



**Brontë Academy Trust**  
Great schools. Inspirational people. Strong foundations.

# **Bronte Academy Trust**

## **Work and Families Policy**

**Bronte Academy Trust has adopted the PACT HR recommended model procedure as agreed by Trade Unions**

- UNISON
- GMB
- NASUWT
- NEU
- ASCL\*
- NAHT

\*ASCL recognises that meaningful consultation took place prior to the adoption and implementation of this policy

<b>Reviewed By</b>	<b>Approved By</b>	<b>Date of Approval</b>	<b>Version Approved</b>	<b>Next Review Date</b>
DH	Trustees	11 June 2024		11 June 2025
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## SUMMARY OF KEY CHANGES

Updated 6 April 26

1. Policy Statement regarding the introduction of the Fair Work Agency in April 2026 (ERA 2025)
2. The ERA 2025 has implemented wider eligibility Family Leave criteria for babies born or adoption placements after 6 April 2026 as follows:
  - Day one qualifying period
  - 28-day interim notice period for babies born between 5 April 2026 – 25 July 26
  - Paternity Leave can now be taken prior or following Shared Paternity Leave
3. Surrogacy – revision to entitlements made
4. Maternity and Adoption Leave/Pay sections reviewed and restructured for further clarity
5. Request for Fostering Leave Section added
6. Gender reference updated as neutral
7. Appendix 3: Equality Impact Assessment removed

# **1 POLICY STATEMENT**

## **1.1 The Principles of this Policy**

This policy applies to all school-based staff

This document intends to provide a summary of employees' entitlements to maternity, paternity, adoption and parental leave. It is not a comprehensive summary of employees' legal rights and in any case of dispute on interpretation, the wording used in legislation, Conditions of Service Handbooks and in Local Agreements will take precedence. If you require further information or have specific queries, please contact your PACT HR Business Partner.

The terms of the policy have been developed in recognition of the statutory requirements covering maternity, paternity and adoption provisions, as well as wider issues affecting working families i.e. parental leave provisions. It also recognises the importance of supporting employees with family friendly approaches to working, to enable them to achieve a greater work-life balance.

Further information regarding family friendly policies can also be found in the Trust Leave of Absence Policy.

The provisions as described in this document apply to all employees, including those on temporary contracts. They also apply to full time and part time employees, irrespective of the number of hours they work, but may be subject to length of service.

The following definitions are used in this policy:

- Expected week of childbirth' (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth
- 'Qualifying week' means the 15<sup>th</sup> week before the expected week of childbirth for the purpose of SMP and the 11<sup>th</sup> week before the expected week of childbirth for the purpose of OMP

## **1.2 Equality Impact Assessment**

All Schools, Academies and Trusts must ensure that all strategies, policies, services and functions, both current and proposed have considered equality, diversity and inclusion. It is recommended that an Equality Impact Assessment (EIA) form is used in conjunction with PACT HR Policies. An EIA template is attached to this policy, or a word version can be found on the PACT HR website for completion.

## **1.3 Fair Work Agency**

The Trust is committed to complying with UK employment law and supporting principles of fairness, transparency and accountability at work. The role of the Fair Work Agency is recognised in enforcing employment rights and promoting lawful workplace practices with effect from 7 April 2026.

This Work and Families Policy complies with current legislation and educational employment related best practice. This policy is designed to meet or exceed the minimum standards set out in relevant legislation to support employees in balancing work and family commitments.

The Trust will co-operate fully with any lawful request or investigation by the Fair Work Agency and take appropriate corrective action where required.

## **1.4 Data Protection**

All personal data collected and processed under the Work and Families Policy will be handled in accordance with the applicable data protection laws and the organisation's data protection policy. Data will only be accessed by authorised personnel where necessary for legitimate business purposes, such as administering leave entitlements, pay and statutory obligations. All records will be stored securely, retained only for as long as necessary, and not disclosed to third parties without the appropriate legal basis or the employee's consent, unless required by law.

## **2 MATERNITY LEAVE AND PAY**

### **2.1 Right to time off for Ante-Natal Care**

All pregnant employees are entitled to paid time off in order to keep appointments for antenatal care, made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care includes:

- Appointments with the GP or registered Midwife
- Hospital appointments for scans or tests
- Other appointments made on the recommendation of the GP or registered Midwife
- Relaxation and Parent Craft classes

Employees will need to inform the headteacher, as far in advance as possible, of the date and time of an appointment and the best estimate of the length of absence from work, including travelling time if significant. It would also be helpful in many cases if they could try to arrange appointments at the beginning or the end of the day, although the Trust recognises this may not always be possible.

Except for the first appointment, if requested by the Trust, the employee must be prepared to show a certificate from a registered practitioner, midwife or health visitor confirming that she is pregnant and an appointment card, or some other document showing that an appointment has been made, prior to the appointment taking place.

The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate provided they have complied with the above requirements.

There is a statutory right for fathers/partners of pregnant women and intended parents of children born through surrogacy to time off work to attend up to two antenatal appointments which may be paid or unpaid at the discretion of the Trust.

### **2.2 Time off for IVF Appointments**

Employees should refer to the Leave of Absence policy and procedure to request time off for medical appointments, once the employee becomes pregnant, they are entitled to the same time off for ante-natal care as outlined above.

It is good practice (though not a legal requirement) for you to treat sympathetically any request for time off for IVF or other fertility treatment. Paid time off is at the discretion of the Trust.

### **2.3 The Expected Date of Childbirth**

The employee's midwife will provide a certificate stating the expected week of childbirth (MAT B1). This is normally issued after the 21<sup>st</sup> week of pregnancy. This certificate is required in order to claim Statutory Maternity Leave and Pay, if eligible.

As soon as the expected date of birth is confirmed on the MATB1 form, the earliest date for starting the period of maternity leave can be calculated, which is the beginning of the 11<sup>th</sup> week before the expected week of childbirth (EWC). To calculate this date employees should count back 11 weeks from the Sunday before the date of expected birth. Employees may commence maternity leave any time between this date and the expected date of birth. However, maternity leave will start automatically if employees are absent from work with a pregnancy related illness during the 4 weeks before the baby is due, or if an employee gives birth their maternity leave will commence the following day.

## **2.4 Pension and Annual Leave**

The contract of employment continues during maternity leave. The employee will continue to receive all contractual benefits for the full maternity leave period.

### **2.4.1 Teaching Staff**

**Pension:** Any period when receiving pay during maternity leave (SMP or OMP) is regarded as pensionable service. When pay stops, the employee may not pay into the pension scheme. However, teachers may choose to protect their pension by buying additional pension to compensate. Employees should contact Teachers' Pensions for more information. (Please note, continuity of service will not be affected). Payment for keeping-in-touch days will also be pensionable.

**Annual Leave:** Under the Working Time Regulations, from April 2009; Teachers have a statutory right to paid annual leave amounting to 28 days (5.6 weeks). However, in most cases, periods of school closure before and after the maternity leave period will more than equal the 28-day annual leave entitlement.

The above is not an additional entitlement to annual leave on top of the current school closure arrangements.

### **2.4.2 Support Staff**

**Pension:** Any period when receiving pay during maternity leave (SMP or OMP) is regarded as pensionable service. Employees can either opt to pay pension contributions for any period of unpaid maternity leave so that it then counts as a period of service or not pay any outstanding contributions and the unpaid period will not count for pension purposes (whichever option is chosen, continuity of service will not be broken). If the employee wishes to pay additional contributions, they should notify payroll within 30 days of the date of return to work, or the date of ceasing employment, whichever is the earliest. Payment for keeping-in-touch-days will also be pensionable.

**Annual Leave:** Under the Working Time Regulations, Support Staff who work term time have a statutory right to paid annual leave amounting to 28 days (5.6 weeks). For support staff who work on a term time only basis, in most cases, periods of school closure before and after the maternity leave period will more than equal the 28-day annual leave entitlement.

The above is not an additional entitlement to annual leave on top of the current school closure arrangements.

Support staff who work all year round will continue to accrue their normal annual leave entitlement throughout both ordinary and additional maternity leave.

Time off in lieu will accrue in respect of Bank Holidays during the whole of the maternity leave. Any time taken as maternity leave will count towards qualifying service for the purpose of additional annual leave based on length of continuous service. Any leave entitlement so accrued must still be taken in the leave year which it relates. Common practice is to take any outstanding annual leave at the beginning or the end of the maternity leave period depending on where this falls in relation to the annual leave year. Employees should discuss their annual leave entitlement fully with their headteacher / line manager to ensure that they have the opportunity to take their entitlement either before commencing maternity leave or immediately prior to their return to work.

Where an employee is planning not to return to work, she should be encouraged to plan to take any annual leave entitlement that she may be due, before commencing maternity leave. If the employee has taken more paid annual leave than entitled to at the date of resignation, then the overpaid portion must be repaid to the Trust.

## **2.5 Pay Increments:**

### **2.5.1 Teaching Staff**

An employee resuming work after maternity leave is entitled to benefit from any general improvements to the rate of pay (or other T&Cs) which may have been introduced whilst they have been away. For teaching staff, the period of absence on maternity leave counts towards the service required to establish a “year of employment” for the purpose of pay progression on the Main Pay Scale as outlined in the School Teacher’s Pay & Conditions Document. A teacher who has passed through the threshold will not be disadvantaged in making progress within the Upper Pay Spine whilst on maternity leave. Progression on UPR should be based on guidance as set out in the School Teachers’ Pay and Conditions Document. Please consult your PACT HR Business Partner for further guidance.

### **2.5.2 Support Staff**

Pay increments automatically apply during periods of maternity leave in line with NJC pay and conditions.

## **2.6 Maternity Leave:**

### **2.6.1 Duration and notification of maternity leave**

All women, trans men and non-binary employees are entitled to 52 weeks’ maternity leave regardless of the number of hours worked or length of service as follows:

- Maternity Leave is a day-one right
- Ordinary Maternity Leave – first 26 weeks
- Additional Maternity Leave – last 26 weeks
- Maternity leave is to be taken in one block within a twelve-month period from the date of placement unless otherwise agreed with the school
- Employees may be able to take some of their maternity leave as Shared Parental Leave as per Section 4 of this policy
- The employee giving birth must take at least 2 weeks leave immediately following the birth of the child prior to returning to work
- Be subject to all other entitlements and conditions of their maternity scheme

### **2.6.2 Notification of Maternity Leave**

Employees must notify their employer at least 14 weeks, or as soon as reasonably practicable, before they intend to start leave.

- That they are pregnant
- When the Expected Week of Childbirth (EWC) will be and provide a MATB1, which will be issued by her midwife after the 21<sup>st</sup> week of pregnancy
- When they intend to start their maternity leave

Employees will be required to notify their employer of their intention to take maternity leave by the 14<sup>th</sup> week before EWC unless this is not reasonably practicable.

An employee will be able to change their mind about when they start their leave providing the employer is notified, unless it is not reasonably practicable.

- At least 28 days in advance (Support Staff)  
OR
- At least 21 days in advance (Teaching Staff)

There is a requirement for employers to respond to an employee's notification of their leave plans within 28 days.

An employer will need to write to the employee setting out the date on which they are expected to return to work.

Unless notified otherwise, the Trust should assume that the employee will be taking their full entitlement to maternity leave.

It is also the responsibility of the employer to carry out a written risk assessment with the employee, when the employee has notified that they are pregnant.

### **2.6.3 Commencement and Entitlement**

Maternity leave should not commence any earlier than the 11<sup>th</sup> week before the Expected Week of Childbirth (EWC). However, it may be earlier in the following circumstances.

- If the baby is born before the maternity leave is due to commence, then maternity leave starts automatically on the day after the birth
- Pregnant employees may work after the 11<sup>th</sup> week before the EWC and remain at work up to the birth of the child unless they are certified as medically unfit to do so
- Maternity leave may be commenced earlier in the following circumstances
  - When an employee's absence from work for an illness which is partly or wholly due to their pregnancy after the beginning of the 4<sup>th</sup> week before the EWC, maternity leave will automatically commence
  - In accordance with statutory requirements, an employee entitled to maternity leave shall not work, nor be permitted by their employer to work, during the period of two weeks which commences on the childbirth

### **2.6.4 Working for another Employer Whilst on Maternity Leave**

If the employee works for another employer during the statutory maternity pay period but before the baby is born, the employer should carry on paying statutory maternity pay. If the employee works for another employer during the statutory maternity pay period by after the baby is born, the employer

will need to check whether they worked for the other employer during the 15<sup>th</sup> week before the baby was due. If they did, statutory maternity pay should be paid as usual. If, however the employee is working for another employer for which they did not work during the 15<sup>th</sup> week before the baby was due, the employer must stop paying statutory maternity pay from the start of the week that the employee works for the other employer it is up to the employee to inform their employer that they are working for someone else during the statutory maternity pay period.

## **2.7 Contact During Maternity Leave**

It is good practice for employees and headteachers/line managers to maintain reasonable contact during an employee's absence so that they remain informed of developments and changes within the school, which will support their return to work. The mechanisms by which they wish to do this, and the extent to which they want to be informed, should be discussed with the headteacher/line manager prior to the commencement of maternity leave. This contact will normally be minimal and should neither be excessive or intrusive. This does not constitute "work" and would not count towards the KIT 10-day period (see below).

## **2.8 Keeping in Touch Days (KIT)**

Keeping in touch days can also enable an employee and the headteacher / line manager to keep in touch during the maternity leave period to ease the return to work. Following agreement with the headteacher or Line Manager, the employee can undertake 10 days' work during maternity leave without bringing the maternity period to an end.

For these purposes, "work" is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch such as conferences, team meetings, training etc.

The provisions apply to the entire period of maternity leave, except during the first 2 weeks after childbirth which is a period of compulsory maternity leave.

Working for any part of a day will count as one day towards the 10 KIT days; however, employees will only be paid for the hours worked at their contractual rate of pay (offset against SMP where payable). During any unpaid maternity leave period, pay will be rounded to the nearest half day in instances of part day working.

Any work done during maternity leave must be by agreement. The employer cannot insist that an employee carries out any work and the employee is protected from suffering a detriment or being dismissed for refusing to do so.

An employee cannot insist on being given any work to do.

Employees still qualify for SMP on up to 10 KIT days. If the employee exceeds the 10 days by only one day, the full week of SMP will be forfeited (where applicable)

## **2.9 Returning to Work**

### **2.9.1 Right to Return**

- (a) Subject to (b), the employee is entitled to return to the job in which they were employed under their original contract of employment and on terms and conditions not less favourable than those which would have been applicable to them had they not been absent. "Job" for this purpose,

means the nature of the work which they are employed to do and the capacity and place in which they are so employed. If the employee takes more than 26 weeks leave (Additional Maternity Leave) they are also entitled to return to the same job on the same terms and conditions unless this is not reasonably practicable by reason of redundancy. However, if there is some reason other than redundancy why it is not reasonably practicable for the employee to return to their original job, they are entitled to be offered suitable alternative work on terms and conditions no less favourable than the original job.

- (b) Where it is not practicable by reason of redundancy for the school to permit them to returned to work in their job as defined in (a), the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable and appropriate to the circumstances, and that the capacity and place in which they are to be employed and the terms and conditions of employment are not substantially less favourable to them than if they had been able to return to the job in which they were originally employed. In these circumstances, the Trust will adhere to the Workforce Change policy. A copy of which can e obtained from the Trust.
- (c) Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (general reorganisation) which would have occurred if the employee had not been absent, necessitate a change in the job in which they were employed prior to their absence. The work to be done should be suitable and appropriate to the circumstances and the capacity, place, and terms and conditions in which they are to be employed should not be less favourable than if they had been able to return to the job in which they were originally employed.

## **2.9.2 Exercise of the Right to Return**

### **(a) At the end of Maternity Period**

Employees taking the full year's maternity leave entitlement are not required to give any further notification of returning to work, providing they intend to return on a date notified to the school prior to the commencement of their maternity leave.

### **(b) Before the end of the Maternity Period**

Employees wishing to return before the end of their maternity leave period should notify the headteacher, in writing, at least 21 days before the day on which they propose to return.

If this is before the end of the Additional Maternity Leave Period, Where the notice given is less than 21 days, the headteacher can delay the return until 21 days' notice has been received, or until the end of the 52-week maternity leave period (as notified) if this is earlier than 21 days.

Where an employee has not completed one year's continuous service by the beginning of the 11<sup>th</sup> week before the EWC with one or more local authorities, they must give the headteacher at least 21 days' notice in writing, of the proposed return date. Where the notice given is less than eight weeks, the headteacher can delay the return until 21 days' notice has been received or until the end of the 52-week maternity leave period (as notified) if that is earlier than eight weeks.

### **(c) Prevented from Returning to Work**

Where an employee is unable to return on the expected day due to sickness, the absence will be covered by the occupational and statutory sick pay schemes in the normal way.

For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect them to return on the agreed date, they may instead return when work resumes, or as soon as reasonably practicable thereafter.

### **2.9.3 Resignation**

Where an employee, during their period of maternity leave decides not to return to work, contractual notice must be given to school. Contractual notice must also be given where an employee wishes to resign before maternity leave commences, however it may be possible to determine a mutually agreeable termination date.

### **2.9.4 End of Fixed Term Contract during Maternity Leave**

Should an employee's contract expire date occur during their period of maternity leave, the Trust must comply with the normal fixed term contract termination process.

The reason for non-renewal must not be maternity related and employers are advised to seek HR advice from their PACT HR Business Partner.

## **2.10 Maternity Pay**

Maternity pay comprises Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP). Employees with 26 weeks' continuous service at the end of the 14<sup>th</sup> week before the EWC may be entitled to 39 weeks' SMP and employees with one year's continuous service at the 11<sup>th</sup> week before the EWC may be entitled to 39 weeks of SMP in addition to OMP. Full entitlement outlined can be found in the relevant conditions of service document for both teaching and support staff.

### **2.10.1 Statutory Maternity Pay (SMP)**

Pregnant employees are entitled to SMP if they have been continuously employed by their current employer for 26 weeks up to and including the 15<sup>th</sup> week before the baby is due.

If they are not eligible for SMP, they may be eligible to claim Maternity Allowance from the Job Centre Plus depending on their NI contributions record and earnings rule.

Any employee who is entitled to receive statutory Maternity Pay (SMP), will receive it for a maximum of 39 continuous weeks with the remaining 13 weeks' leave being unpaid.

SMP is paid whether or not the employee intends to return to work for their employer, providing they are still working for the employer at the 15<sup>th</sup> week before the EWC. Where staff are entitled to Occupational Maternity Pay, SMP is offset against OMP for the first 6 weeks of payment.

For employees who inform the employer that they do not intend to return to work, payments during the subsequent 33 weeks shall be the employee's entitlement to SMP.

SMP cannot start earlier than the start of the maternity leave period (i.e. the 11<sup>th</sup> week before the EWC, apart from in the exceptional circumstances listed in paragraph 2.4.6 above) SMP is not paid where the employee does any paid work after the birth in the paid maternity period (excluding 'Keeping in Touch' days).

### **2.10.2 Maternity Allowance (MA)**

Pregnant employees with at least one year's continuous service, with one or more qualifying employers (i.e. Local Authority, School, Academy or Trust) at the beginning of the 11<sup>th</sup> week before the EWC but less than 26 weeks by the end of the qualifying week will be entitled to OMP but not SMP.

However, dependent on their National Insurance contributions they may be entitled to state Maternity Allowance (MA).

### **2.10.3 Occupational Maternity Pay (OMP)**

OMP payments made to the employee during Maternity Leave are made on the understanding that the employee will return to work either at the school or within the Local Authority for a period of at least 3 months after the maternity leave period. The provisions for teaching staff and support staff differ and are paid in accordance with statutory and locally agreed terms and conditions, as outlined in the Burgundy Book (for teaching staff and Green Book (for support staff).

**Teachers:** Payment of OMP to the teacher shall be made on the condition that she will return to her job for a period of at least 13 weeks from the date of return (this includes periods of school holidays). This period would extend, on a pro rata basis, if the employee was returning to work on fewer hours than they worked prior to maternity leave. Should the teacher not be available for work or decide not to return to their job for the required period, she shall refund the OMP payments made during her maternity other than those made during the first six weeks of leave. Payments made by the way of SMP are not refundable.

**Support Staff** payment of OMP to support staff shall be made on the understanding that they will return to School/Academy/Trust employment for a period of at least 3 calendar months, whether this be on a full time, part time or job share basis. Should the employee not be available for work or decide not to return to School/Academy/Trust employment, she shall refund the whole amount of half pay.

Payments made to the employee by way of SMP are not refundable.

Please see overleaf for Maternity Pay Schedules for Teaching and Support Staff overleaf.

## Maternity Pay Schedules

Teaching Staff					
Maternity Pay Criteria	First 4 weeks	Next 2 weeks	Next 12 weeks	Next 21 weeks	Next 13 weeks
At least 1 year's continuous service at the 11 <sup>th</sup> week before EWC (with one or more Local Authorities) and at least 26 weeks; continuous service with Bradford Council by the end of the 15 <sup>th</sup> week before EWC	Full pay (inclusive of SMP)	90% of a week's pay (inclusive of SMP)	Half pay plus SMP (capped at normal salary)	SMP	No pay
At least 1 year's continuous service at the beginning of the 11 <sup>th</sup> week before EWC (with one or more Local authorities) but less than 26 weeks' continuous service with Bradford Council by the end of the 15 <sup>th</sup> week before EWC	Full pay (inclusive of SMP)	90% of a week's pay (inclusive of SMP)	Half pay plus MA if eligible (capped at normal salary)	MA if eligible	No pay
Less than 1 year's continuous service at the beginning of the 11 <sup>th</sup> week before the EWC (with one or more Local Authorities) and at least 26 weeks' continuous employment with Bradford Council	Higher Rate SMP (6 weeks)		Lower Rate SMP (33 weeks)		No pay
Less than 1 year's continuous service at the beginning of the 11 <sup>th</sup> week before the EWC (with one or more Local authorities) and less than 26 weeks' continuous employment with Bradford Council by the end of the 15 <sup>th</sup> week before EWC	Statutory Maternity Allowance (MA) may be payable, dependent on National Insurance contributions.  Maximum 52 weeks leave.				

Support Staff				
	First 6 weeks	Next 12 weeks	Next 21 weeks	Next 13 weeks
At least 1 year's continuous service at the beginning of the 11 <sup>th</sup> week before the EWC (and intends to return)	90% of a week's pay (offset against SMP or MA)	Standard Rate of SMP (if eligible) plus half pay (capped at normal salary)	Standard rate of SMP (if eligible)	No pay
At least 26 weeks continuous service at the end of the 15 <sup>th</sup> week before the EWC	90% of a week's pay (offset against SMP or MA)	Standard rate of SMP (if eligible)		No pay
Less than 26 weeks' continuous service at the beginning of the 11 <sup>th</sup> week before EWC	Statutory Maternity Allowance (MA) may be payable, dependent on National Insurance contributions. Maximum 52 weeks' leave			

Employees who become pregnant during a period of maternity leave are entitled to a second period of maternity leave. However, it is important to note that maternity pay may be impacted.

Please contact your payroll provider for further guidance.

## **2.11 Protection against Unfair Treatment or Dismissal**

Pregnant employees must not be treated any less favourable than any other staff and must not be dismissed from employment or selected for redundancy in preference to other comparable staff, for reasons of pregnancy.

There is additional protection from redundancy following a period of maternity leave in accordance with the Protection from Redundancy (Pregnancy and Family Leave) Act 2023. Advice must be sought from your PACT HRBP in these circumstances.

Employees are protected from dismissal regardless of hours/service:

- If the principal reason for the dismissal is pregnancy or any reason connected with pregnancy
- If dismissed during maternity leave and the principal reason is the birth or any reason connected with having given birth
- If dismissed and the reason is because the employee took maternity leave
- If there are pregnancy related health and safety issues, and the employee is unable to do her job

It will be automatically unfair to select an employee for redundancy for pregnancy, childbirth or maternity related reasons. Where there is a genuine and necessary reason, the employer must carry out a fair procedure as outlined below and as per the Trust's Managing Workforce Change Policy, Redundancy Procedure.

- a) Selection criteria should be objective, non-discriminatory and applied fairly
- b) When carrying out consultation, this should include any employee who is on maternity leave. They should be given information about proposed redundancies in the same way and at the same time as other employees where reasonably practicable to do so. Where there are practical difficulties, other arrangements should be made i.e., rearrange meetings or conduct them at the employees' home.
- c) Reasonable steps must be taken to find alternative employment for employees who may otherwise have been dismissed by reason of redundancy. An employee on maternity leave should be offered a suitable alternative vacancy (where one exists) before another employee. This is applicable to employees during periods of ordinary and additional maternity leave in addition to adoption and additional paternity leave. If a suitable alternative vacancy is offered and the employee unreasonably turns it down, the dismissal will be fair, and the employee would lose the right to a statutory redundancy payment. Employees should be granted reasonable time off to search for alternative employment and offered interview support.
- d) Where there is no suitable vacancy, the employee's employment would be terminated by reason of redundancy and will be entitled to a redundancy payment (where qualifying conditions are met), relevant notice period and written reasons for dismissal.

## **2.12 Employment Protection for Neonatal Leave**

1. Employees taking Neonatal Care Leave are protected from dismissal or detriment as a result of taking or applying for this leave
2. Employees will remain entitled to the same terms and conditions of employment, except for pay, during their leave

3. Employees with 26 weeks' continuous employment and qualifying earnings may be entitled to statutory neonatal care pay for a period of 12 weeks
4. Employees who have taken six consecutive weeks of Neonatal Care Leave will benefit from extended redundancy protection rights

## **3 HEALTH AND SAFETY**

### **3.1 Introduction**

All employers have a legal obligation to protect the health and safety at work of all staff and others, including new, breast feeding and expectant mothers.

### **3.2 Risk Assessment**

An employee should inform their manager that they are pregnant. A risk assessment of their working area and practices should then be carried out. Each individual expectant mother would require a specific assessment that will need to be reviewed as the pregnancy progresses. The completion of any Risk Assessment of this nature must be treated as a communicative process and must be carried out in conjunction with the employee. Further guidance can be found in the HSE booklet, New and Expectant Mothers at Work. A Guide for employers. Further information can also be found on the PACT HR website or by contacting your HR Business Partner.

Line Managers are responsible for ensuring that when carrying out risk assessments for workplaces and workstations etc. particular attention is paid to those risk that could affect the health or safety of new, breast feeding or expectant mothers or their babies. All reasonably practicable measures should be taken to prevent exposure to risks, through removal of hazards or implementation of controls.

If a pregnant employee believes there is a risk to her health or safety, or to that of her baby, which has not been considered in the risk assessment, she must bring the risk to the attention of her headteacher or line manager.

### **3.3 Communicable Diseases**

If the early months of pregnancy employees are advised by an approved medical practitioner to be absent from school because of the risk of a communicable disease, they will be granted full pay.

### **3.4 Miscarriage**

The Trust recognises the impact of a miscarriage to the employee and their families and as such all employees will be treated sensitively and with compassion. Should an employee or an employee's partner suffer a miscarriage, support can be gained through the Trust's Occupational Health provisions. In the event of a pregnancy loss, up to and including 24 weeks of pregnancy, it will be treated as sickness absence.

### **3.5 Still Birth**

In the tragic circumstances of a still birth, which is defined as occurring after 24 weeks of pregnancy or of a neonatal death, employees will be entitled to the same maternity leave and pay as if the pregnancy had reached full term. The return-to-work notification remains unchanged i.e. 21 days of proposed return to work. See section 8 – Parental Bereavement Leave for further information. Should the employee or an employee's partner suffer the loss of a child through still birth, further help and support will be offered.

### **3.6 Removal of Staff from Risk**

If despite taking all reasonably practical measures, there is still a risk that could jeopardise the health or safety of a new, breast feeding or expectant employee or the baby then steps must be taken to remove the individual from that risk. This must be done as soon as the headteacher or line manager has been informed that an individual is pregnant. The steps to remove an individual from a risk are as follows:

- To temporarily adjust the individual's working conditions and/or hours of work; or if it is not reasonable to do so, or would not avoid the risk
- Offer suitable alternative work if any is available; or if that is not feasible
- Medical Leave of Absence from work for as long as necessary to protect their safety or health or that of the child

### **3.7 Offers of Suitable Alternative Work**

Where an employee is offered suitable alternative work, the work must be:

- Both suitable and appropriate for them to do in the circumstances
- On terms and conditions no less favourable than their normal terms and conditions

### **3.8 Entitlements during Medical Leave of Absence**

An employee on medical leave of absence is entitled to be paid remuneration and benefits for as long as the absence continues in line with the provisions of the relevant conditions of service. The only exception to this is where they unreasonably refuse an offer of suitable (risk assessed) alternative work, in which case no remuneration is payable for the period during which the offer applies. During the period of medical leave of absence continuity of employment, pension rights and length of service payments are protected.

### **3.9 New and Nursing Mothers**

Facilities for Breastfeeding and expressing/storing milk at school

The Workplace Regulations (1992) require employers to provide suitable 'rest' facilities for workers who are pregnant or breastfeeding. Although it is not a legal requirement, the Health and Safety Executive (HSE) encourages employers to provide a healthy and safe environment for nursing mothers to express and store milk. This could be provided in the suitable rest facilities and should be away from communal fridges and not within rooms linked to toileting facilities.

## **4 PATERNITY / NOMINATED CARER'S LEAVE**

### **4.1 Introduction**

Statutory Paternity Leave and Paternity Pay is available to fathers and the partners of mothers of children. The provisions apply whether the employee's service is full time or part time (irrespective of the number of hours).

The ERA 2025 reduced the qualifying period to day 1 of employment for babies born on or after 6<sup>th</sup> April 2026 meaning that the previous 26-week service requirement has been abolished. Paternity Leave can also be taken prior or following Shared Parental Leave on or after 6<sup>th</sup> April 2026.

Employees who are acting as the "prime or nominated carer" for the mother/child may request nominated carers' leave.

They are subject to the same provisions as applied to employees requesting Paternity Leave.

In addition to Statutory Paternity Pay, there is a qualifying occupational paternity pay, as per Section 4.3 of this policy.

## **4.2 Paternity Leave / Nominated Carer's Leave**

### **4.2.1 Eligibility**

Paternity Leave / Nominated Carer's Leave is a day one right with eligibility as follows:

The employee must

- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, of the child's mother
- Have or expect to have responsibility in the child's upbringing
- Give proper notice and evidence to school of their intention to take Statutory Paternity Leave

### **4.2.2 Duration and when leave can be taken**

- Employees eligible for the leave may choose between taking two separate one-week blocks of leave or two weeks' consecutively
- The minimum amount of time that can be taken in a block is one week and cannot be used to take odd days (except in instances of Contractual Paternity Leave)
- Leave can be taken at any time in the 52 weeks after birth or adoption but cannot be taken before the birth or placement of the child
- The employee must provide their Senior Leader with written evidence from either the GP, hospital, or adoption agency that:
  - Their partner's pregnancy exists or confirmation of being matched with a child
  - Shows the expected date of confinement or child placement

### **4.2.3 Notification**

- For babies due 5 April 2026 to 25 July 2026, only 28 days' notice is required instead of 15 weeks. This is an adjustment to allow time for the day one leave rights to allow for the required 15 weeks' notice.
- An employee must notify their employer by the end of the 15<sup>th</sup> week before EWC or as soon as reasonably practicable, that they intend to take paternity leave.
- The employee must provide no later than 7 days' notice of their co-adopter or partner being matched with a child
- To apply for Nominated Carer's Leave, the employee must provide a copy of the MATB1 along with a letter from the mother confirming they are the nominated person of choice
- The Inland Revenue Form 'SC3 – Becoming a Parent' (for births) or 'SC4 – Becoming an Adoptive Parent' (for adoptions) can be used to give notice of leave and to apply for Statutory Paternity Pay (SPP)
- The notice must specify the length of leave to be taken and the date the employee wishes the leave to commence
- If the employee wishes to change the start date, they must give 28 days' notice, in writing if requested

## **4.3 Paternity / Nominated Carers Pay Scheme**

There are two types of pay schemes depending on the employee's length of service

### **4.3.1 Statutory Paternity / Nominated Carers Pay Scheme**

Employees will be entitled to Statutory Paternity Pay, it will be paid at the weekly rate of Statutory Paternity Pay, or 90% of the employee's weekly earnings, whichever is the lowest

To qualify, employees must

- Have been continuously employed for 26 weeks at the 15<sup>th</sup> week before due date
- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, or the child's mother
- Have or expect to have responsibility for the child's upbringing

OR

### **4.3.2 Contractual Paternity / Nominated Carers Pay Scheme**

To qualify, employees must:

- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, of the child's mother
- Have or expect to have responsibility for the child's upbringing
- Have been continuously employed for at least 1 year, with one or more local authorities, by the beginning of the 11<sup>th</sup> week before the EWC or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas); and
- Give proper notice and evidence to school of their intention to take contractual Paternity Leave
- If an employee who has met the above criteria has taken some paternity leave, then then leaves the Trust employment before the beginning of the 11<sup>th</sup> week, and at the date of leaving, has less than one year's continuous local government service then they will be required to repay the council the cost of the occupational pay element of the paternity pay receive.

In the tragic circumstances of a still birth, which is defined as occurring after 24 weeks of pregnancy or of neo natal death, employees will be entitled to the same paternity leave and pay as if the pregnancy had reached full term. Please refer to section 3.5 for information on employee support.

### **4.4 Extended Paternity Leave**

Employees may take an extended period of paternity leave in the unfortunate event that the child's mother (or adopter) who has taken leave for the child has died, before the child is one year old (or in the first year of placement). Extended paternity leave can last up to the child's first birthday (or one year after the child's placement). Employees may be entitled to Additional Statutory Paternity Pay which is paid during the 39 weeks that their partner would have received the relevant statutory pay. Please refer to section 8 for information on employee support.

## **5 PARENTAL LEAVE**

### **5.1 Introduction**

The right to parental leave is contained in the Maternity and Parental leave etc Regulations 1999, made under the Employment Rights Act, as amended by the Employment Relations Act 1999. It offers qualifying parents the right to take a period of unpaid time off work to look after a child or to plan for the child's welfare. Parents can also use it to spend more time with their children.

The ERA 2025 reduced the qualifying period to day 1 of employment for babies born and / or adoption placements and permits Paternity Leave to be taken prior or following Shared Parental Leave or after 6<sup>th</sup> April 2026.

Employees are entitled to a total of 18 weeks' unpaid leave for each qualifying child. Parental leave is for each child therefore if an employee has twins the leave is doubled. The leave can be taken at any time up until the child's 18<sup>th</sup> birthday.

Parental leave should be taken in blocks of a week or multiples of a week and should not be taken as 'odd' days off, unless the employer agrees otherwise or the child is disabled. Employees cannot take off more than four weeks during a year per child. A week is based on an employee's working pattern.

## **5.2 Qualifying Conditions**

Parents (or adopters) of children under the age of 18 may have the right to parental leave.

To qualify, employees must:

- Be named on the child's birth or adoption certificate

If employees are separated from the spouse or partner and don't live with their child (or children) they maintain the right to parental leave if they keep formal parental responsibility for the child (or children). Foster parents do not have the right to parental leave but may be able to request a flexible working pattern (see separate guidance, which can be obtained from the Trust)

## **5.3 Requests for Parental Leave**

Employees wishing to request a period of Parental Leave must give their headteacher / line manager at least 21 days' notice. This request should be put in writing stating the dates on which the leave is to begin and end. If an employee wishes to take parental leave straight after the birth or adoption of a child, they should give notice 21 days before the beginning of the expected week of childbirth or placement in cases where they may not be possible, for example, if a child is born prematurely or where less than 21 days' notice is given that a child is to be placed for adoption, notice should be given as soon as possible.

An employer can ask to see evidence to confirm that the employee is the parent or the person legally responsible for the child, evidence might take the form of information contained in the child's birth certificate or adoption papers etc.

An employer can postpone the leave for up to six months where the business (school) would be particularly disrupted if the leave was taken at the time requested but it cannot be postponed so that the leave ends after the child's 18<sup>th</sup> birthday.

However, the employer will notify the employee of the decision, including the reason for postponement and alternative dates during which the parental leave can be taken. Please seek advice from PACT HR Business Partner prior to refusing or postponing a parental leave request.

An employee may elect to take a period of Parental Leave from the date of childbirth or from the date of adoption, in which case the Employer cannot delay the date of the leave. The employee must give 21 days' notice before the EWC, or 21 days before the week in which adoption placement is to occur, (following the guidance as per 6.1.9).

If a woman, trans woman or non-binary employee wishes to take a period of Parental Leave immediately following their maternity leave, they should also ensure that they make the request to their line manager giving at least 21 days' notice.

#### **5.4 Returning to Work**

At the end of Parental Leave period, the employee is entitled to return to the same job as before, if the leave was for a period of 4 weeks or less. The employee is also entitled to benefit from any improvements to the rate of pay (or other employment terms and conditions) which may have been introduced while they have been away

### **6 SHARED PARENTAL LEAVE**

#### **6.1 Introduction**

Shared Parental Leave (SPL) enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed and applies to eligible parents of children born or adopted on or after 5 April 2015. This enables parents to share the leave with their partner, perhaps returning to work for part of the time and then resuming leave at a later date. The aim of Shared Parental Leave is to give parents greater flexibility in how they care for their child during the first year.

The ERA 2025 permits Paternity Leave to be taken prior to or following Shared Parental Leave or after 6<sup>th</sup> April 2026.

Eligible parents will have the right to share up to 52 weeks leave to care for their child (minus the period that the mother has spent on maternity leave) and up to 37 weeks shared parental pay. Employees generate an entitlement to shared parental leave (SPL) if the mother brings her maternity leave to an end early. The balance of any leave and pay remaining becomes available to the parents as SPL, to be split between them as they choose.

#### **6.2 Qualifying Conditions**

Employees will be eligible to take leave if they have sufficient period of service and their partner satisfies the minimum employment and earnings criteria.

Employees have to give 8 weeks' notice of their intention to opt-in to SPL and of any subsequent request for leave.

When a couple initially opt in, they are required to give a non-binding indication of how they are intending to take their SPL.

Employees are entitled to give up to 3 notifications of SPL (or changes to SPL), unless the organisation is willing to allow more requests.

SPL must be taken within 52 weeks of the child's birth.

'Keeping in Touch' days will be available to each parent during shared parental leave, in addition to maternity leave 'keeping in touch days. During any unpaid shared parental leave period, pay will be rounded to the nearest half day in instances of part day working.

The right to return to the same job will apply to employees returning from any period of leave that includes maternity, paternity, adoption and SPL that totals 26 weeks or less, even if the leave is taken in discontinuous blocks.

## **7 ADOPTION LEAVE AND PAY**

### **7.1 Introduction**

Statutory Adoption Leave is available to parents to prepare for adoption or to care for a newly placed adoptive child. The adoptive leave facilities will normally apply to female employees. Male employees who are married/living with non-council employees will instead have applied the paternity leave entitlements and conditions.

In recognition of the fact that single employees may adopt children, the provisions for adoption leave will apply also to single employees.

The employee will be subject to all other entitlements and conditions for the appropriate maternity scheme (as in paragraph in 2.4), including the obligation to return to work for a minimum of three months in order to retain the adoptive leave pay.

### **7.2 Pre-Adoption Leave**

There is no statutory right to paid time off for pre-adoption leave. Employees who are adopters or partners of adopters would, in the first instance, be expected to arrange meetings and interviews outside of the working day or during school closure periods/annual leave. However, it is recognised that this is not always practical and as such, employees may apply for time off using the Trust Leave of Absence Policy.

Employees are asked to inform the headteacher or their line manager as far in advance as possible, of the date and time of an appointment/meeting and the best estimate of the length of absence from work, including travelling time if significant. It would also be helpful in many cases if they could try to arrange appointments at the beginning or the end of the day, although schools recognise this may not always be possible.

Employees must be prepared to show proof of an appointment, meeting or interview.

The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate provided they have complied with the above requirements.

If the employee is adopting a child from overseas, any visits to see the child pre-adoption should be taken during school closure periods or by using normal annual leave arrangements. Time off will only be granted in the above circumstances.

### **7.3 Adoption Leave**

#### **7.3.1 Duration of Adoption Leave**

Employees are entitled to 52 weeks' adoption leave regardless of the number of hours worked or length of service as follows:

- Adoption Leave is a day one right
- Ordinary Adoption Leave – first 26 weeks

- Additional Adoption Leave – last 26 weeks
- Only one person in a couple can take adoption leave. The other partner could get paternity leave instead, refer to Section 4
- Adoption leave is to be taken in one block within a twelve-month period from the date of placement unless otherwise agreed with the school
- Be subject to all other entitlements and conditions of their Adoption scheme

Adoption leave will begin on the placement date or up to 14 days before the placement date. Where employees choose to begin leave on the placement date and they are at work on that date, leave begins the following day.

### **7.3.2 Notification of Adoption Leave**

The employee will be required to notify school of his/her intention to take adoption leave. Correspondence must be sent from the adoption agency confirming the adoption / placement and the employee should inform their employer no more than seven days after the date of being told by the adoption agency that they have been matched with a child in writing, or as soon as is reasonably practicable, that they will be absent from work due to adoption and whether they intend to return to work.

There is a requirement for employers to respond to an employee's notification of their leave plans within 28 days. An employer will need to write to the employee, setting out the date on which they are expected to return to work if the full entitlement to adoption leave is taken. Adopters who intend to return to work at the end of their full adoption leave will not have to give any further notification to their employer and unless otherwise notified. Headteachers / Line Managers should assume that the employee will be taking his/her full entitlement to adoption leave.

## **7.4 Adoption Pay**

### **7.4.1 Statutory Adoption Pay**

Employees with more than 26 weeks' service at the 15<sup>th</sup> week prior to the matching date may be entitled to Statutory Adoption Pay (SAP)

Statutory Adoption Pay will be paid for 39 weeks, or if earlier, until the date the employee returns to work, or for eight weeks after the end of the week the placement is disrupted.

### **7.4.2 Occupational Adoption Pay**

Employees with one year's continuous service at the beginning of the 11<sup>th</sup> week before the week of the child's placement will be eligible for Occupational Adoption Pay.

The contract of employment continues during Adoption Leave. The employee receives all contractual benefits during the full period of Adoption Leave.

Employees are subject to all other entitlements and conditions of their appropriate Maternity Scheme, (as outlines in section 2.0) including the obligation to return to either his/her 'job' or local authority employment for a period of at least three months in order to retain the occupational pay element.

An employee shall not be entitled to Statutory Adoption Pay (SAP) in the case of:

- Private adoption (Private adoption refers to any adoption not arranged by an agency or organisation i.e. when the adoptive parents find a birth mother or baby or child privately)
- The adoption of a stepchild by a stepparent
- The adoption of a foster child by a foster parent

- Those who became parents through arrangements with a surrogate mother (except in accordance with the provisions set out in paragraph 7.6)

### **7.5 Adoptive Paternity Leave and Pay**

Statutory Paternity Leave for Adoption is absence from work for the purpose of caring for a newly placed adoptive child or to support the main adopter.

The Paternity Leave provisions are as set out in Section 4 of this Policy.

### **7.6 Surrogacy**

An employee who becomes a parent through surrogacy arrangements may be entitled to adoption leave and pay or paternity leave and pay dependent on meeting eligibility criteria.

Adoption Leave provisions will apply to employees who:

- Are genetically related to the child or intend to apply for a parental order with a partner or spouse, who is genetically related to the child
- Notify the Trust of their intention to access statutory adoption leave no later than the 15<sup>th</sup> week before the expected week of childbirth (EWC)
- Intend to apply for a parental order within 6 months following the child's birth and
- Provide a statutory declaration by a solicitor confirming the intended parents(s) commitment to applying for a parental order

Occupational Adoption Pay will apply as per Section 4

The father of a child born through surrogacy arrangements (provided he is registered as the father) and fulfils eligibility criteria and provisions outlined in Section 4, will be eligible to take paternity leave.

The intended parents must choose who will take adoption leave and pay and who will take statutory paternity leave and pay. There is no eligibility for both intended parents to take adoption leave.

Female employees acting as surrogates are entitled to full maternity leave, pay and provisions as any other pregnant employee as outlined in Section 2.

## **8 PARENTAL BEREAVEMENT LEAVE**

### **8.1 Entitlement**

Employed parents and adults with parental responsibility (including adopter, foster parents and guardians and kinship carers; close friends or relatives who have assumed responsibility for looking after a child in the absence of parents) who have suffered the loss of a child under the age of 18 will be entitled to two weeks' paid bereavement leave.

Employed parents who suffer a still birth after 24 weeks of pregnancy will also be entitled to paid bereavement leave (female employees will still be entitled up to 52 weeks of maternity leave and/or pay, as will a mother who loses a child after birth in line with section 3.4).

Employees must have been employed for a continuous period of at least 26 weeks before the child's death to be eligible for paid parental bereavement leave.

All employees have a day one right to unpaid bereavement with pay being at the discretionary of the Trust in special circumstances.

## **8.2 Payment**

Employees who have at least 26 weeks continuous service prior to when the child dies and have received above the lower earnings limit for the previous eight weeks, are entitled to two weeks' paid leave at the current statutory amount, or 90% of average weekly earnings where this is lower.

Employees who have not been employed for a continuous period of at least 26 weeks are entitled to two weeks' unpaid leave.

## **8.3 Leave Arrangements**

The leave must be taken within 56 weeks of the date of the child's death and can be taken in either a single block of two weeks or as separate blocks of one week. If an employee loses more than one child, they will be entitled to take a separate period of leave for each child.

Under this new legislation employers will not be entitled to request a copy of the child's death certificate.

## **8.4 Further support and information**

The Trust recognises the difficult circumstances employees experience upon the unexpected loss of their child through childbirth. Further support can be obtained from the individual school.

# **9 CARER'S LEAVE**

## **9.1 Entitlement**

Employees will be entitled to unpaid leave to give or arrange care for a 'dependent'. A dependent in these circumstances is considered as an individual the employee has assumed caring responsibilities for and has:

- A physical or mental illness or injury whereby they are expected to need care for a duration in excess of three months
- A disability (as defined by the Equality Act)
- Care needs association with old age

Dependents do not need to be relatives and can be anyone who relies upon the employee for care.

Employees can claim up to one weeks' unpaid leave per year, pro-rata. Leave entitlement is limited to one week per employee and caring responsibility for more than one dependent does not entitle them to additional time off.

## **9.2 Leave Arrangements & Requests**

Carer's Leave can be taken in half days, full days or over a number of days up to a maximum of five working days.

Employees are not required to submit a request in writing nor provide evidence of the dependents care needs. Requests should be made verbally to the employee's line manager or directly to the Senior Leader.

Any requests must be made with at least three days' notice for half day or one day leave. For any requests of a greater duration the notice period should be at least twice as long as the requested leave (i.e. requests for two days' leave should be made four days prior to the intended commencement).

The Trust can request that leave is delayed should it cause server disruption operationally. An alternative date must be offered within one month of the initially requested date for leave and employees must be informed of the reasons for the delay in writing.

### **9.3 Emergency Family Leave**

For information on emergency family leave please refer to the Trust Leave of Absence Policy.

## **10 NEONATAL LEAVE**

### **10.1 Entitlement**

Employees may be eligible to access neonatal care leave and pay. The provisions apply to employed parents:

- Whose baby is born on or after 6<sup>th</sup> April 2025
- Whose baby is admitted to neonatal care within the first 28 days of life and remain in hospital for at least 7 consecutive days

In addition, the employee must be:

- One of the baby's parents
- One of the baby's intended parents (in surrogacy arrangements)
- The partner of the baby's mother (and there is an expectation they will be responsible for raising the baby)
- One of the prospective parents of an adopted baby

### **10.2 Neonatal Care Leave**

Neonatal Care Leave is a day one right for employees, providing immediate access to leave as follows:

- Eligible parents will be entitled to up to 12 weeks of Neonatal Care Leave (NCL), with a minimum entitlement of one week
- This leave is in addition to existing leave entitlements such as maternity, paternity and shared parental leave
- Eligible parents will be able to take neonatal care leave in blocks of a week, for each week their baby is in hospital, up to a maximum of 12 weeks
- The leave must be taken within 68 weeks of the baby's birth. This extended period is designed to ensure that parents can be with their newborns during critical early stages, without the added stress of work commitments

### **10.3 Notice Period**

The legislation outlines two phases for neonatal care leave.

1. The first phase, "Tier 1", starts when the child begins neonatal care (after the seven-day qualifying period) and concludes seven days after the care ends. During this phase leave can be taken in non-continuous blocks of at least one week.
2. The second phase, "Tier 2", covers the remaining part of the 68-week period and requires the leave to be taken in one continuous block.

The Trust will waive its normal notice period given the extenuating circumstances permitting short notice for tier 2.

### **10.4 Neonatal Care Pay (NCP)**

Employees who meet the following criteria will be eligible for Statutory Neonatal Care Pay (NCP) as per the current statutory payment amounts.

- Are continuously employed for at least 26 weeks before requesting Neonatal Care Pay

And

- Earn the minimum current earning threshold or 90% of the employee's average weekly earnings if this is lower

### **10.5 Circumstances of suffered the loss of a child**

In the tragic circumstances where employed parents whose baby is born alive but dies whilst receiving Neonatal Care and Pay, will continue to receive Neonatal Pay and Leave in accordance with statutory pay and leave provisions applicable at that time.

### **10.6 Further support and information**

The Trust recognises the difficult circumstances employees experience whilst their child is in Neonatal Care. Further support and information for employees can be obtained from the individual school.

## **11 FOSTERING LEAVE REQUESTS**

### **11.1 Entitlement**

Although there is no occupational or statutory right to leave or pay in connection with fostering expect fostering for adoption or early permanence where employees may qualify for adoption leave and pay, the Trust recognises the valuable role that foster carers play in supporting vulnerable children and young people.

### **11.2 Fostering Leave**

Whilst there is no automatic right to leave, employees required to attend a fostering panel during the working day may request unpaid leave, which will be considered carefully subject to reasonable notice and operational requirements. Reasonable requests for time off to attend fostering related meetings, including matching meetings, will also be considered on a case-by-case basis, considering service needs and the individual circumstances of the employee.

The Trust will endeavour to support fostering arrangements for a single placement at any one time. Due to operational considerations, requests for leave for multiple concurrent placements will not usually be accepted.

**MONITORING AND REVIEW**

The Work & Families Policy will be reviewed annually

Responsibility for reviewing the procedure belongs to the board of Trustees.

This Work & Families Policy was reviewed and formally adopted by Bronte Academy Trust on:

.....?????.....



.....Signed Chair of Trustees



.....Signed Chief Executive Officer

## Appendix 1: New & Expectant Mothers Risk Assessment

To be completed by the Manager when informed that a member of staff is pregnant, has given birth within the last 6 months, or is breastfeeding.

You should complete this assessment together with the staff member, using the guidance in the New & Expectant Mothers Risk Assessment Procedure.

You will need to review your assessment regularly as the risks may change over the course of time.

If you have any problems in identifying the hazards or deciding on the action that you need to take, contact your Safety Adviser or Occupational Health Adviser.

**Employee's Name:**

**Job Title:**

**School:**

**Line Manager:**

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### Condition Assessment

*Please tick the relevant box*

	<b>Initial Assess ment</b>	<b>Assess ment Review 1</b>	<b>Assess ment Review 2</b>	<b>Assess ment Review 3</b>
<b>Is the employee pregnant?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Given birth within previous six months?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Breastfeeding?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Date of Confinement</b>	<input type="text"/>			
<b>Date of Assessment</b>	<input type="text"/>			

**1. Physical Risks**

**1a. Movement/Posture**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**1b. Manual Handling**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**1c. Shocks, Jolts or Vibrations**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**1d. Noise**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**1e. Ionising Radiation**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**2. Biological Risks**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**3. Chemical Risks**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**4. Working Conditions**

**4a. Facilities for rest, hygiene and storage of breast milk**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**4b. Mental & physical fatigue**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**4c. Working hours (including night work)**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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**4d. Workplace stress**

Is there a risk?

YES	NO
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Description of risks and action to be taken: -

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Is there a risk?

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**4e. Passive smoking**

YES	NO
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Description of risks and action to be taken: -

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**4f. Extremes of Temperature**

Is there a risk?	
YES	NO

Description of risks and action to be taken: -

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**4g. Working alone**

Is there a risk?	
YES	NO

Description of risks and action to be taken: -

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**4h. Working at Height**

Is there a risk?	
YES	NO

Description of risks and action to be taken: -

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**4i. Violence**

Is there a risk?	
YES	NO

Description of risks and action to be taken: -

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**4j. Personal Protective Equipment**

Is there a risk?	
YES	NO

Description of risks and action to be taken: -

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**4k. Meal Breaks**

Is there a risk?	
YES	NO

	Description of risks and action to be taken: - _____ _____ _____
--	---

	<b>5. Physiological Risks</b>	<table border="1"><tr><td style="width: 40px; height: 20px; text-align: center;">YES</td><td style="width: 40px; height: 20px; text-align: center;">NO</td></tr></table>	YES	NO
YES	NO			

	Description of risks and action to be taken: - _____ _____ _____
--	---

	<b>6. Any Other Risks Not Identified Above</b>	<table border="1"><tr><td colspan="2" style="text-align: center;"><b>Is there a risk?</b></td></tr><tr><td style="width: 40px; height: 20px; text-align: center;">YES</td><td style="width: 40px; height: 20px; text-align: center;">NO</td></tr></table>	<b>Is there a risk?</b>		YES	NO
<b>Is there a risk?</b>						
YES	NO					

	Description of risks and action to be taken: - _____ _____ _____
--	---

Managers Signature \_\_\_\_\_

Position \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Job Title \_\_\_\_\_

Date \_\_\_\_\_

Copy forwarded to Senior HR School Support Officer \_\_\_\_\_

## Appendix 2: Employee Request for Shared Parental Leave – Pregnancy

### Shared Parental Leave (SPL) – Resulting from Maternity

These are the forms needed by a mother and the person she will share Shared Parental Leave (SPL) with – known as the partner - to confirm eligibility and entitlement with their employers. The forms can also be used to confirm eligibility and entitlement to Shared Parental Pay (ShPP).

<b>What forms needs to be completed?</b>			
	Both parents want to take SPL	Just the mother wants to take SPL	Just the partner wants to take SPL
Form MAT1	<b>YES</b>	<b>YES</b>	<b>YES</b>
Form MAT2	<b>YES</b>	<b>YES</b>	<b>NO</b>
Form MAT3	<b>NO</b>	<b>NO</b>	<b>YES</b>
Form MAT4	<b>YES</b>	<b>NO</b>	<b>YES</b>

- To find out more about SPL and ShPP in general go to [www.acas.org.uk/spl](http://www.acas.org.uk/spl)
- Parents should use the calculator at [www.gov.uk/pay-leave-for-parents](http://www.gov.uk/pay-leave-for-parents) to find some of the information needed to complete these forms
- Parents and employers should keep a copy of any completed forms
- If the mother is in receipt of Maternity Allowance (MA), she will need to notify Jobcentre Plus to curtail this entitlement
- The earnings requirements mentioned are correct as of March 2015

#### **Key abbreviations used in these forms:**

SPL	Shared Parental Leave
ShPP	Statutory Shared Parental Pay
SMP	Statutory Maternity Pay
MA	Maternity Allowance

## FORM MAT1 - Curtailment of Maternity Leave and Pay (for Mother's Employer)

School:	
Managers Name:	

<b>SECTION A: General (must be completed)</b>
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Please accept this as my notice to curtail my maternity leave and/or SMP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP. I understand that my maternity leave will end on the date given in Section B and that my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B. I understand that if I am eligible for myself or my partner to opt into SPL and ShPP I can only reinstate my SMP if I revoke this notice before the end date given in Section C.

Mother's surname:	
Mother's first name(s):	
Child's expected date of birth:	
Actual date of child's birth (if born):	

<b>SECTION B: Curtailing Maternity Leave (must be completed)</b>
--

Date statutory maternity leave started/is intended to start:	
Date statutory maternity leave will come to an end:	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends:	

<b>SECTION C: Curtailing Maternity Pay (only complete if claiming ShPP)</b>
---

Date SMP started/is intended to start:	
Date SMP will come to an end:	
Total number of weeks of SMP that will have been paid at the date that SMP ends:	

<b>SECTION D: Signature (must be completed)</b>			
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Signature of mother:		Date signed:	
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## FORM MAT2 - Notification that Mother is Intending to Take SPL (for Mother's Employer)

School:	
Managers Name:	

### SECTION A: General (must be completed)

Please accept this as notification that I (the mother) am entitled to and intend to take SPL (and ShPP if section C is completed).

Mother's surname	
Mother's first name(s)	
Partner's surname	
Partner's first name(s)	
Partner's address	
Partner's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Child's expected date of placement	
Actual date of child's birth (if child not yet born, I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	

### SECTION B: Maternity Entitlement Details (all answers that apply must be completed)

Date mother started (or intends to start) statutory maternity leave	
Date mother's statutory maternity leave ended (or will end)	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
Date mother started (or intends to start) SMP or MA	
Date mother's SMP or MA ended (or will end)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	

### SECTION C: Amount of SPL Available (must be completed)

Total number of weeks of SPL created (52 weeks less total number of weeks maternity leave taken and any SPL from a previous notice and revocation)	
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Total number of weeks of SPL I (the mother) intend to take	
Total number of weeks of SPL partner intends to take	
SECTION D: Indication of Mother's Leave Intentions (must be completed but is not binding)	
I (the mother) currently expect to take SPL as follows:	
<p><i>Note: It will usually be helpful to answer this in a "From... To..." format</i></p>	
SECTION E: Amount of ShPP Available (only complete if claiming ShPP)	
Total number of weeks of ShPP created (39 weeks less total number of weeks SMP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I (the mother) intend to take:	
Total number of weeks of ShPP partner intends to take:	
I (the mother) currently expect to take ShPP as follows:	
<p><i>Note: It will usually be helpful to answer this in a "From... To..." format</i></p>	

## SECTION F: Mother's Declaration

The following points apply in all circumstances where a mother is entitled to maternity leave:

- I am giving notice that I am entitled to and intend to take SPL
- I have, or will have, been continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below)
- I am entitled to maternity leave; my maternity leave period is reduced and the remaining weeks are now available as SPL
- I will inform my employer immediately if I am no longer caring for my child
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- I (or my partner) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I intend to care for my child in the weeks I receive ShPP
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA
- The information provided in this declaration is accurate

Signature of mother

Date signed

**SECTION G: Partner's Declaration (must be completed)**

- I am the father of the child, or at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother)
- I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of childbirth
- I consent to the amount of SPL which the mother intends to take, as set out in Section D above.
- I consent to the mother's employer processing the information I have provided
- I consent to the amount of ShPP which the mother intends to take, as set out in Section E above.
- The information provided in this declaration is accurate

Signature of partner

Date signed

**Form Mat3 - Notice Confirming that Partner is Taking SPL but Mother is not (for Mother's Employer)**

School:	
Managers Name:	

**SECTION A: General (must be completed)**

Please accept this as notification that I (the mother) do not intend to take SPL (or ShPP where relevant) but that my partner will be.

Mother's surname	
Mother's first name(s)	

**SECTION B: Confirmation**

- I am either not entitled to SPL (or ShPP where relevant), or I do not intend to take SPL (or claim ShPP where relevant)
- I declare that my partner has given a notice to their employer to take SPL and/or ShPP.
- I consent to my partner's intended claim for SPL and/or ShPP.

**SECTION B: Signature (must be completed)**

Signature of mother		Date signed	
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Form Mat4 - Notification that Partner is Intending to Take SPL  
(for Father's Employer)

School:	
Managers Name:	

<b>SECTION A: General (must be completed)</b>	
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Please accept this as notification that I (the mother's partner) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Partner's surname	
Partner's first name(s)	
Mother's surname	
Mother's first name(s)	
Mother's address	
Mother's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born, I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	

<b>SECTION B: Maternity Entitlement Details (all answers that apply must be completed)</b>	
--	--

Date mother started (or intends to start) statutory maternity leave (if applicable)	
Date mother's statutory maternity leave ended (or will end) (if applicable)	
Total number of weeks of statutory maternity leave taken (or that will be taken) when statutory maternity leave ends	
Date mother started (or intends to start) SMP or MA (if applicable)	
Date mother's SMP or MA ended (or will end) (if applicable)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of	



**SECTION E: Amount of ShPP Available (only complete if claiming ShPP)**

Total number of weeks of ShPP created (39 weeks less total number of SMP or MA taken and any ShPP paid from a previous notice and revocation)	
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Total number of weeks of ShPP I (the partner) intend to take:	
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Total number of weeks of ShPP mother intends to take:	
---	--

I (the partner) currently expect to take ShPP as follows:

*Note: It will usually be helpful to answer this in a "From... To..." format*

**SECTION F: Partner's Declaration (must be completed)**

The following points apply in all circumstances:

- I am giving notice that I am entitled to and intend to take SPL
- I am the father of the child, or at the time of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I have been (or will be) continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of our child at the time of the child's birth (along with the child's mother who has made the declaration below)
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of the mother's employer or a declaration that she does not have an employer if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes her notice to curtail her maternity leave or SMP/maternity allowance period
- I (or my partner) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I intend to care for my child in the weeks I receive ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I will remain employed with this employer until before the date of my first period of ShPP
- The information provided in this declaration is correct

Signature of partner		Date signed	
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**SECTION G: Mother's Declaration (must be completed)**

The following points apply in all circumstances:

- I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my partner who has made the declaration above)
- I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of birth
- I will immediately inform my partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement
- I consent to my partner's intended SPL as set out in Section D above
- I consent to my partner's employer processing the information I have provided
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am entitled to SMP or MA, and I have reduced (or will reduce) the SMP or MA period and the remainder will be available as ShPP
- I consent to my partner's intended ShPP as set out in Section E above
- I will immediately inform my partner if I revoke the reduction of my SMP or MA
- I consent to the person who will pay ShPP to my partner or the child's father processing the information I have provided
- The information provided in this declaration is correct

Signature of Mother		Date signed	
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