



Special Partnership Trust

SPT MATERNITY, PATERNITY, ADOPTION AND SHARED PARENTAL LEAVE POLICY

Date Last Reviewed: June 2026

Review Date: June 2028



CONTENTS

1. INTRODUCTION	4
2. FREQUENTLY USED TERMS AND DEFINITIONS.....	4
3. MATERNITY LEAVE.....	5
3.1. Notification Of Maternity Leave	6
3.2. Duties.....	7
3.3. Commencement of Maternity Leave.....	7
3.4. Maternity Leave Pay	8
4.4.1 Statutory Maternity Pay	8
4.4.2 Maternity Allowance.....	8
4.4.3 Occupational Maternity Pay	9
3.5. Antenatal Care	13
3.6. Sickness.....	13
3.7. Stillbirth and Neonatal Loss	13
3.8. Neonatal Care Leave.....	13
3.9. Keeping In Touch/ Communication During Maternity Leave	14
3.10. KIT Days (Keeping In Touch Days - Optional).....	14
3.11. Returning To Work	14
3.12. Planning Your Return.....	15
3.13. Flexible Working Requests.....	15
3.14. Resignation.....	16
3.15. Annual Leave	16
3.16. Pension	16
3.17. Additional Information	18
4. PATERNITY LEAVE.....	18
4.1. Entitlement to Paternity Leave	18
4.2. Timing and Length of Paternity Leave	19
4.3. Notification.....	19
4.4. Antenatal Appointments.....	20
4.5. Paternity Pay.....	21
4.6. Terms and Conditions During Paternity Leave.....	22
4.7. Annual Leave	22
4.8. Pensions	22
4.9. Stillbirth and Neonatal Loss	22
4.10. Neonatal Care Leave.....	23
4.11. Returning to Work.....	23

4.12.	Flexible Working	23
5.	ADOPTION LEAVE.....	23
5.1.	Entitlement To Adoption Leave	23
5.2.	Notification Requirements	25
5.3.	Starting Adoption Leave.....	25
5.4.	Adoption Pay	26
5.5.	During Adoption Leave	26
5.1.	Keeping In Touch.....	27
5.2.	KIT Days (Keeping In Touch Days - Optional).....	27
5.3.	Returning to Work.....	27
5.4.	Pension	28
6.	SHARED PARENTAL LEAVE (SPL).....	28
6.1.	Entitlement.....	29
6.2.	Notification Of SPL	30
6.3.	Periods of Leave.....	32
6.4.	Shared Parental Leave Pay (ShPP).....	32
6.5.	Annual Leave	33
6.6.	Pension	34
6.7.	Returning To Work	34
7.	NEONATAL CARE LEAVE	35
7.1.	Eligibility	35
7.2.	Leave Entitlement	36
7.3.	How Leave Can Be Taken	36
7.4.	Pay Entitlement.....	37
7.5.	Notice Requirements.....	37
7.6.	Neonatal Care Leave: Tier 1 vs Tier 2 Overview	37
7.7.	Employment Rights.....	38
7.8.	Additional Information	38
8.	PARENTAL LEAVE.....	39
9.	REDUNDANCY PROTECTION.....	41
10.	Appendix 1	42
	Maternity Risk Assessment	42
11.	Appendix 2.....	46

1. INTRODUCTION

The Special Partnership Trust is committed to supporting our staff through significant life events, including the birth or adoption of a child. This policy outlines the provisions and entitlements available to employees in relation to **Maternity Leave, Paternity Leave, Adoption Leave, Shared Parental Leave (SPL) and Neonatal Leave**. We aim to foster a compassionate and flexible working environment that promotes family life, ensures compliance with statutory requirements, and reflects our values of equality, dignity, and respect.

In accordance with current employment legislation, employees have a statutory day-one right to request flexible working. This applies to all eligible staff returning from maternity, paternity, adoption, shared parental or neonatal care leave, and requests will be handled in line with the **Trust's Flexible Working Policy**. Employees may also be entitled to unpaid Carer's Leave under the **Leave of Absence Policy**.

This policy applies to all eligible employees, regardless of gender, sexual orientation, or family structure, and is designed to provide clear guidance on leave entitlements, pay arrangements, and the process for requesting and managing leave. We encourage staff to speak with their line manager or HR representative as early as possible to ensure appropriate support and planning.

2. FREQUENTLY USED TERMS AND DEFINITIONS

Term	Definition
AML/AAL	Additional Maternity/Adoption Leave - the last 26 weeks of a maximum of 52 weeks' maternity/adoption leave.
EWC	Expected Week of Childbirth - the week beginning on a Sunday, in which the doctor or midwife expects your child to be born.
EPD	Expected Placement Date - the date on which an adoption agency expects that it will place a child into the employee's care with a view to adopt.
KIT days	Up to a maximum of 10 paid days during maternity leave where an employee, by mutual agreement with their CEO/Headteacher/Head of

	Provision, carries out work or attends work related events, without bringing their maternity leave to an end.
MATB1	A form given to a pregnant employee by their doctor or midwife after the 20th week of pregnancy that provides medical evidence of pregnancy and shows the expected date of childbirth.
MA	Maternity Allowance - an allowance usually paid to mothers who don't qualify for Statutory Maternity Pay (SMP). A claim form is available on the UK Government website (Maternity Allowance claim form - GOV.UK) or Job Centre Plus.
NCL/NCP	Neonatal Care Leave/ Neonatal Care Pay - Statutory leave and pay entitlement of up to 12 weeks for eligible parents whose baby requires at least 7 consecutive days of neonatal care within the first 28 days of life.
OML/OAL	Ordinary maternity/adoption leave - the first 26 weeks of a maximum of 52 weeks maternity/adoption leave
OMP/OAP	Occupational Maternity/Adoption Pay - enhanced employer payments paid during maternity/adoption leave to employees who meet the qualifying conditions and who intend to return to work after maternity leave.
Partner	The spouse, civil partner or someone with whom the employee lives in an enduring family relationship, but who is not their parent, grandparent, sister, brother, aunt or uncle.
SPL/ShPP	Shared Parental Leave/ Statutory Shared Parental Pay – employees can share up to 50 weeks of leave and up to 37 weeks of pay between them and the partner of their child.
SMP/SAP	Statutory Maternity/Adoption Pay - a legal entitlement to a certain amount of statutory pay to qualifying employees which lasts for up to 39 weeks.
Qualifying Week	The 15th week before the Estimated Week of Childbirth (EWC).

3. MATERNITY LEAVE

In accordance with UK legislation, eligible employees who are pregnant or who have given birth have the option to take Statutory Maternity Leave and to be paid Statutory Maternity

Pay. This policy sets out all entitlements and associated processes that apply to the available maternity leave and pay options.

3.1. Notification Of Maternity Leave

To ensure that the Trust/School can provide full support with regards to health, safety and wellbeing, employees should notify their Headteacher/line manager of their pregnancy as early as possible. This may just be informally in the first instance. Having been notified of the pregnancy, the line manager will ensure that a risk assessment (Appendix 1) of the employee's workplace is carried out as soon as possible.

The employee should forward their Maternity Certificate (MATB1 form – received from GP/Midwife no later than 20 weeks before their EWC) along with their MAT1 and MAT2 Forms, as well as the MAT3 for support staff, to their line manager no later than the end of the qualifying week (i.e. the 15th week before the EWC);

- MAT1, MAT2 and MAT3 forms can be located in the Appendices of this policy or requested through your School's Admin or Operations Manager.

To be eligible for maternity leave and Statutory Maternity Pay, the employee must give notice by the end of the 15th week before the expected week of childbirth, by completing the above forms.

- MAT1 form: will confirm pregnancy and proposed dates of EWC. Your MATB1 Form your GP/Midwife will also be required.
- MAT2 form: will confirm your intentions relating to maternity/adoption provisions.
- MAT3 form: is only required from support staff who are enrolled in the Local Government Pension Scheme (LGPS), in order to confirm pension options through Maternity leave.

The maternity leave period can begin at any time after the beginning of the 11th week before the EWC. However, at least 28 calendar days written notice of the intended start date is required unless this is not reasonably practical.

On receipt of receiving written notice, Line Managers/Admin Managers will write to the employee to confirm the leave and pay arrangements.

At least 28 calendar days' notice must be given for any changes to plans for maternity leave. The Trust will, however, endeavour to be flexible

3.2. Duties

Depending on the type of work you do, your Headteacher/Line Manager may wish to discuss with you anything which may pose a risk to your health during the normal course of your work. It may be that no changes are necessary.

Once you have notified us of your pregnancy, we will carry out a risk assessment and identify any preventive and protective measures that we consider we need to take. We will take such steps as necessary to avoid any risks identified affecting your health and safety as a new or expectant mother or that of your baby. This may involve:

- (a) changing your working conditions or hours of work;
- (b) offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- (c) suspending you from duties on health and safety grounds, which will be on full pay unless you have unreasonably refused suitable alternative work

3.3. Commencement of Maternity Leave

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

You can postpone your Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.

You can bring forward the Intended Start Date by informing us at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

Your maternity leave will start on the earliest of:

1. your Intended Start Date (if notified to us in accordance with this policy);
2. the day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth. If this happens you must let us know as soon as possible in writing. Maternity leave will be automatically triggered unless we agree to delay it; or
3. the day after you give birth. 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.

3.4. Maternity Leave Pay

4.4.1 Statutory Maternity Pay

To qualify for SMP you must meet the following conditions:

- i. You must have been continuously employed with the Trust for at least 26 weeks up to and including the 15th week (the qualifying week) before the expected week of childbirth and are still employed during that week;
- ii. 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
- iii. You are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth;
- iv. You have provided the Trust with medical evidence of the date your baby is due (from MATB1, as provided by your GP or midwife) at least 28 days before your absence is due to start;

Statutory Maternity Pay (SMP) is paid for up to 39 weeks. You get:

- 90% of your average weekly earnings (before tax) for the first 6 weeks
- £187.18 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks
- Followed by 13 weeks unpaid leave.

SMP rates are reviewed annually by the UK Government, so employees should check the most up-to-date information on the GOV.UK website: <https://www.gov.uk/maternity-pay-leave>.

4.4.2 Maternity Allowance

If any of the above conditions do not apply, you may not be entitled to SMP. If this is the case, you will be issued with form SMP1 by the Trust's Payroll team and you should forward this to the Benefits Agency along with your MATB1 Form to claim Maternity Allowance. For further advice you may wish to contact your local Benefits Agency or visit <https://www.gov.uk/maternity-allowance>. Once a decision on any claim has been received, Payroll must be informed to ensure that no overpayment/underpayment is made.

Employees with earnings below the lower earnings threshold will not qualify for Maternity Allowance but may be able to receive additional financial support from their local Council.

4.4.3 Occupational Maternity Pay

The Trust offers Occupational Maternity Pay (OMP) for both Teachers and Support staff; dependent on their role and length of service. Entitlement is determined by the national terms and conditions that apply to each role (Burgundy Book for Teachers; Green Book/NJC for Support Staff).

Teachers Occupational Maternity Pay

Teachers may be eligible for Occupational Maternity Pay alongside Statutory Maternity Pay, if they have been employed for at least one year with one or more Local Authority (LA) at the 11th week before expected week of childbirth, and had at least 26 weeks continuous service with the Trust at 15th week before expected week of childbirth.

Where Teachers have not had 26 weeks continuous service with Trust at the 15th week before EWC they may still be eligible for a lower entitlement of Occupational Maternity Pay alongside Maternity Allowance (if eligible) where they have been in continuous service with one or more LAs at the 11th week before EWC.

Teachers: Table Of SMP And OMP Entitlements

Continuous service with Trust at 15th week before EWC	Continuous service with one or more LAs at 11th week before EWC	Entitlement
At least 26 weeks	At least 1 year	39 weeks Occupational and Statutory Maternity Pay as follows: 4 weeks at 100% of your average weekly earnings, inclusive of SMP 2 weeks at 90% of average weekly salary inclusive of SMP

		*12 weeks at 50% pay plus SMP 21 weeks at SMP
Less than 26 weeks	At least 1 year	39 weeks Occupational and Maternity Allowance pay as follows: 4 weeks at 100% of your average weekly earnings, inclusive of MA if eligible 2 weeks at 90% of average weekly salary inclusive of MA if eligible *12 weeks at 50% pay plus MA if eligible 21 weeks at MA if eligible No entitlement to statutory pay
At least 26 weeks	Less than 1 year	39 weeks statutory maternity pay as follows: 6 weeks at 90% of your average weekly earnings 33 weeks at SMP - £187.18 or 90% of your average weekly earnings (whichever is lower) No entitlement to occupational pay
Less than 26 weeks	Less than 1 year	No Occupational Pay No Statutory Pay Maternity Allowance if eligible

Support Staff: Table of SMP and OMP Entitlements

Continuous service with Trust at 15th week before EWC	Continuous service with one or more LAs at 11th week before EWC	Entitlement
At least 26 weeks	At least 1 year	39 weeks Occupational and Statutory Maternity Pay as follows: 6 weeks at 90% of your average weekly earnings, SMP *12 weeks at 50% pay plus SMP 21 weeks at SMP
Less than 26 weeks	At least 1 year	39 weeks Occupational and Maternity Allowance pay as follows: 6 weeks at 90% of your average weekly earnings, inclusive of MA if eligible *12 weeks at 50% pay plus MA if eligible 21 weeks at MA if eligible No entitlement to statutory pay
At least 26 weeks	Less than 1 year	39 weeks statutory maternity pay as follows: 6 weeks at 90% of your average weekly earnings 33 weeks at SMP - £187.18 or 90% of your average weekly earnings (whichever is lower) No entitlement to occupational half pay
Less than 26 weeks	Less than 1 year	No Occupational Pay No Statutory Pay Maternity Allowance if eligible

*** Return Requirement for Half Pay (Teachers and Support Staff):** if you indicate in writing an intention to return to work for a period of at least 3 months, and if you qualify as above, you will be entitled to receive 12 weeks half pay of OMP. In the event that you decide at a later date not to return, you will be expected to refund this part of your occupational maternity pay.

If you are unsure about whether you will be returning to work, you can ask Payroll to suspend the payment of the half pay OMP element until you have made your decision.

Additional Information (applies to all employees)

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

You are still 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 starts to accrue in whichever is the later of:

- (a) the week following the week in which employment ends; or
- (b) the 11th week before the Expected Week of Childbirth.

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 (which is your average weekly earnings during the eight weeks ending with the Qualifying Week). 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.

In the event of disciplinary action or dismissal during maternity leave, employees will retain their entitlement to Statutory Maternity Pay (SMP), provided they meet the qualifying criteria. SMP will be paid either in monthly instalments or as a lump sum, at the discretion of the Trust. Occupational Maternity Pay (OMP), which is a contractual benefit, will cease from the last day of employment. If the employee does not return to work for the minimum required period following maternity leave, they may be required to repay any OMP received. Disciplinary action alone does not affect maternity entitlements unless it results in dismissal prior to the qualifying period.

3.5. Antenatal Care

A pregnant employee is allowed to take reasonable paid time off to attend antenatal appointments regardless of their length of employment with the Trust. This can cover, for example, pregnancy related medical appointments or parenting classes made on the advice of a Medical Practitioner, Health Visitor or Midwife. Employees may be requested to provide evidence of appointments to their Headteacher/Line Manager and, where possible, appointments should be made at times which cause minimal disruption to the working day.

3.6. Sickness

Periods of pregnancy-related sickness absence shall be paid in accordance with our Absence Management Policy in the same manner as any other sickness absence.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your 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 Expected Week of Childbirth, your maternity leave will usually start automatically.

3.7. Stillbirth and Neonatal Loss

An eligible employee will remain entitled to maternity leave (and/or pay) if their baby is stillborn after the start of the 24th week of pregnancy, or if their baby dies after being born. All statutory and occupational maternity rights continue to apply in these circumstances.

3.8. Neonatal Care Leave

If an employee's child receives neonatal care which starts within 28 days of birth and lasts for at least seven days, the employee may also be entitled to neonatal care leave and pay. This leave can be taken in addition to maternity or paternity leave and may be taken either before or after paternity leave. Please find full information in the Neonatal Section of this policy.

3.9. Keeping In Touch/ Communication During Maternity Leave

During the maternity leave period the Headteacher/Line Manager and the employee should maintain reasonable contact with each other. This allows the employee to keep up to date with any workplace developments or changes and provides an opportunity to ask and discuss any work-related questions. Communication arrangements should be agreed before any maternity leave begins.

The Trust/School has a requirement to ensure that employees are kept informed for certain issues or given access to certain information, such as promotion or other job opportunities, training, redundancies, any reorganisation.

3.10. KIT Days (Keeping In Touch Days - Optional)

On agreement with their line manager, employees may work up to a maximum of 10 days during their maternity leave period. These days are known as 'keeping in touch' (KIT) days. These days may be taken at any stage during the maternity leave, except within the first 2 weeks after the baby is born, when work is not permitted for health and safety reasons.

Keeping in touch days should be mutually agreed – i.e. the employee is not required to undertake such days, and the school is not obliged to offer them.

Employees will be paid their normal hourly or daily rate for any hours worked on a KIT Day. Where the employee is receiving Statutory Maternity Pay (SMP) or Maternity Allowance (MA), this will continue to be paid for the week in which the KIT Day occurs. Any pay for KIT work will be offset against SMP/MA so that the total received for that week is equivalent to, but not more than, the employee's normal pay.

The type of work undertaken should be agreed between the employee and their line manager in advance. KIT days can be used to attend (but are not limited to) training courses, staff meetings, INSET days, performance & development reviews or other activities that support reintegration into the workplace. KIT days do not have to involve the employee's normal duties.

Line managers/Admin Managers are responsible for monitoring the number of KIT days worked and ensuring that any required payroll notifications are completed and submitted promptly.

3.11. Returning To Work

An employee returning to work from a period of Ordinary Maternity Leave (OML) will generally return to the job in which they were employed prior to the leave, on the terms and conditions that would have applied had they not been absent.

Where an employee is returning from a period of Additional Maternity Leave (AML), they are entitled to return either to the same job, or if this is not reasonably practicable (for example due to exceptional circumstances such as a restructure), to an equivalent job which would be considered suitable alternative work, on terms and conditions no less favourable than would have applied if they had not been absent.

3.12. Planning Your Return

Prior to your return, your Headteacher may invite you to a meeting (in person, by phone or via MS Teams) to discuss arrangements. This may include:

- Updates on any changes during your absence
- Identifying any training needs
- Reviewing any requests for changes to working arrangements (e.g. part-time hours)

You may exercise your right to return to work at any point up to 52 weeks from the start of your maternity leave. However, you cannot return to work until at least two weeks have passed following the birth of your baby, in line with statutory requirements. If you wish to return earlier than your initial expected return to work date, you must give at least 8 weeks' written notice to your Headteacher. If insufficient notice is given, your return may be postponed until 8 weeks after notice is received, or until the original Expected Return Date (whichever is sooner).

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

- Request unpaid parental leave in line with the Trust's Parental Leave Policy (minimum 21 days' notice required), or
- Request paid annual leave in accordance with your contract (subject to approval)

If you are unable to return due to illness or injury, this will be treated as sickness absence and managed under the Trust's Absence Management Policy.

3.13. Flexible Working Requests

If you wish to return on a part-time basis or with adjusted working hours, you should submit a written request to your Headteacher as early as possible. Requests will be considered under the Trust's Flexible Working Policy. While there is no automatic right to part-time work, you do have a statutory right to request flexible working, and the School will aim to accommodate your request unless there is a justifiable reason not to.

3.14. Resignation

You are not required to decide whether you will return to work until after your baby is born. If you choose not to return, you must resign in writing in accordance with the notice period stated in your contract.

If you do not return to work following maternity leave, you may not be entitled to receive certain elements of your Occupational Maternity Pay. If you are unsure about returning, you may opt to suspend payment of these elements until your return. If you receive these payments and later decide not to return, arrangements will be made to recover the overpaid amount.

If you resign, your remaining maternity leave must cover your contractual notice period. If not, you may be required to return to work for the remainder of the notice period.

This does not affect your entitlement to Statutory Maternity Pay (SMP).

3.15. Annual Leave

Employees are encouraged to use annual leave accrued for the current holiday year, prior to maternity leave as this will help to avoid having excessive annual leave on return to work. Where this has not been possible any remaining leave would be carried forward and must be taken immediately before returning to work or within three months of returning to work, unless the Headteacher agrees otherwise. An agreement should be made on when you wish to take your annual leave which will be accrued in the normal way.

3.16. Pension

Pension rights and contributions shall be managed in accordance with the provisions of the relevant superannuation scheme, providing that these provisions do not conflict with any statutory requirements that may apply at the time.

Support Staff (Local Government Pension Scheme (LGPS))

If you are not a member of the LGPS, there is no change.

- If you are a member of the LGPS, you will continue to pay pension contributions based on the actual pay (contractual/and/or statutory) received during your paid maternity leave. If you wish to increase your contributions to make up any shortfall from those based on your normal salary, then please contact your line/admin manager.
- When your entitlement to maternity pay expires, you may elect to continue paying contributions (see form SMAT3) and the contributions will be based on your final rate of maternity pay.
- If you are not returning to work or you do not return to work as originally planned, your reckonable service will cease on the last day for which you were paid.

Teaching Staff (TPS)

- While an employee is receiving contractual maternity pay or Statutory Maternity Pay (SMP), they remain an active member of the Teachers' Pension Scheme. Pensionable service continues to build up during this period.
- If the employee enters a period of unpaid maternity leave, they cease to be an active member of the TPS for that period. No pensionable service accrues during unpaid leave.
- Employee contributions are based on the actual pay received during maternity leave (contractual pay and/or SMP). The contribution tier is still determined by the employee's normal full-time equivalent salary, not the reduced maternity pay. Employees may choose to increase contributions to cover any shortfall; this must be arranged directly with Teachers' Pensions.
- Once contractual and statutory maternity pay have ended, an employee who does not return to work may either leave their pension benefits preserved in the Teachers' Pension Scheme (linking with any future service if they return within five years), transfer them to another qualifying scheme, or take a refund if they have less than two years' qualifying service, subject to scheme rules and overriding TPS legislation.

Where pension legislation or scheme rules differ from this policy, the requirements of the relevant pension scheme will take precedence. Employees should check the latest guidance directly with their pension provider to ensure they have the most up-to-date information.

3.17. Additional Information

Maternity leave and pay covers both single and multiple births and as such, entitlement to leave and pay will remain the same irrespective of the number of children born as a result of the same pregnancy.

During periods of OML and AML the employee is entitled to all relevant terms and conditions of employment (except for payment of salary/pension) which would have applied had they not been absent.

Where an employee exercises their right to return to work following a period of maternity leave the period of absence will be considered as continuous service with the Trust.

Annual leave entitlement will continue to accrue, as normal, during ordinary and additional maternity leave.

The School/Trust is entitled to make reasonable contact during maternity leave.

The Trust is committed to creating and maintaining a healthy and safe working environment. This is particularly important in relation to the safety of new and expectant mothers. As part of normal health and safety practices the Trust/School will risk assess work areas. In addition, the Trust/School will provide suitable accommodation for new and expectant mothers to rest and for nursing mothers to express and store milk.

4. PATERNITY LEAVE

4.1. Entitlement to Paternity Leave

Paternity leave is available to employees of either gender for the purpose of caring for a child, or supporting the child's other parent, in the following cases:

- a) On the birth of a child, where either:
 - (i) the employee is the biological father and expects to have some responsibility for the child's upbringing; or
 - (ii) the employee is the mother's Partner and expects to have main responsibility with the mother for the child's upbringing.
- b) Where the employee is an intended parent in a surrogacy arrangement.
- c) Where an adoption agency places a child with the employee and/or their Partner for adoption and they expect to have main responsibility (with their Partner) for the child's upbringing.

- d) Where a local authority places a child with the employee and/or their Partner under a fostering for adoption arrangement and they expect to have main responsibility (with their Partner) for the child's upbringing.

In line with current legislation, employees are entitled to Statutory Paternity Leave from the first day of employment, provided they meet the eligibility conditions relating to responsibility for the child.

Eligibility for Statutory Paternity Pay (SPP) is subject to separate qualifying conditions, including a minimum period of continuous service and earnings thresholds, as set out later in this policy.

In adoption, fostering for adoption and surrogacy cases, the employee may wish to consider adoption leave instead (see Adoption Leave section of this Policy). Only one parent can take adoption leave, so the employee should discuss this with their Partner. The employee cannot take both paternity leave and adoption leave. The employee cannot take paternity leave if they have already taken shared parental leave in respect of the same child. The employee may be eligible to take shared parental leave after paternity leave.

4.2. Timing and Length of Paternity Leave

Paternity leave is a period of up to two week's leave taken when a child is born or placed with the employee for adoption. An employee may choose to take:

- a) a single period of leave of either one week or two weeks.
- b) two separate periods of leave of one week each.

Paternity leave can start on the date of the child's birth or adoption placement, or a later date of the employee's choosing. Leave can be taken any time within 52 weeks of the birth or placement, or within 52 weeks of the Expected Week of Childbirth (if the child was born early).

4.3. Notification

To take paternity leave, the employee must give the Trust written notice and complete the relevant HMRC paternity pay form (SC3 for birth, SC4 for adoption, or SC5 for surrogacy – accessible via gov.uk). Notification must be provided:

- By the end of the 15th week before the Expected Week of Childbirth, or
- Within seven days of being matched with a child (for adoption), or
- As soon as reasonably practicable if these deadlines cannot be met.

The employee's notification must include:

- a) The EWC or the Expected Placement Date (for adoption), and confirmation of whether the employee wishes to receive paternity pay instead of adoption pay.
- b) A statement confirming that the employee is either the child's father, or the partner of the mother/adopter (or parental order parent in surrogacy cases).
- c) Confirmation that the employee expects to have the main responsibility for the child's upbringing, alongside their partner.

The Trust may require a signed declaration from the employee that they are taking paternity leave to care for the child or to support their Partner in caring for the child.

To select the leave dates, the employee must provide written notice at least 28 days before the intended start date (or within seven days of being matched with a child), stating:

- a) The chosen start date (e.g. a specific date, or a number of days after birth or placement).
- b) The duration of leave (one or two weeks).
- c) Confirmation that the leave is for caring for the child or supporting the partner.

The employee must also notify the Trust of the actual date of birth or placement as soon as reasonably possible.

If the child is stillborn, dies, or the adoption placement ends, the employee may still take paternity leave on the chosen dates. If dates were not previously notified, leave may still be taken within eight weeks of the event. Parental bereavement leave may also apply. If the employee wishes to vary their leave dates, they should speak to their manager or HR.

4.4. Antenatal Appointments

An employee can take paid time off to accompany a pregnant partner to up to **two antenatal appointments**, if they are:

- The baby's biological father, regardless of the mother's employment status.
- The spouse or civil partner of the pregnant woman.
- A partner in a long-term relationship with the pregnant woman (including same-sex partners).
- An intended parent in a surrogacy arrangement.

The expectant father or partner may be requested to provide evidence of any appointments to their line manager by declaring the following:

- the date and time of the appointment;
- that they qualify for the time off through their relationship to the mother or child;
- that the time off is for the purpose of attending an appropriate appointment with the expectant mother or main adopter

Where possible, appointments should be made at times which cause minimal disruption to the working day.

4.5. Paternity Pay

While eligibility to take paternity leave is a day-one right, entitlement to Statutory Paternity Pay remains subject to the statutory qualifying service and earnings requirements.

To qualify for Statutory Paternity Pay (SPP), the employee must have been continuously employed by the Trust for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth or the week in which they or their Partner are notified by the adoption agency or local authority that they have been matched with a child.

In this paragraph, 'Relevant Period' means the eight-week period ending with the Qualifying Week which is the 15th week before the Expected Week of Childbirth or the week in which the employee or their Partner were notified of being matched with the child.

If eligible, the employee will receive Statutory Paternity Pay (SPP) at the government-set rate for the relevant tax year or 90% of their average weekly earnings during the Relevant Period - whichever is lower.

The statutory weekly rate (at the time of writing this policy) is £194.32, this rate of paternity pay can be found or checked for updates on the Government webpage: www.gov.uk/paternity-pay-leave/pay.

Paternity leave and pay covers both single and multiple births and, with regard to adoption, the placement of one child or more. The employee's entitlement to leave and pay will, therefore, remain the same irrespective of the number of children born as a result of the same pregnancy or placed for adoption as part of the same arrangement.

4.6. Terms and Conditions During Paternity Leave

All the terms and conditions of the employee's employment remain in force during paternity leave, except for the terms relating to pay. In particular, the following will continue:

- a) benefits in kind;
- b) accrual of annual leave
- c) pension benefits

4.7. Annual Leave

Annual leave will accrue during paternity leave at the rate provided under the employee's contract if applicable.

The employee should discuss their holiday plans with the Headteacher in good time before starting their paternity leave. All holiday dates are subject to approval by the Headteacher.

4.8. Pensions

During paternity leave, the Trust will continue to make any employer contributions that are usually made into a money purchase pension scheme, based on what the employee's earnings would have been if they had not been on paternity leave provided that they continue to make contributions based on the paternity pay they are receiving. If the employee wishes to increase their contributions to make up any shortfall, they should contact their Admin Manager.

4.9. Stillbirth and Neonatal Loss

Employees who meet the eligibility criteria are entitled to paternity leave and pay if their child is stillborn after 24 weeks of pregnancy, or born alive at any stage of pregnancy but does not survive (neonatal loss). Paternity leave may be taken as originally planned or, if dates were not previously confirmed, within eight weeks of the stillbirth or neonatal loss. This entitlement is separate from, and may be taken alongside, statutory parental bereavement leave where applicable.

4.10. Neonatal Care Leave

If an employee's child receives neonatal care which starts within 28 days of birth and lasts for at least seven days, the employee may also be entitled to neonatal care leave and pay, which may be taken before or after paternity leave. Please find full information in the Neonatal Care Leave Section of this policy.

4.11. Returning to Work

Employees are normally entitled to return to work after paternity leave to the same position they held before commencing leave. The employee's terms of employment will be the same as if they not been absent.

However, if the employee has taken paternity leave straight after or straight before a period of parental leave of more than four weeks, and it is not reasonably practicable for the Trust to allow them to return to the same job, the Trust may give the employee another suitable and appropriate job on terms and conditions that are not less favourable.

4.12. Flexible Working

The Trust will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but employees do have a statutory right to request flexible working. The Trust will try to accommodate employee's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the school/Trust. It is helpful if requests are made as early as possible.

5. ADOPTION LEAVE

5.1. Entitlement To Adoption Leave

In an adoption case or a fostering for adoption, or surrogacy case, employees are entitled to adoption leave if all the following conditions are met:

- a) The employee is adopting a child through a UK adoption agency, or they are a local authority foster parent who has been approved as a prospective adopter.

- b) The adoption agency or local authority has given the employee written notice that it has matched them with a child and tells them the expected placement date.
- c) The employee has told the agency or local authority that they agree to the placement.

Adoption leave may be available if the employee is adopting through an overseas adoption agency. The requirements set out in this policy are varied as follows:

They must give the Trust notice in writing of:

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

This notice should be given as early as possible but in any case, within 28 days of receiving Official Notification (or, if the employee has not yet completed 26 weeks' service when they receive their Official Notification, they may delay giving notice until they reach 30 weeks of employment to protect the employee's eligibility for Statutory Adoption Pay).

The Employee must also give the Trust at least 28 days' notice in writing of their 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.

The Employee must also notify the Trust of the actual date the child arrives in Great Britain within 28 days of that date.

We may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

In a surrogacy case, employees are entitled to adoption leave if all the following conditions are met:

- a) A surrogate mother gives birth to a child, who is biologically the child of either the employee, or their spouse or partner (or both of them).
- b) The employee expects to be given parental responsibility under a parental order from the court. The child must live with the employee and they must apply for the parental order within six months of birth.

In either case, only one parent can take adoption leave. If the employee's spouse or partner takes adoption leave with their employer, the employee may be entitled to

paternity leave (detailed in this Policy). In some cases, the employee may also qualify for 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).

5.2. Notification Requirements

In an adoption or fostering for adoption case, the employee must tell the school in writing of the expected placement date, and the intended start date for adoption leave. The employee must give this information not more than seven days after the agency or local authority notifies them in writing that it has matched them with a child, or if that is not reasonably practicable, as soon as they can.

Once the employee receives the matching certificate from the agency or local authority, they must provide the school with a copy.

In a surrogacy case, the employee must tell the school in writing of their intention to take adoption leave and give the expected week of childbirth (EWC). The employee must give this information by the end of the 15th week before the EWC, or if that is not reasonably practicable, as soon as they can. They must also complete a declaration confirming their entitlement. When the child is born the employee must tell the school the date of birth.

The school will write to the employee within 28 days of receiving the notification, to confirm the expected return date assuming the employee takes their full entitlement to adoption leave.

5.3. Starting Adoption Leave

In an adoption or fostering for adoption case, OAL may start on a date of the employee's choosing no more than 14 days before the expected placement date, or on the date of placement itself, but no later.

If the employee wants to change their intended start date they should inform the school in writing. The employee should give as much notice as they can, but wherever possible they must tell the school at least 28 days before the original intended start date (or the new start date if they are bringing the date forward). The school will write to the employee within 28 days to inform them of their new expected return date.

In a surrogacy case, OAL will start on the day the child is born, unless the employee is at work, in which case it will start on the following day. The employee cannot change the start date.

5.4. Adoption Pay

Statutory Adoption Pay (SAP) is payable for up to 39 weeks, provided the employee has at least 26 weeks' continuous employment with the Trust ending with the Qualifying Week (the week in which the adoption agency or local authority notified the employee of a match, or the 15th week before the EWC) and the employee's average earnings are not less than the lower earnings limit set by the government each tax year. The first six weeks' SAP are paid at 90% of the employee's average earnings and the remaining 33 weeks are at a rate set by the government each year (at the time of writing this policy the Statutory Adoption Pay is £187.18 a week), to check this rate is current you can visit: www.gov.uk/employers-adoption-pay-leave

5.5. During Adoption Leave

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

Annual leave entitlement will continue to accrue at the rate provided under the employee's contract. If the adoption leave will continue into the next holiday year, any holiday entitlement that is not taken before starting the adoption leave can be carried over (and must be taken immediately before returning to work OR within three months of returning to work unless the Headteacher agrees otherwise). Please discuss any holiday plans with the Headteacher in good time before starting adoption leave. All holiday dates are subject to approval by the employee's Headteacher.

If the employee is a member of the LGPS or TPS pension scheme, the Trust shall make employer pension contributions during OAL and any further period of paid adoption leave based on the employee's normal salary, in accordance with the pension scheme rules. Employee contributions will be based on the adoption pay they receive, unless they choose to pay additional contributions to maintain their full pensionable service, they must inform the Trust that they wish to make up any shortfall.

5.1. Keeping In Touch

During the adoption leave period the Headteacher/Line Manager and the employee should maintain reasonable contact with each other. This allows the employee to keep up to date with any workplace developments or changes and provides an opportunity to ask and discuss any work-related questions. Communication arrangements should be agreed before any adoption leave begins.

The Trust/School has a requirement to ensure that employees are kept informed for certain issues or given access to certain information, such as promotion or other job opportunities, training, redundancies, any reorganisation.

5.2. KIT Days (Keeping In Touch Days - Optional)

On agreement with their line manager, employees may work up to a maximum of 10 days during their adoption leave period. These days are known as 'keeping in touch' (KIT) days. These days may be taken at any stage during the adoption leave.

Keeping in touch days should be mutually agreed – i.e. the employee is not required to undertake such days, and the school is not obliged to offer them.

Employees will be paid their normal hourly or daily rate for any hours worked on a KIT Day. Where the employee is receiving Statutory Adoption Pay (SAP), this will continue to be paid for the week in which the KIT Day occurs. Any pay for KIT work will be offset against SAP so that the total received for that week is equivalent to, but not more than, the employee's normal pay.

The type of work undertaken should be agreed between the employee and their line manager in advance. KIT days can be used to attend (but are not limited to) training courses, staff meetings, INSET days, performance & development reviews or other activities that support reintegration into the workplace. KIT days do not have to involve the employee's normal duties.

Line managers/Admin Managers are responsible for monitoring the number of KIT days worked and ensuring that any required payroll notifications are completed and submitted promptly.

5.3. Returning to Work

The employee must return to work on the expected return date unless agreed otherwise. If the employee wishes to return to work early, they must give the Trust at least eight weeks' notice of the date. It is helpful if the employee gives this notice in

writing. The employee may be able to return later than the expected return date if they request annual leave or parental leave, which will be at the Trust's discretion.

Employees are normally entitled to return to work in the position they held before starting adoption leave, on the same terms of employment. However, if they have taken AAL (or have combined their adoption leave with more than four weeks of parental leave) and it is not reasonably practicable for the Trust to allow them to return to the same position, the Trust may give the employee another suitable and appropriate job on terms and conditions that are not less favourable.

If the employee wants to change their hours or other working arrangements on return from adoption leave, they should make a request under the Flexible Working Policy.

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

5.4. Pension

If the employee is a member of the pension scheme, the Trust will make employer pension contributions during any period of paid SPL, based on their normal salary, in accordance with the pension scheme rules. Any employee contributions the employee makes will be based on the amount of any shared parental pay they are receiving, unless they inform the Headteacher that they wish to make up any shortfall.

6. SHARED PARENTAL LEAVE (SPL)

Shared Parental Leave Regulations give working couples greater flexibility to share childcare.

The regulations give the **birth mother** or **primary adopter** the option to end their maternity or adoption leave and pay entitlements early; in order to transfer to, or share with their partner, any remaining leave and/or statutory pay entitlements. If both are eligible, they will be able to choose how to split the available leave and can decide to be off work at the same time or at different times. Employees may be able to take leave in more than one block.

6.1. Entitlement

Employees are entitled to SPL in relation to the birth of a child if:

- a) they are the child's mother, and share the main responsibility for the care of the child with the child's father or their partner;
- b) they are the child's father and share the main responsibility for the care of the child with the child's mother; or
- c) 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 following conditions must also be fulfilled:

- a) the employee must have at least 26 weeks continuous employment with the Trust by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
- b) the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Expected Week of Childbirth or Adoption (EWCA) and had average weekly earnings of at least £390 across any 13 of the 66 weeks before the EWCA; and
- c) the employee and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

The total amount of SPL available is up to 50 weeks, which is the remainder of the 52-week maternity leave after the compulsory 2-week leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

If the employee is the mother, she cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

If the employee is the child's father or the mother's partner, they should consider using their two weeks' paternity leave before taking SPL. Once the employee starts SPL they will lose any untaken paternity leave entitlement. Paternity leave is independent (unlike Maternity leave and pay) and does not reduce the 52-week SPL entitlement.

6.2. Notification Of SPL

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

- a) their name and the name of the other parent; if they are the child's mother, the start and end dates of the maternity leave;
- b) if they are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- c) the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken (2 weeks maternity leave is compulsory, meaning there are a maximum of 50 weeks leave to be shared and 37 weeks of pay);
- d) how many weeks of the available SPL will be allocated to them and how many to the other parent (the employee can change the allocation by giving the Trust a further written notice, and the employee does not have to use their full allocation);
- e) if they are claiming Statutory Shared Parental Pay (**ShPP**), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken;
- f) how many weeks of available ShPP will be allocated to the employee and how much to the other parent (the employee can change the allocation by giving the Trust a further written notice, and they do not have to use their full allocation);
- g) an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as possible about the employee's future intentions; and
- h) declarations by the employee and the other parent that both meet the statutory conditions to enable them to take SPL and ShPP.

If the employee is the child's mother and wants to opt into the SPL scheme, they must give the Trust at least eight weeks' written notice to end the maternity leave (a **curtailment notice**) before they can take SPL. The notice must state the date the maternity leave will end. The employee can give the notice before or after they give birth, but they cannot end the maternity leave until at least two weeks after birth.

The employee 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 the other parent has given their employer an opt-in notice and that the employee has given the necessary

declarations in that notice. Your Admin Manager will be able to support with curtailment and associated forms.

The other parent may be eligible to take SPL from their employer before the maternity leave ends, provided the employee has provided the curtailment notice.

The curtailment notice is binding and cannot usually be revoked. The employee can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:

- a) if the employee realises that neither they nor the other parent are in fact eligible for SPL or ShPP, in which case the employee can revoke the curtailment notice in writing up to eight weeks after it was given;
- b) if the employee gave the curtailment notice before giving birth, they can revoke it in writing up to six weeks after birth; or
- c) in the event of the death of the other parent.

Once the employee has revoked a curtailment notice they will be unable to opt back into the SPL scheme.

If the employee is not the mother, but the mother is still on maternity leave or claiming SMP or MA, they will only be able to take SPL once she has either:

- a) returned to work;
- b) given her employer a curtailment notice to end her maternity leave;
- c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- d) given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

The employee must also provide on request:

- a) A copy of the birth certificate (or if they have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- b) The name and address of the other parent's employer (or a declaration that they have no employer).

6.3. Periods of Leave

Once an employee has opted into Shared Parental Leave (SPL), they must submit a period of leave notice to the Trust at least eight weeks before the intended start date. This can be submitted alongside the opt-in notice or separately.

If the child has not yet been born, the notice may specify the number of days after birth the leave should begin and end. This is helpful for those planning to take paternity leave immediately after birth and SPL thereafter.

SPL must be taken in blocks of **at least one week**. Employees may submit up to **three separate leave notices**, which can be for continuous or discontinuous periods of leave. If requesting split periods of leave (with work in between), the employee must outline the proposed pattern in their notice. The Trust will either accept the request or begin a two-week discussion period. If no agreement is reached, the employee may:

- Take the full leave as a single continuous block starting on the original date.
- Choose a new start date (at least eight weeks later) and notify the Trust within five days.
- Withdraw the notice within two days, allowing a new notice to be submitted.

Employees may cancel or change the start or end date of SPL by giving at least eight weeks' written notice. Requests to split or combine leave periods will be considered but are not guaranteed.

Changes or cancellations count as one of the three allowed notices unless:

- The child is born earlier or later than expected.
- A discontinuous leave request is withdrawn within two days of the discussion period ending.
- The change is at the Trust's request or agreed otherwise.

If the child is born early, and SPL was planned within eight weeks of the expected date, the start date can be moved forward by the same number of days. The employee must notify the Trust as soon as possible.

6.4. Shared Parental Leave Pay (ShPP)

The employee may be able to claim ShPP of up to 39 weeks (less any weeks of OMP, SMP or MA claimed by them or their partner) if they have at least 26 weeks' continuous employment with the Trust at the end of the Qualifying Week and the average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.

The employee should tell the Trust in their period of leave notice(s) whether they intend to claim ShPP during their leave (and if applicable, for what period). If it is not in the period of leave notice they can tell the Trust in writing, at least eight weeks before they want ShPP to start.

The terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Interaction Between Occupational Maternity Pay and Shared Parental Leave:

Employees who are eligible for Occupational Maternity Pay (OMP) and wish to opt into Shared Parental Leave (SPL) must be aware of the following:

- **Curtailment Requirement:** To take SPL, the employee must formally curtail their maternity leave and pay, including any remaining entitlement to OMP. This means that once maternity leave is ended early to begin SPL, any unused OMP is forfeited.
- **OMP Is Not Transferable:** Occupational Maternity Pay cannot be transferred or converted into Shared Parental Pay. If the employee switches to SPL before completing their OMP entitlement, they will lose access to the remaining enhanced maternity pay.
- **Recommendation:** Employees are advised to complete their OMP entitlement before opting into SPL, unless there is a compelling reason to switch earlier. This ensures they receive the full benefit of occupational maternity pay.
- **Return Requirement:** To retain the enhanced element of OMP (e.g. 12 weeks at half pay), employees must return to work for at least 3 months following maternity leave.

6.5. Annual Leave

Annual leave entitlement will continue to accrue at the rate provided under the contract. If the 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 or within three months of returning to work unless the Headteacher agrees otherwise. Please discuss holiday plans with the Headteacher in good time before starting SPL. All holiday dates are subject to approval by the Headteacher.

6.6. Pension

If the employee is a member of the pension scheme, the Trust will make employer pension contributions during any period of paid SPL, based on their normal salary, in accordance with the pension scheme rules. Any employee contributions the employee makes will be based on the amount of any shared parental pay they are receiving, unless they inform the Headteacher that they wish to make up any shortfall.

6.7. Returning To Work

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

Employees may ask or be asked to work (including attending training) on up to 20 Shared Parental Leave In Touch (SPLIT) days during Shared Parental Leave without bringing the leave to an end. Each parent may work up to 20 SPLIT days during Shared Parental Leave. This entitlement applies per parent and is separate from any KIT days taken during maternity or adoption leave. SPLIT days are voluntary and must be discussed and agreed in advance with the Headteacher.

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

If the 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 period of leave notices they will not be able to end their SPL early without the Trust's agreement.

If the employee wants to extend SPL, assuming they still have unused SPL entitlement remaining, they must give the Trust a written period of leave notice at least eight weeks before the date they were due to return to work. If they have already given three period of leave notices they will not be able to extend SPL without the Trust's agreement. The employee may instead be able to request annual leave or ordinary parental leave (see our Parental Leave Policy), 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, it may give the

employee another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- (a) if the SPL and any maternity or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- (b) if the employee took SPL consecutively with more than four weeks of ordinary parental leave.

If the employee's role is affected by a redundancy situation and they are on SPL or have returned to work from a period of at least six consecutive weeks of SPL and are within an additional protected period of 18 months from the child's date of birth, they shall be offered a suitable alternative vacancy that is appropriate to their skills, if one is available. Similar protection applies to employees who have notified the Trust of their pregnancy or are on, or have recently returned from, a period of maternity leave or adoption leave.

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

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

7. NEONATAL CARE LEAVE

In accordance with UK legislation, employees with responsibility for babies receiving neonatal care starting within 28 days of birth and goes on to spend 7 or more continuous days in care have the day one right to take neonatal care leave. This Neonatal Care section of this policy outlines the entitlement of employees whose baby requires neonatal care. It is designed to support parents during a challenging time and is in addition to other family leave entitlements such as maternity, paternity, adoption, and shared parental leave.

7.1. Eligibility

- Their baby is born on or after 6 April 2025.
- The baby requires neonatal care within 28 days of birth.
- The baby spends at least 7 consecutive full days in neonatal care.

7.2. Leave Entitlement

- Employees can take up to 12 weeks of Neonatal Care Leave, in addition to their other statutory maternity, paternity, adoption or parental leave entitlements.
- Leave is granted at 1 week for every 7 full consecutive days the baby is in neonatal care. Leave must be taken within 68 weeks of the baby's birth.

7.3. How Leave Can Be Taken

If the baby is still in neonatal care or within the first week after discharge: leave can be taken in weekly blocks, either consecutively or separately.

If more than a week has passed since discharge: leave must be taken in one continuous block.

If you're already taking maternity or adoption leave

If your baby enters neonatal care while you're on Statutory Maternity Leave or Statutory Adoption Leave, you must take your Neonatal Care Leave after your maternity or adoption leave is finished.

Example

Your newborn baby gets sick and has to stay in neonatal care for 56 days. You're already taking Statutory Maternity Leave.

Instead of losing 56 days (8 weeks) of leave, you add the Neonatal Care Leave to the end of your 39 weeks of maternity leave.

If you're taking Shared Parental Leave or Statutory Paternity Leave

You can take Neonatal Care Pay and Leave either:

- before you start Statutory Paternity Leave or Shared Parental Leave
- between blocks of Shared Parental or Paternity Leave that you booked before your baby started neonatal care (this includes if the Shared Parental Leave is for another child)

If you're using your leave and pay at least one week after your baby leaves neonatal care, you must take all of it in a single block. You can do this before or after your

Shared Parental Leave or Statutory Paternity Leave.

7.4. Pay Entitlement

Length of Continuous Service with Trust	Neonatal Care Leave Entitlement	Neonatal Care Pay Entitlement
Day-one right	Up to 12 weeks leave after the first continuous 7 days of neonatal care	No entitlement to pay unless the employee has 26 weeks of continuous service
At least 26 weeks (by end of 15th week before EWC)	Up to 12 weeks leave after the first continuous 7 days of neonatal care	Statutory Neonatal Care Pay (NCP) for up to 12 weeks: • £187.18 or 90% of average weekly earnings (whichever is lower)

7.5. Notice Requirements

In order to be eligible for neonatal care leave, the employee must provide the following details in writing:

- Written notice of their intention to take Neonatal Care Leave.
- Date of the baby's birth/placement/entry to the UK
- Start and end date of neonatal care ((if the end date is known – if not, they must provide this information as soon as is reasonably practicable)
- Date they want the period of neonatal care leave to commence; see notice periods required in table below, dependent on Tier.
- How much leave they want to take.
- Confirm that they are taking leave to care for their child and their eligibility.

7.6. Neonatal Care Leave: Tier 1 vs Tier 2 Overview

Category	Tier 1: Immediate, Flexible Leave	Tier 2: Planned Leave Post-Discharge
Timing	During neonatal care or within the first week after discharge	From the second week post-discharge up to 68 weeks after birth

Flexibility	Highly flexible; leave can be taken in consecutive or non-consecutive weeks	Less flexible; leave must be taken in a single continuous block
Notice Requirements	Minimal notice required; verbal notice by the time the employee is due to start work on the first day of each week	Written notice required: • 15 days for one week of leave • 28 days for two or more weeks of leave
Emergency Use	Designed for unforeseen or emergency circumstances	Intended for planned leave following maternity/adoption leave
Who Typically Uses It	Most likely used by the father or partner , as the mother is usually on maternity leave during this period	Most likely used by the mother or primary adopter after maternity/adoption leave ends
Weekly Updates	Weekly notice required to remain on NCL until end of leave or child's discharge	No weekly updates required once leave begins

7.7. Employment Rights

All the terms and conditions of the employee's employment remain in force during neonatal care leave, except for the terms relating to pay. In particular, the following will continue:

- a) benefits in kind;
- b) accrual of annual leave entitlement under the employee's contract;
- c) pension benefits; and
- d) the right to return to work.

7.8. Additional Information

The maximum entitlement (12 weeks) does not increase if there are multiple births. The entitlement will only be triggered if one or more of the babies each spend 7 or more continuous days in neonatal care, i.e., a total of 12 weeks between them.

If a baby is admitted to neonatal care (for a period of at least 7 consecutive days), discharged and then readmitted to neonatal care (for a period of at least 7 consecutive days), providing the second admittance occurs before the baby is 28 days old, both instances will count towards SNCL (the 12 weeks).

8. PARENTAL LEAVE

(NB: different to Shared Parental Leave)

Eligible employees are entitled to 18 weeks' **unpaid** parental leave for the purpose of caring for a child for whom they have responsibility. This entitlement lasts until the child's 18th birthday. Eligible employees must have at least one year of continuous service and have or expect to have responsibility for a child, this means they:

- are the child's biological mother or father (whether or not they are living with the child);
- are the child's adoptive parent; or
- otherwise have legal parental responsibility for the child, for example, if they are the child's guardian, or a step-parent who has a parental responsibility agreement or parental responsibility order.

The key elements of parental leave are:

- Employees are entitled to up to 18 weeks of unpaid leave per child, leave must be taken before the child's 18th birthday.
- A member of staff may not take more than four weeks' leave in respect of any individual child during one leave year. A week is based on an employee working pattern.
- Leave may be taken in blocks of one week upwards (this minimum period does not apply in relation to a child with disabilities)
- The member of staff must give at least 21 days' notice of taking leave
- The Trust can postpone leave for up to six months, for example, for business reasons
- Outstanding parental leave can be carried over to a new employer, but a further qualifying period of service of one year is needed before there is any entitlement to take this leave.

A request should be made to the Headteacher in writing giving 21 days' notice of the start date of the parental leave. The notice requirements are as follows:

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

- b) If the employee wishes to take parental leave commencing immediately on the adoption of a child, they should give notice of this intention at least 21 days before the start of the Expected Week of Placement (EWP). If this is not possible, they must give as much notice as they can. The notice must specify the EWP and the duration of the period of leave required.
- c) In all other circumstances, the employee must give notice of their intention to take parental leave at least 21 days before they intend the leave to start. The notice must specify the dates on which the period of leave is to begin and end.

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

Before an employee takes a period of parental leave under this policy, the Trust may ask to see evidence of:

- a) the employee's responsibility or expected responsibility for the child, such as a birth certificate, adoption or matching certificate, parental responsibility agreement or court order; or
- b) the child's date of birth or date of adoption placement.

For details of what evidence is required in each particular circumstances, or if the employee has difficulties obtaining the evidence, please contact the Headteacher.

Although the Trust will always try to accommodate requests for parental leave, it might postpone a requested period of parental leave for up to six months where the requested leave would unduly disrupt the Trust, for example, where:

- a) the employee wishes to take parental leave during a peak period;
- b) a number of employees wish to take leave at the same time;
- c) the employee's work at that time is of importance to a time-critical project;
- d) cover for the employee's work cannot be found before the date on which the parental leave is due to start;
- e) for any other reason

If the Trust needs to postpone a request for parental leave, it will consult with the employee about alternative dates. The Trust will notify the

employee in writing of the reason for postponement and the new start and end dates for the parental leave, no more than seven days after receipt of the request for leave.

The Trust will not postpone parental leave if the employee has requested it to start immediately on the birth or adoption of a child.

An employee will remain employed while on parental leave and some terms of the contract, such as contractual notice and redundancy terms, still apply. Employees are normally entitled to return to work following parental leave to the same position. The employee's terms of employment will be the same as they would have been had they not been absent.

However, where a period of parental leave has been longer than four weeks, or has been combined with a period of additional maternity, paternity or adoption leave, it might not be possible in some cases for the employee to return to the same job. In such circumstances, the Trust will offer the employee a suitable and appropriate alternative position on no less favourable terms.

9. REDUNDANCY PROTECTION

From 6 April 2024, new legislation extended redundancy protection to cover a broader range of circumstances for pregnant employees and new parents. Employees who are pregnant (from the date they inform their employer), on maternity, adoption, shared parental leave or neonatal care leave or who have recently returned from such leave (after taking at least six continuous weeks), have the right to be offered a suitable alternative job (where one is available) if they're selected for redundancy. This protection extends for 18 months from the date the child is born or adopted and continues when the employee returns to work. This means that even if other colleagues are more suitable for the role, these employees must be considered for suitable alternative positions.

If an employee takes less than six consecutive weeks of shared parental leave or returned to work before 6 April 2024, the protection only applies during the leave period itself.

The redundancy protected period starts when an employee tells their employer that they are pregnant. If an employee has a miscarriage within the first 24 weeks of pregnancy, the redundancy protected period ends 2 weeks from the end of the pregnancy. If a child is stillborn after 24 weeks of pregnancy, the redundancy protected period ends 18 months from the date of the birth.

10. Appendix 1

Maternity Risk Assessment

This assessment form is issued by the Special Partnership Trust in accordance with the **Management of Health and Safety at Work Regulations 1999**, which require employers to assess and manage risks to employees who are pregnant, have recently given birth, or are breastfeeding.

Employee Name:	
Job Title:	
School & Department:	
Line Manager:	
Date Notification Received:	
Date of Risk Assessment:	
Expected Week of Childbirth (EWC):	

Purpose of the Risk Assessment

Pregnant members of staff may be more vulnerable to hazards in the workplace. The following checklist is designed to help identify commonly occurring workplace conditions that may require additional precautions to protect pregnant employees.

Once an employee notifies the Trust in writing of their pregnancy, a tailored risk assessment must be carried out to identify any hazards that could affect their health or that of their baby. Appropriate adjustments must be made to working conditions, duties, or hours to eliminate or reduce these risks. If no suitable adjustments or alternative work can be provided, the employee may be suspended on full pay for the duration of the risk.

Carrying out a risk assessment on a pregnant employee is a legal requirement. This checklist should be used to highlight any particular areas that the assessment will need to focus on. Any "Yes" answers should prompt a plan of action to address the risk identified. Any additional precautions highlighted through completion of this checklist should be recorded on the action plan and be fully implemented. Additional advice for carrying out this risk assessment or on any Health and Safety concerns can be sought from hr@specialpartnership.org.

This checklist should be completed in conjunction with the pregnant employee. A completed copy should be retained by the line manager and a copy put on the employee file.

Summary of Work Activities:

Description of regular duties:
Physical/manual tasks involved:
Use of chemicals or hazardous substances:
Workstation setup (e.g., desk, standing, lifting):
Exposure to stress or challenging behaviour:

Identified Risks:

Risk Area	Description of Risk	Likelihood	Severity	Action Required
Manual handling	Lifting books, equipment	<i>Medium</i>	<i>Medium</i>	Adjust duties to avoid lifting
Prolonged standing	Teaching, playground duty, risk of fatigue	<i>Medium/High</i>	<i>Low</i>	Provide seating breaks
Stress	Behavioural incidents	<i>Medium/High</i>	<i>High</i>	Review support systems
Infection risk	Exposure to illness	<i>Medium</i>	<i>High</i>	Follow hygiene protocols
Slips/trips	Wet floors, clutter	<i>Medium</i>	<i>Medium</i>	Improve housekeeping

Challenging behaviour	Physical aggression or unpredictable behaviour from pupils	Medium	High	Adjust supervision duties; provide support
Personal care tasks	Assisting with toileting or hygiene	Medium	Low	Reassign duties where appropriate
Noise levels	High or sudden noise in sensory environments	Medium	Medium	Provide quiet space or noise-reducing aids
Physical intervention	Involvement in restraint or de-escalation procedures	Low	High	Exclude from physical intervention duties
Challenging deadlines	Workload, occupational stress	Medium	Medium	Review workload and deadlines
General Working Conditions	Lone or remote working, comfort, temperature	Low	Medium	Ensure regular check-ins
Welfare	Access to toilets/rest breaks	High	Medium	Ensure frequent breaks

Actions Taken:

Having discussed the identified risks above, please document the actions to be taken:

Adjustments to duties:
Alternative work offered:
Additional support provided:
PPE or equipment changes:

Additional Recommendations for line managers to discuss with employee:

- Consider an updated Display Screen Equipment (DSE) assessment to ensure the employee's workstation remains ergonomically suitable throughout pregnancy.
- Occupational Health support is available if any health concerns arise that may affect the employee's ability to work safely or comfortably. Referrals can be made via the school admin manager.
- Regular review of the risk assessment is advised, especially as the pregnancy progresses or if work duties change. If mobility or balance issues arise, a PEEP (Personal Emergency Evacuation Plan) may also need to be assessed.
- Encourage open communication between the employee and line manager to address any emerging concerns promptly.
- Ensure access to wellbeing resources, such as counselling or mental health support, if needed.
- Provide flexibility in working hours or duties where possible to accommodate fatigue, medical appointments, or other pregnancy-related needs.

Review and Monitoring:

Initial Assessment Date:	
Next Review Date:	
Reviewed by:	Signature:
Employee Comments:	
Employee Name:	Signature:

Once completed a copy should be retained by the line manager and put on the employee file.

11. Appendix 2

FORM MAT1

NOTIFICATION OF ABSENCE DUE TO PREGNANCY

Before completing this form, please ensure you have read the Maternity, Paternity, Adoption and Shared Parental Leave Policy, which outlines your entitlements and responsibilities during maternity leave.

This form must be completed **at least 28 days** before your intended maternity leave start date and returned to your School Admin Manager, along with the original copy of your **MATB1 certificate** (issued by your GP or midwife **no earlier than 20 weeks** before your expected week of childbirth). *Please note: certificates issued before this date will not be accepted.*

If your baby is born earlier than expected, you must notify you Admin Manager as soon as possible.

Employee Details

- **Full Name:**
- **Payroll Reference Number:** (see Pay Advice slip)
- **Job Title:**
- **School:**

Expected date of childbirth:

DAY		MONTH		YEAR			

Proposed Last Day of Work:

DAY		MONTH		YEAR			

Date on which maternity pay period to commence (maternity pay can start on any day of the week)

DAY		MONTH		YEAR			

I certify that the details shown above are correct

Signed: _____

Date: _____

NOTIFICATION OF INTENTION RELATING TO MATERNITY/ADOPTION PROVISIONS

Your co-operation in completing this form will help your Manager/Headteacher plan effectively for your forthcoming maternity/adoption leave and your return to work. It will also assist the Trust/School in making the necessary arrangements for your maternity/adoption pay.

Please read the Trust's **Maternity, Paternity, Adoption and Shared Parental Leave Policy** before completing this form. Once completed, please return it to your Admin Manager, who will forward it to the payroll team.

Employee Details

- **Full Name:**
- **Payroll Reference Number:** (see *Pay Advice slip*)
- **Job Title:**
- **School:**

1. I would like to commence my maternity/adoption leave on:	[Insert Date]
2. Please tick the appropriate statement:	☐ I intend to return to work after my maternity/ adoption leave ☐ I do not intend to return to work after my maternity/ adoption leave
3. Please tick the appropriate statement:	☐ I wish to receive my contractual entitlement to 12 weeks at ½ pay. I understand that if I do not return to work, I will be required to repay this money. ☐ Please withhold my payment of ½ pay until I return to work.
4. Please tick/complete the appropriate statement:	☐ It is my intention to return to work on: [Insert Date] ☐ I do not know when I intend to return to work at this stage.
5. I agree to supply my manager with all necessary information:	
a. To notify my manager not less than 28 days prior to the intended date of leaving. b. To inform my manager of my actual date of childbirth/date of placement for adoption. c. To advise my manager of any circumstances that may affect my entitlement to	

maternity/adoption pay.

d. To notify my manager, giving the required notice, of the date I intend to return to work.

Please sign and date this form below:

Signed: _____

Date: _____

FORM MAT3- SUPPORT STAFF ONLY
LOCAL GOVERNMENT PENSION SCHEME (LGPS) OPTION FORM

You should complete this form if you contribute to the Local Government Pension Scheme (LGPS) and intend to return to work after the birth of your baby/adoption of your child. If you are not in the LGPS, you do not need to complete this form.

While you are receiving maternity/adoption pay, your LGPS contributions will continue to be deducted from your pay as usual. During paid leave, your pension is calculated using Assumed Pensionable Pay, which ensures your pension is not affected by any reduction in earnings.

You have the option to buy back lost pension for any period of unpaid additional maternity/adoption leave (typically weeks 40–52). These contributions are based on your final rate of maternity/adoption pay and are known as Additional Pension Contributions (APCs).

If you elect to pay APCs within 30 days of returning to work, your employer will usually cover two-thirds of the cost. You may also defer this decision until you return to work, but employer contributions may not apply if you miss the 30-day window.

Employee Details

- **Full Name:**
- **Payroll Reference Number:** *(see Pay Advice slip)*
- **Job Title:**
- **School:**

Leave Details:

Type of Leave	☐ Maternity ☐ Adoption
Leave Start Date	

Expected Return Date	
Duration of Unpaid Leave (if known)	
Pension Contributions:	
During paid leave, LGPS contributions continue as normal. During unpaid leave, you may choose to buy back lost pension to maintain full-service credit. Please tick the appropriate statement:	
☐ I wish to buy back lost pension for the unpaid portion of my maternity/adoption leave. ☐ I wish to defer this decision until I return to work.	
Declaration	
I confirm that I understand the option to buy back lost pension for the unpaid portion of my leave. I understand that if I elect to do so within 30 days of returning to work, my employer may contribute two-thirds of the cost. If I defer beyond this period, I may be responsible for the full cost.	
Signed:	Date:

