

LT2 Family Friendly Policy Suite

Name of Policy	FAMILY FRIENDLY POLICY SUITE	
Policy Level (Trust/School)	Trust	
Document Control		
Date	Revision Amendment Details	By whom
December 2023	Correction made to remove references to local authority	Head of Operations
December 2023	Approved	Trust Executive Team
June 2024	Proposed date for full review subject to statutory update as required	Head of Operations

Table of Contents

LT2 Vision, Mission and Values.....	3
Definitions	3
1. Organisation and Responsibilities	4
2. Fertility Treatment	5
3. Adoption Leave	6
4. Maternity Policy.....	15
5. Paternity Policy	24
6. Shared Parental Leave.....	26
7. Parental Leave	32

LT2 Vision, Mission and Values

Vision

Our vision is to build a group of outstanding schools across phases, including specialist provision, to become (a mid-size) Trust that provides vibrant and inclusive learning environments in which every member of the learning community is passionate about learning. The Trust is led by a CEO who works closely with Headteachers who lead the two schools supported by a central team to support finance, HR, estates and governance.

Mission

LT2 Trust and schools will have a relentless focus on high achievement, supported by robust organisational structures and governance. We aim to give children and young people in our care the knowledge, skills and experiences to expand their minds and world view to enable them to develop a naturally inquisitive approach to learning and life, fit for an ever-changing world.

Ultimately, we will educate and support all children attending LT2 schools to grow into capable and contributing citizens who have developed the personal attributes and characteristics that will enable them to become considerate, self-reliant and confident young people who are ready for the next stage of their lives.

Values

The Trust Values underpin the mission and provide the basis on which LT2 schools can articulate the key behavioural characteristics that promote a positive philosophy. Our six values are unseen drivers of our behaviour as experienced by others and are designed to create a shared organisational culture:

Kindness – The quality of friendliness, generosity, and consideration

Collaboration – The belief that working and learning with others will lead to greater success

Curiosity – A strong desire to know and to learn

Resilience – The ability to recover quickly and learn from the difficulties we face

Respect – To appreciate the importance of understanding and admiration for others and self

Endeavour – The belief that hard work is needed to achieve something of which we can be proud

Definitions

- Where the word 'Trust' is used in this document it refers to The Learning Today Leading Tomorrow Trust.
- Where the words 'Trust Board' are used it refers to the board of Trustees who set the vision for the Trust and hold the executive leadership team to account for delivering the Trust's strategic plan.

1. Organisation and Responsibilities

1.1 Introduction

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

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.

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.

1.2 Legislation

Policy legislation

1.3 Guidance under this Policy

The Head of HR is responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

1.4 Board of Trustees

The Board of Trustees, as a corporate body, has the responsibility to set the strategic direction and objectives of all matters across the Trust.

The Board of Trustees is responsible for ensuring that high standards of corporate governance are maintained

The Chair of the Trust is responsible for managing the CEO, Trustees and Governors under this policy.

1.5 The Chief Executive Officer (CEO)

The CEO of Learning Today Leading Tomorrow Trust (LT2):

- Takes overall responsibility for the implementation of policies and procedures
- Must provide reports as appropriate to Trustees in relation to this policy
- Ensure that sufficient resources are allocated and authorised within the organisation's budget to meet statutory procedures and standards across the Trust
- Is responsible for managing the Headteachers and centrally appointed staff under this policy

1.6 Headteachers

Headteachers of LT2 schools are responsible for:

- The implementation of and compliance with this policy within their school ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance
- Identifying training needs
- Communicating this policy to all relevant people within the school
- Managing school-based teaching and associate staff under this policy

1.7 Senior and Middle Leaders (and other Supervisory Roles)

Although the Headteacher is responsible overall for the implementation of this policy in their school, managers have some specific responsibilities:

- Applying this policy within their own department and area of work
- Resolving any issues members of staff refer to them, informing the Headteacher of any issues to which they cannot achieve a satisfactory solution with the resources available to them
- Where required, conduct formal meetings, undertake relevant training in relation to this policy and ensure effective and competent operation of this policy

1.8 Other Employee Duties

All employees have a responsibility to:

- Comply with this policy and to co-operate with the schools' leadership and management on all matters relating to it
- Undertake any training recommended by their line manager

1.9 Related Policies and Procedures

- Disciplinary Policy and Procedure
- Flexible Working Policy
- Sickness Absence Policy and Procedure
- Leave of Absence Policy

1.10 Review

This policy will be reviewed every three years.

These procedures have been agreed by the Board of Trustees, who will approve them whenever reviewed.

2. Fertility Treatment

2.1 Procedure

The Trust wishes to support employees in their personal circumstances and will make necessary accommodations for those undergoing fertility treatments; however, it is clearly important that the good operation of the Trust is not adversely affected, where this can be avoided. Therefore, if you wish to apply for time off for fertility treatment, you should speak to the Headteacher/CEO as far in advance as possible to discuss the days on which any treatment is to take place and to make

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

The following arrangements will normally apply in relation to fertility treatment:

- Medical appointments in connection with the early stages of the fertility treatment process will be treated no less favourably than any other medical appointments. 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 Headteacher/CEO in advance in the normal way.
- Staff 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 staff 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 staff 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. (Staff should refer to their contracts of employment.)
- Staff may also be required to provide an appointment card and/or a statement from a qualified medical practitioner that fertility treatment has been approved.

There is no contractual or statutory right to receive salary during time off for fertility treatment and any payment of salary made by the Trust in such circumstances is done so in its absolute discretion. Otherwise, staff may apply for unpaid time off, which may be granted in exceptional circumstances at the Trust’s absolute discretion.

If you are undergoing IVF, you have pregnancy rights once you have had the last part of the IVF process (‘embryo transfer’) and might become pregnant. You do not have to tell The Trust at this stage, but you might find it helpful as the Trust could offer support.

If you then find out you are pregnant, you continue to have the same rights throughout your pregnancy and maternity as with non-IVF pregnancies. 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.

3. Adoption Leave

3.1 Introduction

This policy outlines the arrangements for adoption leave and pay for employees who are adopting a child through a UK or overseas adoption agency.

If you have a child placed with you under a local authority “fostering for adoption” or “concurrent planning” arrangement, or you are entering into a surrogacy arrangement under which you will be applying for a parental order or adoption order within six months of the child’s birth, you may also be entitled to adoption leave and pay.

In some cases, you and your spouse, civil partner or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year after the child is placed with you. However, one of you must take at least two weeks’ adoption leave first. Details of SPL are set out in the Shared Parental Leave section of the policy.

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).

3.2 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. It is not available if there is no agency involved, for example, if you are formally adopting a step-child or other relative.

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

3.3 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 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 seven 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.

3.4 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 of the following:

- Your intention to take adoption leave;
- The date you received Official Notification; and
- The date the child is expected to arrive in Great Britain.

You are required to give this notice to us as early as possible but in any case, within 28 days of receiving Official Notification (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).

Further, you must also give the Trust at least 28 days' notice in writing of your intended start date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

In addition, within 28 days of the date the child arrives in Great Britain you must also notify us of that date.

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.

3.5 Attending adoption appointments

The primary adopter is entitled to paid time off to attend up to five adoption appointments.

The secondary adopter is entitled to unpaid time off to attend up to two adoption appointments.

3.6 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.

3.7 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 Relevant Period;
- 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.

3.9 Occupational Adoption Pay Scheme

All staff 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 staff 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 th and 6 th week of absence:	90% of weekly pay offset against payments made by way of SAP.
7 th to 18 th week of absence:	50% of pay without deductions except by the extent to which combined pay and SAP exceeds full pay.
19 th to 39 th week of absence:	SAP.
40 th to 52 nd week of absence:	No entitlement to pay.

3.9 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)

3.10 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.

3.11 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. Staff 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.

3.12 Redundancy during Adoption Leave

In the event your post is affected by a redundancy situation occurring during your adoption leave, we shall write to you to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment. Employees on adoption leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

3.13 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 eight 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.

3.14 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 bringing your adoption leave to an end. This is by no means compulsory and arrangements, including any additional pay, would be set by agreement with the Headteacher.

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)

3.15 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.

3.16 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.

3.17 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.

3.18 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.

3.19 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.

4. Maternity Policy

4.1 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.

In any event, you are required to inform the Trust before the end of 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

The Trust requires you to provide a certificate from your doctor or midwife (usually on a MATB1 form) confirming your EWC.

4.2 Time off for ante-natal care

If you are pregnant you may take reasonable paid time off during working hours for ante-natal care. This may include any relaxation or parentcraft classes that your doctor, midwife or health visitor has advised you to attend. 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.

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; and
- An appointment card

4.3 Sickness during Pregnancy

Periods of pregnancy-related sickness absence shall be paid in accordance with our normal 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 sickness absence policy and procedure 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 (see below for further information).

4.4 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 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
- 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

4.5 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**).
- Additional Maternity Leave of a further 26 weeks immediately following OML (**AML**).

4.6 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**).

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.

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. 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.

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.

4.7 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)

4.8 Annual leave entitlements 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 submit notification of intention to delay the start of your maternity leave 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 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.

4.9 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 Administrator 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. Staff 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.

4.10 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 eleventh 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.

4.11 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.

4.12 Occupational Maternity Pay Scheme

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

First 4 weeks of absence:	Full pay, offset against payments made by way of SMP or Maternity Allowance (MA).
5 th and 6 th week of absence:	90% of weekly pay offset against payments made by way of SMP or MA, if not eligible for SMP.
7 th to 18 th 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 th to 39 th week of absence:	SMP.
40 th to 52 nd week of absence:	No entitlement to pay.

4.13 Keeping in touch 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.

Under recent legislation, you may now 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 arrangements for any KIT days you wish to have, including pay, would be set by agreement with the Line Manager.

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.

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)

4.14 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.

The option to 'opt in' to Shared Parental Leave applies for parents who meet the eligibility criteria, where a baby is born on or after 5 April 2015.

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 (Birth) Policy for further guidance and eligibility criteria.

4.15 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.

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 eight 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 sickness 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 staff 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. Staff who are not available, or are unable, to return to their job for the required period, 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.

4.16 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.

4.17 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.

4.18 Requests to change working patterns on return

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. 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.

4.19 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 two 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.

4.20 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 LT2 Leave of Absence Policy.

5. Paternity Policy

5.1 Ordinary Paternity Leave

Eligible employees are entitled to take either one week or two consecutive weeks paid Paternity Leave following the birth or placement of a child in order to care for the child or support its mother. During Paternity Leave, most employees will be entitled to full pay.

Eligible employees who have a child through surrogacy will also be permitted to take Ordinary Paternity Leave and Pay.

5.2 Eligibility for Paternity Leave and Paternity Pay

In order to qualify for Paternity Leave and full pay the employee must:

- Be the biological father of the child or the mother's husband or partner (male or female);
- Have or expect to have responsibility for the child's upbringing;
- Have worked continuously for the Trust for 26 weeks by the end of the 15th week before the child is due; and
- Have average weekly earnings equal to or above the Lower Earnings Limit for National Insurance purposes over the eight-week period leading up to and including the Notification Week.

The Trust may ask an employee to provide a self-certificate as evidence that they meet these conditions. The self-certificate must provide the information required above and include a declaration that the employee meets the necessary conditions.

5.3 Taking Paternity Leave

An employee is permitted to take Paternity Leave in units of either one whole week or two consecutive whole weeks.

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

- Within 56 calendar days of the actual date of the birth of the child or placement; or
- If the child is born early, within the period from the actual date of birth up to 56 calendar days after the expected week of birth.

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.

5.4 Notification Procedures for Paternity Leave

An employee who wishes to take Paternity leave must notify the Trust by the 15th week before the expected week of child birth or give 28 days' notice when adopting, stating:

- The week the child is due or placement is due to commence;
- Whether the employee wishes to take one week or two consecutive weeks' leave; and
- When the employee wants the leave to start

5.5 Contractual benefits during Paternity Leave

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

If an employee has an enhanced contractual right to Paternity Leave or Paternity Pay they may take advantage of whichever is the more favourable right. Employees should clearly understand however that when payment of contractual paternity pay is made this is inclusive of any SSP entitlement i.e. employees are not entitled to both.

5.6 Paternity Leave and Adoption

The partner of an individual who adopts or other member of a couple who is adopting jointly may be entitled to Paternity Leave and Paternity Pay.

When a couple adopts, the couple can choose who will take Adoption Leave and who will take Paternity Leave. 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.

5.7 Ante-natal and Adoption Appointments

This entitles an employee who has a "qualifying relationship" with a pregnant woman or their expected child to take time off during their working hours to accompany the woman to ante-natal or adoption appointments.

A 'qualifying relationship' includes the expected child's father, the mother's husband, partner or civil partner. They should usually live with the woman in an enduring family relationship and are not a relative of the woman. However, if you have separated from your partner at the time of birth or adoption, you are still entitled to take Paternity Leave.

There is no qualifying period of employment for this right so it will be available to relevant employees from the start of their employment.

The amount of time off that an employee may take during working hours to accompany a pregnant woman to antenatal appointments or a partner to adoption appointments is limited to no more than two occasions lasting no more than six and a half hours each.

5.8 Making the request

The law provides that the employee must comply with certain formalities for applying for time off to accompany a woman to an antenatal or adoption appointment, but only if they are requested to by the Trust. In that case, the employee will not be entitled to take the time off unless they give the Trust a document (which may be in electronic form, such as e-mail) showing:

- That the employee has a qualifying relationship with the pregnant woman or expected child
- That the purpose of taking the time off is to accompany a pregnant woman to an antenatal appointment or a partner to an adoption appointment
- That the appointment has been made on the advice of a registered doctor, registered midwife or registered nurse
- The date and time of the appointment

The Trust may refuse an employee time off to accompany a woman at an antenatal appointment or a partner to an adoption appointment where it is reasonable for it to do so.

5.9 Shared Parental Leave

The option to take Shared Parental Leave now replaces the previous provision for Additional Paternity 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.

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.

5.10 Maternity Support Leave

Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is defined as the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

6. Shared Parental Leave

6.1 Eligibility for Shared Parental Leave (SPL)

Eligible employees are able to make arrangements for shared parental leave and pay in relation to the birth or adoption of a child. This policy applies to employees. It does not apply to agency workers or self-employed contractors.

6.2 What Is Shared Parental Leave?

Shared parental leave (SPL) is a form of leave that may be available where an adoption agency places a child on or after 5 April 2015 or the birth of a child.

It provides a more flexible alternative to the default system whereby one partner may qualify for up to 52 weeks' adoption or maternity leave and the other partner may qualify for up to two weeks' ordinary paternity leave.

Under the SPL system, up to 50 weeks of the adoption or maternity leave entitlement may be designated as SPL. Assuming both people 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 at different times. They may also be able to take it in more than one block.

In the case of the birth of a child, the mother cannot end her maternity leave (and therefore cannot take SPL) during the compulsory maternity leave period, which is two weeks in most cases.

6.3 Entitlement to SPL

Employees are entitled to SPL in relation to the adoption of a child if an adoption agency has placed a child with a person and/or their partner for adoption and they intend to share the main responsibility for the care of the child with their partner.

Employees are also entitled to SPL if:

- They are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- They are the child's father and share the main responsibility for the care of the child with the child's mother; or
- They are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- 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).

The mother cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

For any SPL the following conditions must also be fulfilled:

- a. Employees must have at least 26 weeks continuous employment with the Trust by the end of the Qualifying Week, and still be employed by the Trust in the week before the leave is to be taken;
- b. The other person must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
- c. Both the employee and their partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption or maternity leave or statutory adoption or maternity pay (SAP or SMP).

Either the employee or their partner must qualify for statutory adoption or maternity leave and/or SAP or SMP and must take at least two weeks of adoption or maternity leave and/or pay.

6.4 Minimum Period of Adoption or Maternity Leave

If one person is taking adoption or maternity leave and/or claiming SAP or SMP, the other person may be entitled to two weeks' paternity leave and pay. A person should consider using this before taking SPL. 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.

6.5 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.

The total amount of SPL available is 52 weeks, less the weeks of adoption or compulsory maternity leave taken by either partner (or the weeks in which a partner has been in receipt of SAP or SMP if they were not entitled to adoption or maternity leave).

6.6 Opting in to Shared Parental Leave and Pay

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 giving:

- Their name and their partner's name;
- If they are taking adoption or maternity leave, their adoption or maternity leave start and end dates;
- If they are not taking adoption or maternity leave, their partner's adoption or maternity leave start and end dates, or if their partner is not entitled to adoption or maternity leave, the start and end dates of their SAP or SMP;
- The total SPL available, which is 52 weeks minus the number of weeks' adoption or maternity leave or SAP / SMP taken or to be taken by themselves or their partner;
- How many weeks of the available SPL will be allocated to them and how many to their partner (they can change the allocation by giving the Trust further written notice, and they do not have to use their full allocation);
- If they are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of SAP or SMP taken or to be taken);
- How many weeks of the available ShPP will be allocated to them and how many to their partner (they can change the allocation by giving the Trust further written notice, and they do not have to use their full allocation);
- 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; and
- Declarations that they both meet the statutory conditions to enable them to take SPL and ShPP.

6.7 Ending Adoption or Maternity Leave

If a person is taking or intends to take adoption or maternity leave and wants to opt into the SPL scheme, they must give the Trust at least eight weeks' written notice to end their adoption or maternity leave (a curtailment notice). The notice

must state the date their adoption or maternity leave will end. They can give the notice before or after adoption or maternity leave starts, but they must take at least two weeks' adoption or maternity leave.

They must also give the Trust, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that their partner has given their employer an opt-in notices and that they have given the necessary declarations in that notice.

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

The curtailment notice is binding on the employee and cannot usually be revoked. A curtailment notice can only be revoked if one of the following applies:

- a. If an employee realises that neither themselves nor their partner are in fact eligible for SPL or ShPP, in which case they can revoke the curtailment notice in writing up to eight weeks after it was given
- b. If the partner has died

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

6.8 Ending a Partner's Adoption or Maternity Leave or Pay

If the other person is taking adoption or maternity leave or claiming SAP or SMP from their employer, an employee will only be able to take SPL once their partner has either:

- Returned to work
- Given their employer a curtailment notice to end adoption or maternity leave; or
- Given their employer a curtailment notice to end SAP or SMP (if they are entitled to SAP/SMP but not adoption or maternity leave)

6.9 Evidence of Entitlement

You must also provide on request:

- One or more documents from the adoption agency showing the agency's name and address and the expected placement date in the case of adoption;
- A copy of the birth certificate in the case of a birth;
- And for either case, the name and address of the other parent's employer (or a declaration that they have no employer).

6.10 Notifying the Trust of the SPL Dates

Having opted into the SPL system the employee will need to give a period of leave notice informing the Trust of the start and end dates of their leave. This can be given at the same time as the opt-in notice, or it can be given later, as long as it is

given at least eight weeks before the start of the leave. The employee must also state in their period of leave notice the dates on which they intend to claim shared parental pay, if applicable.

If the period of leave notice gives dates for a single continuous block of SPL the employee will be entitled to take the leave set out in the notice.

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.

6.11 Procedure for Requesting Split Periods of SPL

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 need to be discussed before submitting any formal leave notices to allow the Trust time to consider the request and hopefully agree a pattern of leave with the employee from the start.

Employees must submit a period of leave notice setting out the requested pattern of leave at least eight 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 eight weeks after their original period of leave notice was given), and tell the Trust within five days of the end of the two-week discussion period; or
- Withdraw their period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and the employee may submit a new one if they choose)

6.12 Changing the Dates or Cancelling the SPL

An employee can cancel a period of leave by notifying the Trust in writing at least eight weeks before the start date in the period of leave notice.

An employee can change the dates for a period of leave by giving the Trust at least eight weeks' notice before the original start date and the new start date.

An employee can change the end date for a period of leave by notifying the Trust in writing at least eight weeks before the original end date and the new end date.

An employee can change split periods of leave into a single continuous period of leave by notifying the Trust in writing at least eight weeks before the start date.

An employee can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between.

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

6.13 Shared Parental Pay (ShPP)

ShPP of up to 39 weeks (less any weeks of statutory maternity pay or adoption pay claimed by the employee or the other parent) may be available provided they have at least 26 weeks' continuous employment with the Trust at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.

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.

6.14 Other Terms During Shared Parental Leave

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

6.14.1 Annual leave and pensions

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. If an employee's SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting the leave can be carried over and must be taken immediately before returning to work unless the Line Manager agrees otherwise. Holiday plans should be discussed with the Line Manager in good time before starting SPL. All holiday dates are subject to approval by the Trust.

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.

6.15 Discussing Return to Work

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 leave. 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.

6.16 Returning To Work

If an employee wants to end a period of SPL early, they must give the Trust eight 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 eight 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.

7. Parental Leave

7.1 Introduction

This policy applies to employees only and therefore does not apply to agency workers or the self-employed. 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.

Parental leave is a form of statutory unpaid leave available to some working parents in addition to statutory maternity, paternity, adoption leave and shared parental leave. It can last up to 18 weeks (see below) and can be taken with a degree of flexibility in terms of the time at which leave is taken and the way in which the total leave entitlement may be split up into a number of shorter periods (unlike maternity, paternity or adoption leave).

Parental leave is available to eligible birth and adoptive parents and also to anyone who has, or expects to have, parental responsibility for a child under the age of 18. The right applies in respect of each child: an employee with one qualifying child may normally take 18 weeks' leave; an employee with two children would be entitled to 36 weeks in total.

7.2 Eligibility for parental leave

Any employee who is eligible (see below) may:

- Take a total of up to 18 weeks' parental leave for each child for the purpose of caring for that child;
- Take parental leave at any time before the child's 18th birthday.
- Benefit from certain contractual rights and obligations during the period of absence whilst on parental leave (similar to those which apply to an employee on additional maternity leave).
- Return to the same job (or in certain cases a suitable alternative job) after the expiry of the leave.
- The statutory right to parental leave applies only to employees of the Trust. It does not apply to agency workers or to independent contractors.

If you are an employee you will be eligible for parental leave if:

- You have been continuously employed with the Trust for at least 1 year; and
- You have, or expect to have, responsibility for a child; and
- You will be taking the leave to spend time with or otherwise care for the child.
- Certain exceptions apply regarding the length of service criteria in respect of
- A child born or placed for adoption on or before between 15 December 1994 and 14 December 1999; or
- The child is entitled to a disability living allowance.

In such cases an employee can rely instead on a similar period of continuous employment with any previous employer at any time between 15 December 1998 and 9 January 2002, provided the employee had left that employment by 9 January 2002.

As your current employer, the Trust is entitled to ask for reasonable evidence of such employment and, subject to any contractual agreement to the contrary, may decline to grant a request for parental leave until such evidence has been provided.

7.3 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.
- A person who has, or expects to have, responsibility for a child includes not only someone with legal "parental responsibility" but also someone who has been registered as the child's father pursuant to the Births and Deaths Registration Act 1953.

The Trust may ask you to provide a self-certificate as evidence of eligibility which includes a declaration by you that you meet the conditions set out above.

7.4 The purpose of parental leave

Parental leave can only be used for the strict 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 Dependents Policy.

7.5 Duration of Parental Leave

Each parent of the child is entitled to take up to 18 weeks parental leave in blocks of up to 4 weeks leave per year for each child.

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. So 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.

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.

7.6 Time limit within which any parental leave must be taken

The time limit within which parental leave must be taken varies according to the circumstances of your case.

For a child born on or after 15 December 1999 you have until the child's 18th birthday to take parental leave.

For a child adopted on or after 15 December 1999, you have until the child's 18th birthday to take parental leave.

7.7 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.

7.8 Notification requirements for parental leave

You are required to give the Trust at least 21 days' notice of your intention to take parental leave. The notice must set out the dates on which the period of leave is to begin and end, and should ideally be in writing and submitted directly to the Line Manager.

The Trust has the right to postpone parental leave for up to six months if your absence would cause unacceptable disruption to the academic, administrative and pastoral needs and requirements of the Trust at the proposed time.

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