employment. It does not matter how long they've been in their job.

Section C - Parental Leave

Parental leave offers support to employees with children aged under 18 years who wish to take unpaid leave to care for their child.

Parental Leave Entitlement

Employees are entitled to unpaid parental leave from the first day of employment, provided they expect to have responsibility (i.e. parental responsibility) for a child.

The leave should be taken before the child's 18th birthday. Employees should be the parent:

- named on the child's birth certificate
 - named on the child's adoption certificate
- OR**
- have legal parental responsibility for the child

Eligible employees are entitled to unpaid parental leave of a **maximum of 18 weeks** for each child. Employees may not take more than **4 weeks'** leave in respect of an individual child during a calendar year. The right to take leave applies in relation to each child, including twins or other multiple births. What amounts to "caring for a child" is construed quite widely and could include simply spending more time with the child.

Leave must be taken in blocks of one week. If the child qualifies for a disability living allowance. However, the leave can be taken as single days or multiples of a day.

Both natural and adoptive parents may exercise these rights.

Parental Leave Notification Requirements

Employees must notify the Head Teacher of their intention to take parental leave by using the respective notification form at Appendix 5 and giving 21 days' notice of the date on which they wish their leave to begin.

In addition the School may ask for evidence of an employee's entitlement.

The type of evidence that may be requested should show:

- The employee's responsibility or expected responsibility for the child in respect of whom they propose to take parental leave
- The child's date of birth, or in the case of a child who was placed with the employee for adoption, the date on which the placement began

Where the employee's entitlement depends on whether the child is entitled to disability living allowance (i.e. they wish to take parental leave for a period of less than one week), the child's entitlement to that allowance.

Postponement of leave

The Head Teacher can postpone the parental leave if they consider that the employee taking leave at that time would unduly disrupt the operation of the School. The employee must be informed of any postponement within seven days of receipt of the notice of their intention to take leave. The Head Teacher must:

- Agree to allow the employee to take the same period of leave at a specified later date
- Consult with the employee about the new start date, which must be within six months of the date originally requested
- Write to the employee confirming the postponement, the reasons for it and the new dates when leave will start and end

Parental leave cannot be postponed if it is being taken on the birth of a child or the placement of a child for adoption.

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

If an employee is wishing to take unpaid parental leave immediately following:

- Maternity leave - The employee will not be required to refund occupational adoption pay unless they do not return to work in the school/Trust for at least 3 months after you finish your unpaid parental leave
- Adoption leave - The employee will not be required to refund occupational adoption pay unless they do not return to work in the school/Trust for at least 3 months after you finish your unpaid parental leave
- Paternity leave
- Shared parental leave.

Speak to the Head Teacher at the earliest opportunity.

Returning to work

If the period of leave is four weeks or less, the employee has the right to return to the same job. If the period is more than four weeks (because it followed on from other statutory leave), the right is to return to the same job. However, if that is not reasonably practicable, the employee has the right to return to a similar job;

- With the same seniority, pension rights and similar rights
- On terms and conditions not less favourable than those which would have applied if they had not been absent

The employee will not to be subjected to any detriment by the School for taking or requesting parental leave.

Section D - Shared Parental Leave

SPL is different to Parental Leave and gives eligible parents increased flexibility to choose how to share the care of their child during the first year of birth or adoption. In contrast to maternity, adoption and paternity leave, eligible employees will be able to stop and start their SPL, return to work between periods of leave and it enables both parents to be on leave at the same time.

The mother/primary adopter may choose to reduce the weeks of maternity/adoption leave below 52 weeks in order to create some weeks of SPL. The mother/primary adopter can do this by returning to work or by giving notice that they will end their maternity/adoption leave on a future date. The number of weeks maternity/adoption leave already taken will be deducted from the total entitlement of 52 weeks to calculate the number of weeks of SPL that are available to the mother/primary adopter and their partner/father of the child if they both satisfy the eligibility criteria. The mother/primary adopter can share their leave with only one other person.

Employees who are eligible can therefore choose to end their maternity/adoption leave/pay early and commence shared parental leave/pay.

They will be able to choose how to split the available leave between them and can decide to be off work at the same time or different times. They will need to decide how to divide the leave and pay entitlements between them, as leave or pay taken by one parent will reduce the pool of leave and pay that is available to the other parent.

SPL can be taken as a single continuous block or in smaller blocks of discontinuous leave (a minimum of a week at a time) interspersed with time at work. This is in contrast to maternity leave which can only be taken in a single continuous block by the mother/primary adopter.

Who can access shared parental leave

SPL can only be accessed by individuals who share the main responsibility for the care of the child at the time of the birth or placement for adoption. SPL can be used by the mother plus either the father of the child or the mother's spouse/civil partner/partner, subject to qualifying criteria. SPL can also be accessed by adoptive parents and parental order parents in a legal surrogacy arrangement who intend to become the child's legal parent.

In order to qualify for SPL, the mother/primary adopter must satisfy the following criteria:

- share responsibility for the child with your partner/child's other parent
- be entitled to maternity/adoption leave or pay (including Maternity Allowance)
- have ended or given notice to end their maternity/adoption entitlements

A parent intending to take SPL must:

- be an employee;
- share the primary responsibility for the child with the other parent at the time of birth or placement for adoption;
- have properly notified their entitlement and intention to take SPL, complying with the SPL process set out in this policy and have provided the necessary declaration and evidence;
- have at least 26 weeks service at the end of the 15th week before the EWC or the matching date;
- still be working for the organisation at the start of each period of SPL.

The partner must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- Stay with the same employer until they start their SPL.

It is the employee's responsibility to check they are eligible for SPL and/or pay and both parties will be required to submit a declaration stating that they are eligible.

Shared Parental Leave entitlement

A mother/primary adopter/parental order parent must take a minimum of 2 weeks of maternity/adoption leave before it can be ended early (curtailed). During this time, the father/partner may be eligible to maternity support leave or paternity leave.

The mother/primary adopter can only opt into SPL and/or ShPP if they bring forward the date on which their maternity/adoption leave period ends either by returning to work or giving written notice that they intend to curtail their leave on a future date. Depending on the date chosen by the mother/adopter, this will create up to a maximum of 50 weeks that can be taken as SPL.

If the mother/primary adopter takes 51 weeks or more of their maternity/adoption leave no SPL will be created, as only the untaken balance can be taken as SPL.

The minimum period of SPL which can be taken is one continuous week and the maximum period is 50 weeks. SPL can start on any day of the week. Employees are only entitled to a maximum of 50 weeks SPL regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption agreement.

Shared Parental Pay entitlement

Statutory Shared Parental Pay (ShPP) will be created where an eligible mother/primary adopter brings their SMP/SAP or MA to an end early, known as "reducing" the pay period. A mother/primary adopter must take at least 2 weeks of SMP/SAP before it can be reduced.

As with SPL, the mother/adopter can only opt into ShPP if they bring forward the date on which their SMP/SAP or MA period ends, by either returning to work or giving written notice that they intend to reduce their pay period on a future date. Depending on the date chosen by the mother/primary adopter, this will create up to a maximum of 37 weeks that will be available as ShPP.

If the mother/adopter takes 38 weeks or more of SMP/SAP or MA then no ShPP will be created, as only the untaken balance can be taken as ShPP.

In order to qualify for Statutory Shared Parental Pay (ShPP), the employee must:

- meet the criteria
- have average weekly earnings (before tax and NI) at least equal to the Lower Earnings Limit.

Details of the current ShPP rate can be found by visiting <https://www.gov.uk/shared-parental-leave-and-pay>

Occupational maternity/adoption pay (OMP/OAP), paid during weeks 7 to 18 of maternity/adoption leave, is only available to the mother/primary adopter during maternity/adoption leave.

By ending their maternity leave early and commencing shared parental leave the mother/primary adopter loses any entitlement they may have had to occupational maternity/adoption pay (OMP/OAP).

Therefore, employees who are entitled to OMP/OAP may wish to end their maternity leave after their entitlement to OMP/OAP has expired (after the 18th week of maternity leave).

Notification requirements

It is the employee's and their partner/child's father's responsibility to ensure that they meet the eligibility criteria for SPL and/or ShPP before submitting a request to their Head Teacher using the respective notification form at Appendix 6.

Notice of entitlement and curtailment

An employee who is intending to take SPL, either as the mother/primary adopter or the mother/primary adopter's partner/child's father must give their Head Teacher notification of their entitlement and intention to take SPL at least 8 weeks before they can begin any period of SPL.

An employee who is the mother/primary adopter can bring forward the date on which their maternity/ adoption leave and pay ends by either:

- giving written notice of curtailment to end maternity/adoption leave early
- returning to work

Once written notice of ending maternity/adoption leave early (curtailment) has been given, it is binding and the leave will end on the date specified in the notice. A mother/primary adopter cannot change their decision to end maternity/adoption leave after notice has been given except in very limited circumstances.

The notice of entitlement must include an indication of when the employee expects to take their leave, although this is non-binding and does not give the employee an entitlement to take the leave. It encourages the employee to think ahead and consider how they might want to take their SPL but they will still need to give their Head Teacher notice to take particular periods of SPL.

Once the mother/primary adopter returns to work, they cannot restart their maternity/adoption leave. However, their SPL leave and pay periods will continue to run in the background. If the mother/primary adopter wishes to opt into SPL and pay after returning to work, they must give at least 8 weeks' notice to end their maternity/adoption pay period and must still be within the 39 week pay period in order to be eligible for ShPP.

Within 14 days of the SPL entitlement notification being submitted by the employee the employer can request that they provide the following information:

- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead);
- For biological parents, a copy of the child's birth certificate (or where one has not been issued yet, a declaration as to the time and place of birth);
- For adoptive parents, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption;
- For parental order parents, a copy of the child's birth certificate (or where one has not been issued yet, a declaration as to the time and place of birth) and a statutory declaration that you intend to apply for a Parental Order within 6 months of the child's birth and that you expect that Order to be made.

In order to be entitled to SPL the employee must provide this information within 14 days of it being requested.

Booking shared parental leave (SPL)

In addition to providing notification of entitlement to SPL, the employee is also required to submit notice to book a period of leave. In most cases, the booking notice will be submitted at the same time as the notice of SPL entitlement form is submitted, as employees are also required to provide 8 weeks' notice of any requested leave.

An employee is only entitled to submit 3 booking notices during SPL to book leave or to vary a previously agreed pattern of leave. Each of the notifications to book leave may request either a single, continuous block of leave or discontinuous periods of leave.

Where an employee requests to take a single block of leave, the notification cannot be refused.

A request to take a pattern of discontinuous leave can be refused by a Head Teacher if they feel it cannot be accommodated e.g. 2 weeks in June, 3 weeks in September and all of November and December in the same notification. The Head Teacher will have a 2 week period, starting on the date the booking notice is submitted by the employee, to discuss the pattern of leave requested, propose alternatives and try to reach a compromise regarding the leave if possible.

If a discontinuous pattern of leave is refused and no alternative can be agreed, or if the employee does not receive a response within 14 calendar days, the employee is entitled to take the total number of weeks leave requested on the booking notice as a single continuous block of leave starting on the initial start date of the first period of leave requested by the employee.

If no agreement is reached for discontinuous leave requests the employee has 15 calendar days from the date they submitted their form, to withdraw their request without it counting as one of their booking notices. In addition, the employee has 19 calendar days from the date they submitted their form to change the start date of the continuous period of leave. If the employee does not choose a start date, then the leave will begin on the first leave date requested in their original notification.

Changing leave arrangements

Request to vary previously agreed SPL

An employee can change an agreed period of SPL providing they give their Head Teacher 8 weeks' notice of the variation. Any notice to vary previously agreed leave counts towards the total entitlement of 3 booking notices.

Revoking notice to curtail maternity/adoption leave

Once an employee has given notice to end (curtail) their maternity/adoption leave, they may only withdraw (revoke) the notice if:

- They have not already returned to work;
- the end (curtailment) date has not passed.

and where one of the following circumstances applies:

- it is discovered in the 8 weeks following the notice that neither the mother/primary adopter nor their partner has any entitlement to SPL or ShPP;
- in the event of the death of the partner;
- if the notice was given before birth and the mother withdraws her maternity leave curtailment notice in the six weeks following the birth (maternity only).

If an employee revokes their notice in the first two circumstances above, there is no further opportunity to opt into SPL at a later date for the same child. In the third circumstance, the employee will be able to opt into SPL at a later date in line with the usual notification requirements.

Where an employee withdraws (revokes) their notice to end their maternity leave within 6 weeks of the birth, their partner/child's father's entitlement to SPL will cease with immediate effect. The partner/child's father must notify their Head Teacher that they are no longer entitled to SPL. However, their Head Teacher may require them to be absent for up to 8 weeks to enable them to stand down any cover arrangements that have been put in place. During this time, the employee's absence will still be treated as SPL, even though there is no entitlement. During this time, the employee will no longer be entitled to ShPP, therefore the absence will be unpaid.

If an employee who is the partner/child's father has already taken some SPL and pay when the mother/primary adopter revokes their notice to curtail their maternity/adoption leave, the School

will not seek to recover the payment as they were entitled to it at the point it was taken. However, if the mother/primary adopter opts into SPL at a later date, the SPL and ShPP already taken will be deducted from the remaining total available.

The employee must inform their Head Teacher in writing if they wish to revoke a notice to curtail their maternity/adoption leave.

Special circumstances

Premature birth

If an employee has booked a period of SPL to start within 8 weeks of the child's EWC, the employee can take the leave and pay after the actual birth if they wish. The employee will need to give their Head Teacher notice to vary the SPL that they originally applied for as soon as practicable following the birth.

If an employee has not booked a period of SPL and the child is born 8 weeks or more before the EWC, they can book a period of leave to start within 8 weeks of the actual birth providing they give notice as soon as reasonably practicable after the birth.

Any changes required to leave that is planned after 8 weeks following the birth would be subject to the usual 8 weeks' notice, irrespective of the child having been born early.

Maternal, paternal or infant death

If the mother/primary adopter dies without having taken any maternity/adoption leave or pay, the full 52 weeks of leave and 39 weeks of pay will be available as SPL and pay. If the mother/primary adopter dies after they have already taken some maternity/adoption leave or after they have curtailed their maternity/adoption leave, the amount of SPL available for the partner/child's father will be 52 weeks leave/39 weeks pay minus the number of weeks leave already taken. Where the mother has died, the requirement for the partner to give 8 weeks' notice of entitlement and to book SPL initially will not apply. Should the partner choose not to take the leave in a single continuous block, subsequent notices to take SPL will remain subject to 8 weeks' notice.

If the partner/child's father dies before the mother/primary adopter have curtailed their maternity/adoption leave, they will remain on maternity leave and will no longer be able to opt into SPL. If the death occurs after the mother/adopter has curtailed their maternity/adoption leave but before they returned to work, they can revoke their curtailment notice and revert to maternity leave. Alternatively, they can remain opted in to SPL and all remaining SPL will revert to them. Where the employee has used their 3 notifications of leave, they will acquire a statutory right to a 4th notification to book the leave. The 8 weeks notification period will not apply for the first period of leave booked or varied following the partner/child's father's death.

If the child dies before the mother/primary adopter has curtailed their maternity/adoption leave, they will no longer be entitled to opt into SPL. The mother/primary adopter will remain entitled to maternity/adoption leave and the partner/child's father will remain entitled to paternity leave and pay. If the child dies after they have opted in to SPL, they will both be entitled to take the leave and pay that they had already booked. Any entitlement that had not been booked at the time of the child's death will no longer be available.

Shared Parental Leave In Touch (SPLiT) days

All employees, taking SPL can participate in up to 20 SPLiT days each without bringing their leave to an end. SPLiT days are not limited to the employee's normal job and can include attending training events, appraisals, meetings, as well as enabling an employee to return to work gradually at the end of their leave.

Any SPLiT days must be mutually agreed, therefore just as an employer cannot insist that work is carried out during a period of SPL, an employee cannot insist on working during the period.

Working any part of a day will count as one full day for the purpose of calculating the number of SPLiT days taken or pay received.

Payment arrangements should be discussed and clearly understood and agreed before any work is undertaken and efforts should be made to ensure both the employee and Head Teacher are fully aware of the work to be carried out on the day.

Shared Parental Leave Pay

Payment for SPLiT days - Support Staff

The employee's normal rate of pay, offset against any SMP/SAP and/or OMP/OAP received will be paid for such days.

Payment for SPLiT days - Teaching Staff

Payment will be based on the number of hours actually worked on a SPLiT day, paid at their normal rate of pay, offset against any SMP/SAP and/or OMP/OAP received for that day.

Returning to work following Shared Parental Leave

Employees are expected to return to work on the next working day after the end date of any period of SPL, unless they inform their Head Teacher otherwise. If they are unable to attend work due to sickness the normal sickness absence notification requirements apply. In any other case, later return without prior notice may be treated as unauthorised absence.

If an employee wished to return earlier than the expected return date, they may provide written notification to vary the leave and must give at least eight weeks' notice of their date of early return. If they have already used their three notifications to book and/or vary leave then the school does not have to accept the notice to return early but may do so if it is considered to be reasonably practicable to do so.

If the employee does not want to return to work after their SPL, they are required to give the School notice in line with their contract of employment.

The Head Teacher should ensure they meet with the employee either prior to their return or immediately upon their return to aid their smooth return to the workplace and discuss any particular needs they may have.

Neonatal Care

From 6 April 2025, there is a statutory right to leave (and in some cases pay) for employees if their baby requires specialist neonatal care after birth. If you have a baby born on or after 6th April 2025 who requires neonatal care within 28 days of birth and that care lasts for a continuous period of 7 full days or longer, you will be entitled to a week's leave for each week of care under the Neonatal Care (Leave and Pay) Act 2023. You will be eligible for Neonatal Care Leave if you have a parental or other qualifying personal relationship with the baby (including surrogate and adoptive parents).

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

Entitlement to neonatal care leave

Neonatal care leave (NCL) is available once a child has received neonatal care for an uninterrupted period of seven days, not counting the day on which the neonatal care starts. Each uninterrupted week of neonatal care is a **qualifying week**. Part weeks are not included.

In adoption cases, a qualifying week only includes time spent in neonatal care after the date the child was placed with you or, for adoption from overseas, after the date the child entered the UK.

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

Eligibility for neonatal care leave

You are eligible for neonatal care leave if your child or a child for whom you have or expect to have responsibility receives one or more qualifying weeks of neonatal care.

Taking neonatal care leave

NCL cannot be taken during the **waiting period** which is the first week of neonatal care. In many cases you may already be on maternity, paternity, adoption, or shared parental leave during the waiting period. If not, please talk to your Head Teacher if you need time off.

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

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

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

Please notify your Head Teacher on or before the day you want to start your NCL. If you are giving notice on the day, this should be before the time you are due to start work. If you have already started work, you will start NCL on the following day. You may be able to take the rest of the day off under our Leave of Absence Policy where necessary.

You must tell your Head Teacher the child's date of birth, the date neonatal care started and, if it has ended, the date it ended. You must give all of the written information required within 28 days of the start of NCL.

You can take NCL in one continuous period or split into multiple periods of one or more whole weeks.

Where you intend to remain on NCL for more than one week, please notify your Head Teacher as soon as possible and in any case by the start of each subsequent week of NCL.

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

- You must give 15 days' notice to take one week of NCL, or 28 days' notice to take two or more weeks of NCL.
- The notice must be in writing and must contain the information below.
- NCL must be taken as one continuous period of a whole number of weeks.

If your child is discharged from neonatal care, but neonatal care starts again within the first 28 days after birth for a further qualifying week or more, the Tier 1 period will resume until 7 days after neonatal care ends.

Where neonatal care is ongoing when you give the notice required above, please notify your Head Teacher once the neonatal care ends. If your child starts to receive neonatal care again, please notify your Head Teacher of the start and end dates of the further period of neonatal care as soon as possible in each case.

Written information required

You must provide the following information in writing using the form at Appendix 7:

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

You should use the form at Appendix 7 of this policy to provide this information.

Cancelling NCL in the Tier 2 period

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

Neonatal care pay

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

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

You will already meet these criteria if you have qualified for Statutory Maternity Pay (SMP), Statutory Paternity Pay (SPP), Statutory Adoption Pay (SAP) or Statutory Shared Parental Pay (ShPP).

SNCP is only payable in respect of whole weeks of NCL, at the same rate as statutory paternity pay. The rate is set by the government each tax year.

Interaction with other family leave

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

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

If your NCL is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave, parental leave or shared parental leave) then the interrupted NCL period will resume

straight away after the other leave, provided you are still in the Tier 1 period (that is, if neonatal care is still ongoing or has ended within the last week). If you are now in a Tier 2 period (that is, the neonatal care ended more than a week ago) the remainder of the interrupted NCL must be added onto any further period of NCL that you are intending to take.

Alternatively, if we agree, you may delay the start of the other leave until immediately after the end of your NCL.

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

Further Information

Communication during leave

Due to the length of time the employee is likely to be away from their place of work as a result of maternity, adoption or shared parental leave, it is important that the employee discusses the way in which they would like their Head Teacher to communicate with them during their leave.

This contact should not be about engaging in any work, but simply about keeping the employee up to date with any workplace developments, vacancies and training opportunities that may arise during the course of their leave. Towards the end of their leave, the Head Teacher may wish to discuss return to work arrangements or the employee may wish to discuss the possibility of flexible working. Further information on the right to request flexible working can be found at on the Tudhoe Learning Trust website.

Terms and conditions during leave

An employee on maternity/adoption leave or SPL is entitled to return to the job in which they were employed under their original contract of employment on terms and conditions not less favourable than those that would have applied if they had not been absent. Where it is not possible for the employee to return to their original job, due to restructure or redundancy, the School must offer a suitable alternative vacancy where one exists.

Annual leave

An employee's normal annual leave entitlement and bank holiday entitlement continues to accrue during maternity/adoption leave and SPL.

It is possible to carry forward holidays from one annual leave year to the next where the period of maternity/adoption leave or SPL will continue over two annual leave years. In this situation, the employee should take a proportionate amount of their holiday allocation before their maternity/adoption/shared parental leave begins and the remaining holiday from that leave year should then be added to the end of their leave. The employee should receive a substitute day of leave for each bank holiday that occurs during their maternity/adoption leave or SPL.

The employee should discuss their annual leave arrangements with their Head Teacher before their maternity/adoption leave commences.

Pensions

During maternity, adoption, paternity or shared parental leave, the employee pays pension contributions on the actual payment received, therefore the employee's service during this period counts in full, as contributions are paid.

During any period of maternity, adoption, paternity or shared parental leave where no pay is received, the employee will make no pension contributions and therefore the employee's service during this time does not automatically count for pension purposes. The employee can choose to pay contributions to cover this period and therefore maintain their service, however, this decision must be made within 30 days of either the return to work or the end of the employee's employment, whichever comes first.

Further guidance can be obtained from the Pensions team via email at pensions@durham.gov.uk or by Telephone: 03000264322

Protection from dismissal and victimisation

An employee should not be dismissed during the period from the beginning of the pregnancy to the end of maternity leave for any reason connected to the pregnancy. Similarly, an employee should not be dismissed for taking or seeking to take maternity leave, adoption leave, maternity support leave or paternity leave. Exceptionally, dismissals can occur if the reason is not connected to the employee's condition or circumstances and correct procedures are followed. In addition, the employee must not be victimised or suffer a detriment for taking approved maternity leave, adoption leave, maternity support leave or paternity leave.

It is automatically unfair to dismiss a woman/adopter:

- For a pregnancy related reason;
- At the end of her maternity leave because she has given birth or a related reason;
- After maternity/adoption leave because he or she has availed themselves of maternity/ adoption benefits;
- Where a requirement to suspend on health and safety grounds is the reason for dismissal;
- Where he or she is made redundant during her maternity/adoption leave, or when she is returning to work, and has not been offered suitable alternative employment.

Where a woman is dismissed at any time during her pregnancy or maternity/adoption leave she should automatically be provided with written reasons for the dismissal.

After a period of ordinary or additional paternity leave, an employee has the right to return to the same job on the same terms and conditions of employment as if he or she had not been absent. An employee who takes a period of parental leave after his or her paternity leave has same right of return provided that the period of parental leave does not exceed four weeks.

Early career teachers (ECTs): extending the induction period to reflect leave periods

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

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

The ECT should seek advice before deciding, by discussing it with their Head Teacher.

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

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

Keeping records

Head Teachers should ensure that all relevant records are consistently maintained for the purposes of leave and payment issues connected to this policy. Particular attention should be made to maintaining records of the notification sent to the employee about their expected to return to work date.

If you would like any further information or advice in relation this Policy please contact the Trust HR Manager on 01388 811 765 or office@tudhoelearningtrust.co.uk



TUDHOE LEARNING TRUST Maternity Leave Notification

This form should be completed by any employee taking maternity leave at least 28 days before your absence begins, or as soon as is reasonably practicable, and passed to the School.

Employee Details			
Name		Payroll Number	
Post Title			
School			

Maternity pay/leave	
Expected Week of Childbirth:	
Start Date of Maternity Leave:	
At the beginning of the 11 th week before the EWC I have: *choose one option (Tick box)	
1 Less than one year's continuous local government service and have average weekly earnings below the Lower Earnings Limit for National Insurance purposes, therefore, may be entitled to Maternity Allowance*	
2 Less than one year's continuous local government service, but 26 weeks' continuous local government service by the end of the 15 th week before the EWC and have average weekly earnings above the Lower Earnings Limit for National Insurance purposes, therefore please pay SMP only*	
3 At least one year's continuous local government service but DO NOT intend to return to work therefore please pay SMP but do not pay Occupational Maternity Pay*	
4 At least one year's completed continuous local government service and intend to return to work for at least 3 months, therefore please pay my Occupational Maternity Pay during my maternity leave period (offset by MA/SMP)*	
5 At least one year's continuous local government service and intend to return to work for at least 3 months, but don't want my Occupational Maternity Pay until I return to work, therefore please pay me SMP as relevant*	

Pension (LGPS only) choose one option (Tick box)

I wish to elect to pay pension contributions during my unpaid maternity leave and will make arrangements to do so on my return.

I do not wish to elect to pay pension contributions during my unpaid maternity leave period.

Name of person making notification

Name (please print)

Job Title

Date

All sections of this form must be completed and a copy of the expectant mother's MATB1 should be attached before returning to office@tudhoelearningtrust.co.uk

HR USE ONLY

Actioned:	Finance	Salaries/Portal	Confirmation letter issued	Personal File
Initials:				
Date:				



**TUDHOE LEARNING TRUST
Adoption Leave Notification**

The main adopter should complete this form. Completion of the form should be within 7 days of being notified by the Adoption Agency that a child or children is available for adoption and the adoptive parent(s) have agreed to the adoption placement, or as soon as is reasonably practical.

Employee Details			
Name		Payroll Number	
Post Title			
School			

Details of Adoption Leave			
Date of placement			
Adoption Leave requested from		to	
Adoption Pay requested form			
Adoption Pay Entitlement (please tick): <input checked="" type="checkbox"/>			
39 weeks' Statutory Adoption Pay (Employee must have 26 weeks' continuous service ending in the week in which the child is matched for adoption to qualify for SAP). Employees must give 28 days' notice before they want to be paid SAP, unless the time between the child being matched and placed is less than that.			

I can confirm that I am the main adopter of a child(ren) being legally adopted through an adoption agency.	Sign here:
If I wish to change the date that my adoption leave will start I will inform the Trust at least 28 days before I originally intended to start my leave, or 28 days before the revised date (or as soon as reasonably practicable.)	Sign here:
I enclose / will forward details of any relevant documents relating to the adoption requested by the Trust.	Sign here:
I agree to the conditions of the Adoption Leave scheme and understand that to give false or misleading information can result in disciplinary proceedings, which could in turn result in my dismissal.	Sign here:

Name of person making notification	
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Name (please print)	
Job Title	
Date	

All sections of this form must be completed and a copy of the adopters placement certificate should be attached before returning to office@tudhoelearningtrust.co.uk

HR USE ONLY

Actioned:	Finance	Salaries/Portal	Confirmation letter issued	Personal File
Initials:				
Date:				



TUDHOE LEARNING TRUST
Paternity Leave Application

Employee Details			
Name		Payroll Number	
Post Title			
School			

[Select from the options below and complete as appropriate]

Expected week of birth	
Actual date of birth	

Paternity Leave Dates Requested		
Start Date	End Date	Duration (1 week or 2 weeks)

The biological father of the child		
Married to the child's mother		
The civil partner of the child's mother		
The cohabiting partner of the child's mother		

Declaration	
I expect to have the responsibility for the upbringing of the child.	Sign here:
The purpose of my paternity leave and entitlement to paternity leave pay is to take care of the child and support <i>[insert relationship]</i> during the paternity leave period.	Sign here:
To my knowledge I am the only person exercising the right to entitlement to take paternity leave in respect of this child.	Sign here:

I satisfy the eligibility conditions for paternity leave and that all the information provided in my written request for paternity leave are correct.	Sign here:
I have informed you of the baby's due date <u>at least</u> 15 weeks before the baby is expected.	Sign here:
I acknowledge and agree that I must give at least 28 days notice and how much leave I intend to take and when.	Sign here:
I satisfy the eligibility conditions for paternity pay and that all the information provided in my written request for paternity leave are correct.	Sign here:
I also consent to my employer processing the information contained in this declaration.	Sign here:

Name of person making notification	
Name (please print)	
Job Title	
Date	

All sections of this form must be completed and a copy of the expectant mother's MATB1 should be attached before returning to office@tudhoelearningtrust.co.uk

HR USE ONLY

Actioned:	Finance	Salaries/Portal	Confirmation letter issued	Personal File
Initials:				
Date:				



TUDHOE LEARNING TRUST
Maternity/ Adoption Support Leave Application Form

PART A: Employee Details

Name		Payroll Number	
Job Title			
School			

PART B: Expectant Mother/Adopter Details

Name:			
Relationship to the above:		Expected week of childbirth/date of placement:	

Date leave is requested	
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To be completed by the expectant mother/adopter named in Part B

I hereby declare that the person named above is the only person whom I have nominated as my carer to assist in the care of my child and provide support at or around the time of the birth/ placement.

Signed:		Date:	
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To be completed by the employee requesting the leave named in Part A

I declare that the above statement is true and accurate to the best of my knowledge. I understand that to give false or misleading information can result in disciplinary proceedings, which may lead to dismissal.

Signed:		Date:	
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All sections of this form must be completed and a copy of the expectant mother's MATB1 or adopters placement certificate should be attached before returning to office@tudhoelearningtrust.co.uk

HR USE ONLY

Actioned:	Finance	Salaries/Portal	Confirmation letter issued	Personal File
Initials:				
Date:				



TUDHOE LEARNING TRUST
Request to commence unpaid Parental Leave

PART A: Employee Details			
Name		Payroll Number	
Job Title			
School		Start Date: End Date:	
Provide details of any leave previously taken			

Parental Leave Dates Requested		
Start Date	End Date	Number of weeks leave

PART B Employee Declaration	
I am (Please tick one of the below):	
The child's parent <input type="checkbox"/> Primary Adopter <input type="checkbox"/> Mother/Adopters Partner	
I wish to apply for unpaid leave and I declare that I will take time off work to look after or to make arrangements for the good of the child/children	Signed: Date:

All sections of this form must be completed returned to office@tudhoelearningtrust.co.uk

HR USE ONLY

Actioned:	Finance	Salaries/Portal	Confirmation letter issued	Personal File
Initials:				
Date:				



TUDHOE LEARNING TRUST
Request to Curtail Maternity/Adoption Leave and Commence Shared Parental Leave

If you wish to take shared parental leave, then you must submit this form to the Head Teacher before any maternity/adoption leave ends and at least **8 weeks** before the start of the first period of shared parental leave.

PART A: Employee Details			
Name		Payroll Number	
Job Title			
School		Date on which leave has/is likely to commence:	
I am (Please tick one of the below):			
<input type="checkbox"/> The child's mother <input type="checkbox"/> Primary Adopter <input type="checkbox"/> Mother/Adopters Partner			
Other (Please state):			

PART B: Mother or main adopter			
Please complete this if you are the mother or main adopter. If on maternity/adoption leave, this date must be at least two weeks after the birth/adoption of your baby/child.			
I wish my maternity / adoption leave to end on:		Name (Print):	
Signed:		Date:	

PART C: Partner of mother or main adopter			
Please complete this if you are the partner of the mother or main adopter.			
I confirm my partner's maternity / adoption leave will end on:		Name (Print):	
Signed:		Date:	

PART D: Shared Parental Leave Details

Please complete as indicated.

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken on maternity/adoption leave according to the above dates i.e. minus 2 weeks compulsory maternity/adoption leave)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks maternity/adoption pay according to the above dates)	
Number of weeks of shared parental leave / pay you intend to take	
Number of weeks of shared parental leave / pay the other parent/partner intends to take	

Shared Parental Leave Pay Dates

Start Date	End Date	Number of weeks leave	Number of weeks' pay (If applicable)

The above dates are not binding at this stage. However if you wish them to be please indicate: Yes / No
 Note: If you indicate "No", you must write to the Head Teacher at least 8 weeks before each period of SPL starts.

PART E: Employee Declarations

Please confirm your eligibility by signing below where appropriate

I am the mother, father, or main adopter of the child and will share the care of the child with my partner named below	Sign here:	Date:
I meet the eligibility criteria for shared parental leave	Sign here:	Date:
I meet the eligibility criteria for shared parental pay	Sign here:	Date:
I am the mother or main adopter and have completed the notice of curtailment of maternity / adoption leave section and understand that this is binding subject to certain conditions outlined in the policy	Sign here:	Date:
I consent to you retaining and processing the information contained in this form	Sign here:	Date:

All sections of this form must be completed and a copy of the expectant mother's MATB1 or adopters placement certificate should be attached before returning to office@tudhoelearningtrust.co.uk

HR USE ONLY

Actioned:	Finance	Salaries/Portal	Confirmation letter issued	Personal File
Initials:				
Date:				



TUDHOE LEARNING TRUST Neonatal Care Leave Notice and Pay Form

Please use this form to confirm your eligibility for statutory neonatal care leave (NCL) and claim statutory neonatal care pay (SNCP), where applicable.

NCL entitlement is one week of leave for each complete uninterrupted week of neonatal care (not including the day neonatal care started). NCL cannot start until after the first complete week of neonatal care.

NCL in Tier 1. If you are taking a period of NCL starting during neonatal care, or within seven days of the end of neonatal care (the Tier 1 period), you can tell us verbally that you need to take NCL. This form should then be submitted no more than 28 days after the start of the NCL.

NCL in Tier 2. If you are taking a period of NCL starting more than seven days after neonatal care has ended (the Tier 2 period), you must submit this form at least 15 days before the leave is due to start (for one week's leave) or 28 days before the leave is due to start (for two or more weeks' leave).

If you need any help with this form, please speak to the HR Department. It may also be useful to discuss your proposed NCL with your Head Teacher and/or HR before completing the form.

Please return this form to your Head Teacher.

PART A: Basic Information			
Name		Payroll Number	
Job Title		School	
Child's date of birth		For adoption cases only: date of child's placement for adoption, or date of arrival in Great Britain if adopting from overseas.	
Date neonatal care started		If the child is no longer receiving neonatal care, the date such care ended.	
If the child has been discharged and then re-admitted to neonatal care, include dates of subsequent period(s) of neonatal care		Total complete weeks of neonatal care (if known)	

PART B: Neonatal care leave dates

Neonatal care leave start date		Number of weeks' leave taken or to be taken.	
If second or subsequent periods of NCL are taken, please include dates here.			

Section C: Employee's declaration (birth cases)

I am the child's mother* / father* and have responsibility for the child's upbringing.* OR I am the partner of the child's mother and have the main responsibility for the child's upbringing or share that main responsibility with the mother.* <i>(*delete any that are not applicable)</i>	Sign here:	Date:
The purpose of my neonatal care leave is to care for the child.	Sign here:	Date:
I have been continuously employed for at least 26 weeks at the end of the 15th week before the expected week of childbirth.*	Sign here:	Date:
My average weekly earnings in the eight-week period ending with the relevant week were not less than the lower earnings limit for national insurance contributions.	Sign here:	Date:
I consent to you retaining and processing the information contained in this form	Sign here:	Date:

Section D: Employee's declaration (adoption cases)

I am an adopter or prospective adopter of the child and am entitled to adoption leave.* OR I am the partner of the child's adopter for adoption leave purposes, and I have the main responsibility for the child's upbringing or share that main responsibility with the adopter.* <i>(*delete any that are not applicable)</i>	Sign here:	Date:
The purpose of my neonatal care leave is to care for the child.	Sign here:	Date:
I had at least 26 weeks' continuous employment by the end of the relevant week, which is:	Sign here:	Date:
The week before I was notified that the child had been matched for adoption (where the adoption is through a UK adoption agency)*. OR The week before neonatal care started (where the adoption is from overseas).*	Sign here:	Date:

My average weekly earnings in the eight-week period ending with the relevant week were not less than the lower earnings limit for national insurance contributions.	Sign here:	Date:
I consent to you retaining and processing the information contained in this form	Sign here:	Date:

Section E: Employee's declaration: surrogacy cases

I am an intended parent under a surrogacy arrangement in respect of the child.* OR I am the partner of an intended parent who expects to have responsibility for the child's upbringing or share that main responsibility with the intended parent.* <i>(*delete any that are not applicable)</i>	Sign here:	Date:
The purpose of my neonatal care leave is to care for the child.	Sign here:	Date:
I had at least 26 weeks' continuous employment by the end of the week before neonatal care started (the relevant week), and have been continuously employed since then.*	Sign here:	Date:
My average weekly earnings in the eight-week period ending with the relevant week were not less than the lower earnings limit for national insurance contributions	Sign here:	Date:
I consent to you retaining and processing the information contained in this form	Sign here:	Date: