



The Diamond Learning Partnership Trust

Family Leave Suite of Policies

Approved by: Chief Executive
Officer

Date: Updated November 2025

Last reviewed on: April 2025

Next review due by: April 2026

Family Leave Suite of Policies

This policy incorporates family leave to include maternity, adoption, paternity, parental, neonatal and time off for dependents leave.

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Statement of Intent

The Diamond Learning Partnership Trust recognises its responsibilities to ensure that support is available to employees as they combine career and family responsibilities.

This policy has been developed in recognition of the statutory requirements covering maternity, paternity, neonatal and adoption provisions, as well as wider issues affecting working families, e.g. parental leave provisions.

The rights described in this policy apply to all employees, including those on temporary contracts. They apply to full-time and part-time employees, irrelevant of the number of hours they work, but are subject to length of service.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Equality Act 2010
- Employment Rights Act 1996
- Maternity and Parental Leave etc. Regulations 1999
- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- Neonatal Care (Leave and Pay) Act 2023
- DfE (2021) 'School teachers' pay and conditions document 2021 and guidance on school teachers' pay and conditions' (STPCD)

This policy operates in conjunction with the following school policies:

- Flexible Working Policy
- Cover Arrangements Policy
- Equality Information and Objectives Policy
- Staff Wellbeing Policy
- Health and Safety Policy

2. Roles and responsibilities

The governing board is responsible for:

- Reviewing this policy to ensure it meets all statutory requirements and is adhered to across the school.
- Ensuring that this policy is implemented fairly, consistently and in line with the board's equality duties.
- Signing off any leave requested by the headteacher, e.g. parental bereavement leave.

The Headteacher is responsible for:

- Implementing this policy across the school in line with their statutory duties.
- Having an in-depth knowledge of the statutory requirements for maternity, paternity, parental, adoption, neonatal and bereavement leave.
- Approving leave for staff members.
- Delegating responsibilities to line managers to sign off leave.
- Ensuring staff are supported in line with the Staff Wellbeing Policy.

Staff members' line managers are responsible for:

- Arranging 'keep in touch' (KIT) days for staff members on leave.

- Approving requests to take statutory leave, as delegated by the headteacher.
- Discussing staff members' concerns with regard to work and their pregnancy, adoption and/or parenting.
- Conducting risk assessments to ensure the safety of pregnant staff members.
- Checking in with staff members following parental bereavement and ensuring the appropriate wellbeing support measures are put in place.

Staff members entitled to leave are responsible for:

- Requesting leave in line with the processes and timescales laid out within this policy.
- Adhering to statutory timescales with regard to notifying the school of pregnancy, adoption, neonatal care, death and intention to take parental leave.

3. Definitions and statutory rights

Maternity leave

- Members of staff are entitled to 52 weeks of unpaid maternity leave, irrespective of their length of service.
- Members of staff with at least 26 weeks service by the 15th week before the baby is due will be entitled to 26 weeks ordinary maternity leave (OML), followed by 26 weeks of additional maternity leave (AML), during which statutory maternity pay (SMP) will be payable for the first 39 weeks – the remainder is unpaid.

Adoption leave

- Members of staff with at least 26 weeks of service by the week they are newly matched with a child for adoption will be entitled to 26 weeks ordinary adoption leave with statutory adoption pay (SAP), followed by 26 weeks additional adoption leave, during which SAP will be payable for the first 13 weeks – the remainder is unpaid.

Parental leave

- Members of staff with children under the age of 18 are entitled to apply for 18 weeks' unpaid parental leave respectively.

Paternity leave

- Members of staff with at least 26 weeks' service by the 15th week before the baby is due, or 26 weeks' service leading into the week a child is matched in the case of adoption, will be entitled to two weeks of leave fully pay (including paternity pay (SPP)).

Neonatal care leave

- Neonatal Care Leave (NCL) supports parents of babies who require neonatal care (for at least seven consecutive days) before the baby reaches 28 days of life. Members of staff who are entitled to family leave under this policy (e.g. maternity, paternity, adoption, and shared parental leave) will also be entitled to an additional period of Neonatal leave to add on to the end of their family leave period.
- Members of staff who are eligible will be entitled to NCL on full pay, equivalent to the number of days the baby has received neonatal care for at least seven consecutive days. This leave is capped at 12 weeks.

Parental bereavement leave

- Members of staff can take two weeks' leave if their child dies after the 24th week of pregnancy and before they turn 18, from the first day of employment, for each child who has died or was stillborn.
- Where a staff member is taking another type of statutory leave (e.g. maternity leave following a stillbirth) when the child dies or the stillbirth happens, their parental bereavement leave will start after the other leave has ended, but does not have to be taken immediately after.

The phrase "expected week of childbirth" will be used to refer to the week, beginning at midnight between Saturday and Sunday, in which it is expected that the child will be born.

4. Maternity leave

Eligibility for leave

All pregnant members of staff are entitled to Ordinary Maternity Leave (OML) for 26 weeks and Additional Maternity Leave (AML) for 26 weeks (52 weeks in total), regardless of the number of hours worked or length of service. AML follows immediately on from ONL and there can be no gap between the two. Maternity leave is treated a continuous period. Staff members are required to notify the school of the following at least 15 weeks, or as soon as is reasonably practicable, before the staff member intends to begin their leave:

- That they are pregnant.
- When their expected week of childbirth is.
- When they intend to start their maternity leave.

The school will request that pregnant staff members provide a MATB1 maternity certificate, normally issued to the pregnant individual after the 20th week of pregnancy. This certificate is required for the payment of SMP; therefore, pregnant staff members will be expected to send a copy to the school as soon as possible after

it is available. This may also be needed for your partner's employer to claim paternity leave.

Pregnant staff members can amend the date for the commencement of their maternity leave, provided that the school is given at least 28 days' notice, unless it is not reasonably practical to do so. The school will respond in writing to a staff member's notification of their maternity plans within 28 days, setting out the date on which they are expected to return to work.

Unless notified otherwise, the headteacher will assume that the member of staff will be taking their full entitlement to maternity leave. By law the minimum time that you must take is two weeks immediately following the birth of your baby. This is known as compulsory maternity leave.

Eligibility for pay

To qualify for paid maternity leave, the staff member must have completed at least 26 weeks of continuous service with the school by the qualifying week, i.e. the 15th week before the expected week of childbirth.

All eligible staff will receive SMP, whether or not they intend to return to work after maternity leave. To qualify, staff members must have:

- Completed at least 26 weeks of continuous service with the school by the qualifying week.
- Average earnings about the lower earnings limit for NI contributions.

Where staff members do not meet the criteria for receiving SMP, the school will direct them towards their local social security office to enquire about eligibility for maternity allowance (MA). Unlike SMP, MA is not paid by the school and will instead be payable by the social security office itself.

Occupational Maternity Pay (OMP)

Occupational maternity pay (OMP) is provided by the school to give enhanced benefits to staff who intend to return to work after maternity leave. It comprises of pay for 26 weeks during the period of OML, followed by 26 weeks of Additional Maternity Leave (AML). To qualify, staff members must have:

- Completed at least 26 weeks of continuous service with the school by the qualifying week.
- Followed the application procedures informing the school in writing that they intend to return to work at the end of the period of maternity leave for at least 12 weeks, excluding sickness absence and extended unpaid leave.

Statutory Maternity Pay (SMP)

SMP is a state benefit for people on maternity leave. The conditions for which, and the amount of which, are determined by the government; however, will be payable by the school. Average earnings are calculated based on earnings over a statutorily defined period prior to maternity leave. SMP may start on any day of the week.

Staff members might not be entitled to receive SMP either because they do not earn enough to pay NI contributions, or because they have made insufficient contributions during the qualified period.

If a staff member is not entitled to SMP payroll, the school will send a SMP1 form. This must be taken with the MATB1 certificate to the Department of Social Security to make a claim for Maternity Allowance (MA).

Payment of maternity pay

Payment of SMP and OMP commences once a staff member's maternity leave has begun. It is paid for complete weeks only, processed through payroll and treated the same way as any other earnings for the purpose of tax, NI, etc.

Entitlements

The pay you receive will depend on how long you have been employed by the school or been in continuous employment and on whether you are a teacher or employed as support staff.

These payment details are contained in the tables below.

A teacher who is entitled will receive:

Week number	Entitlement
First four weeks	Full pay
Next two weeks	9/10 ^{ths} of their normal pay – this is made up of their normal pay offset against SMP.
Next 12 weeks	Half of their annual salary – in addition to SMP
Remainder 21 weeks	SMP

A member of support staff who is entitled will receive:

Week number	Entitlement
First six weeks	9/10 ^{ths} of their normal pay – this is made up of their normal pay offset against SMP.
Next 12 weeks	Half of their annual salary – in addition to SMP
Remainder 21 weeks	SMP

Staff can opt to receive the OMP, at half pay, in a lump sum after their return to work. Payments made by the school during maternity leave shall be made on the understanding that the staff member will return to work for a period of at least three months. In the event of not returning, the staff member shall refund all monies paid at the discretion of the school. Payments made to staff members by way of SMP are not refundable.

Health and safety at work

The school is aware of their obligations to protect the health and safety at work of all staff members, including new and expectant mothers, and mothers who are breastfeeding.

The Management of Health and Safety at Work Regulations 1999 require employers to assess risks to their staff members and to do what is reasonably practicable to control those risks. To meet these legal obligations, a specific risk assessment will be carried out paying particular attention to risks that could affect the health and safety of a staff member or their child upon notification of their pregnancy.

The pregnant staff member's line manager will be responsible for undertaking this in relation to their work and environment. If the pregnant staff member has any health and safety concerns, they will be directed to raise these with their line manager.

If the risk assessment identifies any specific risks that cannot be avoided, a series of steps to ensure that the staff member is not exposed to that risk will be taken. Some examples of the hazards to consider include:

- Working long hours.
- Stress, and violence.
- Exposure to toxic chemicals or pesticides.
- Manual handling.

If the staff member is unable to continue in their post on designated health and safety grounds, due to pregnancy concerns, a discussion will be held with HR, and Occupational Health may be consulted for confidential advice and guidance. If the above steps are not possible, this may ultimately result in being suspended from work on full pay to protect the staff member and their unborn child.

The school is aware of its obligations to undertake a specific risk assessment upon a staff member's return to work following maternity leave of absence. Should a staff member require provision for breastfeeding, this will be discussed with the staff member at the time, along with any other support required to support them with their return to work.

Ante-natal care

Staff members are entitled to take paid time off during normal working hours to attend authorised ante-natal appointments, provided they produce the documentation giving details of the appointment.

Ante-natal 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.

The school requests that staff members try to arrange their appointments at the start or end of their working day, whenever possible; however, the school will not reject requests for time off for ante-natal appointments at other times. Staff members will be asked to estimate, as best they can, the length of absence from work, including travelling time if significant.

Staff members are required to provide an appointment card or some other document confirming appointments as far in advance of their appointment, and they must complete a Leave of Absence Form as appropriate.

Although staff members do not have the right to paid time off for medical appointments such as IVF appointments, the school will treat all requests for taking time off for IVF or other fertility treatments sympathetically.

Notification commencing maternity leave

Arrangements for temporary cover during the period of maternity leave and additional leave, and for enabling staff members to keep in touch with any developments at work, are important for ensuring smooth transitions at each stage.

Before starting maternity leave, the school will inform pregnant staff members of the arrangements for covering their work and also for remaining in contact whilst they are on leave. These arrangements will be finalised in consultation with the staff member by their line manager. If a pregnant staff member has staff reporting to them, the school will try to involve them in all decisions relating to the temporary reporting arrangements to cover their maternity leave.

Staff members will not be unreasonably requested by the school to undertake work that would have taken place during the maternity leave period prior to departing on maternity leave. This will not, however, prevent the staff member from assisting in the planning for coverage of their work in advance of the maternity leave period.

The school will ensure that arrangements to stay in touch with pregnant staff members are implemented prior to the commencement of maternity leave. This might include agreements on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that could be discussed.

Staff members can undertake up to 10 days' work – refer to “KIT” days for further details regarding this.

Notification required

The school will require pregnant staff members to give at least 28 days' notice, in writing, to their manager of the date they intend to start their maternity leave. They may choose when to start their maternity leave, subject to the following constraints:

- The maternity leave period cannot start prior to the 11th week before the expected week of childbirth
- The latest date maternity leave can start is the date of childbirth
- The maternity leave period will be automatically triggered if the staff member is absent from work wholly or partly because of pregnancy after the beginning of the fourth week before the expected week of childbirth
- The maternity leave period will be automatically triggered if the baby is born early, in which case maternity leave will start the day after the day on which the baby is born

Contact during maternity leave

During the maternity leave period, representatives of the school may make reasonable contact with a staff member, and in the same way a staff member may make contact with the school. What constitutes 'reasonable' contact will vary according to the circumstances. Some individuals are happy to stay in close touch with the workplace and will wish to have frequent contact. Others, however, will prefer to keep such contact to a minimum.

The frequency and nature of the contact will depend on a number of factors, such as the following:

- The nature of the work and post;
- Any agreement that has been reached before the maternity leave began regarding contact;

- Whether either party needs to communicate important information to the other, for example to be informed of important developments or changes at the school.

This contact may be made in any way that best suits either party – for example, it could be by telephone, by email, by letter, or involve the staff member making a visit to the school.

The school will, in any event, keep all staff members who are on leave informed of any relevant promotion opportunities, job vacancies that arise during their maternity leave, and other information relating to their role that they would normally be made aware of if they were working.

Keep in touch (KIT) days

Up to 10 days' paid work under a staff member's contract of employment may be undertaken at any stage during the maternity leave period, by prior agreement with the school, with the exception of during the first two weeks after the baby is born.

KIT days enable staff members to work for up to 10 days' without losing a week's maternity pay or ending the period of maternity leave, and to keep up-to-date with developments at work – KIT days may include working, attending training sessions or meetings.

KIT days and/or any work undertaken during maternity leave must be by prior agreement with the staff member's line manager. Neither the school nor staff can insist on it. KIT days can be worked, at any time, during OML and AML.

If staff members decline to work, there will be no loss of maternity benefits or any other detriment suffered as a result of this during maternity leave, and the maternity leave period will not be extended.

Working for any part of a KIT day will count as one of the 10 KIT days available. Once 10 KIT days have been worked, any further days worked will result in losing SMP for the whole of the week in which work is undertaken.

The school will ensure each staff member taking KIT days fills out the appropriate KIT day form in order to solidify the arrangements.

Annual leave during maternity leave

During the period of OML and AML, all staff will continue to accrue service. Non-teaching staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way.

Staff members may take their annual leave at the beginning and/or end of their maternity leave. Annual leave accrued prior to the start of the maternity leave period must be taken within the current leave year.

Annual leave accrued during the maternity leave period should be taken during the current leave year wherever possible. Staff members will normally only be allowed to carry over any accrued annual leave into the next leave year if it has not been possible to take it.

Pension scheme membership during maternity leave

During OML, staff members will contribute the same percentage based on their maternity pay, as will the school.

During AML, staff members can either:

- Continue as a contributing member of the pension scheme, making payments equal to the amount contributed immediately prior to the commencement of maternity leave. The school, in this case, will make payments equal to the amount contributed immediately prior to commencement of maternity leave; or
- Suspend contributing membership of the scheme – i.e. cease to make payments during AML, and upon return to work, make contributions at the normal amount.

During any period when the staff member is receiving SMP, the school will:

- Pay all pension costs where the staff member participates in the pension scheme.
- Make up the balance of staff member contributions due on the difference between pre-maternity leave salary and SMP, plus employer contributions based on the pre-maternity leave salary.

During any period of unpaid maternity leave, pension contributions to the scheme are suspended and will not be paid by the staff member or the school. This means that staff members do not accrue any service for this period; therefore, service in the scheme and the resulting pension are reduced by the relevant period.

When a staff member returns to work, they will have the opportunity to make up the shortfall in contributions and restore their pensionable service to that which it would have been had they not been on unpaid leave. Any contributions repaid will be based on the pay they would have received had they not been absent.

In order to make up the shortfall in contributions, they would have to pay both the employer and staff member contributions during the period.

Returning to work

Staff members are not allowed to return to work during the first two weeks from the date of childbirth. This is classed as a period of compulsory maternity leave (CML).

Prior to their return to work, they should have an informal meeting with their line manager in order to discuss this. This will also give opportunity to update the staff member on any developments at the school or consider any retraining needs which may have arisen.

Notification of your return to work

If a staff member's intention is to return at the end of their full 52 weeks of maternity leave, they do not need to provide any further notice. The school automatically assumes that they will take the full maternity leave unless the staff member has notified the school otherwise.

If a staff member intends to return to work before the end of their full maternity leave, they must provide eight weeks' notice, in writing, of their intended date of return.

If their intention is to only take the OML, 26 weeks leave following childbirth, they are entitled to return to the same job they held before they commenced their maternity leave, on terms and conditions that are no less favourable than those that would have applied had they not been absent.

If their intention is to return to work after AML, they will normally be re-employed in their previous post; however, if there are exceptional reasons why this is not possible, they will be employed for similar work, and on terms and conditions no less favourable than if they had not been absent.

Repayment of Additional Maternity Pay (AMP)

In the event a staff member does not return to work, they shall refund all monies paid, as decided by the school. Payments made to a staff member by way of SMP are not refundable.

Payment made in excess of SMP becomes repayable if a staff member:

- Fails to return to work after their maternity leave. (Note: This will be treated as unauthorised absence and, as such, the school will be entitled to take appropriate disciplinary action, which may include dismissal).
- Decides not to return to work at the end of their maternity leave. (Note: A staff member must give the school at least the notice required in line with their contract).
- Leaves within 12 weeks of their return to work after maternity leave.

Facilities for breastfeeding and expressing/storing milk at the school

The Workplace (Health, Safety and Welfare) Regulations 1992 require employers to provide suitable 'rest' facilities for workers who are pregnant or breastfeeding.

Parental leave taken immediately after maternity leave

A period of parental leave of four weeks or less has no impact on the right of return of the staff member. A staff member who takes a period of parental leave of more than four weeks straight after the end of either OML or AML, is treated as though they were returning to work after AML.

Parental leave is a separate entitlement for staff members who have completed one year's continuous service with the school to take a period of unpaid leave. If there is a reason which makes it impracticable for the staff member to return to their original job, a similar job must be found for them. The new job must be such that:

- The work done by the staff member is both suitable and appropriate for them to do in the circumstances.
- The terms and conditions of their employment – including the quality of the working environment – are no less favourable to them than they would have been had they continued to be employed in their old job.
- If the new job that is offered to the staff member fulfils the criteria above and the staff member refuses it, they will have effectively resigned.
- If the new job that is offered to the staff member is not suitable or appropriate, or if the terms and conditions are less favourable than they would have been if they had returned to their old job, the staff member may bring a claim for sex discrimination or a detriment claim in a tribunal, or might be able to claim constructive dismissal.

Request to reduce contractual working hours

Requests for flexible working or to job-share will be carefully considered and accommodated wherever possible. Full details relating to the school's position on requests to work flexibly can be found in the Flexible Working Policy.

5. Paternity and nominated carer leave

Statutory paternity leave and paternity pay is available to fathers and the partners of mothers of children. The provisions apply whether the staff member's service is full time or part time, irrespective of the number of hours, or is permanent or temporary, subject to the conditions of the scheme being met.

The school is aware that paternity leave is not restricted to males, and will treat any concerns or queries about paternity leave, e.g. requests to take the leave, equally, regardless of the gender of the individual.

Staff members who are acting as the "prime or nominated carer" for the mother and/or the child may request nominated carers' leave regardless of their gender. They are subject to the same provisions as applied to staff members requesting paternity leave.

The entitlement is an allowance of up to two consecutive weeks' absence, subject to eligibility as outlined below. In order to apply for birth leave, they will need to provide a copy of the MATB1 or birth certificate, along with a letter from the mother confirming they are the nominated person.

Statutory paternity leave

To qualify, staff members must:

- Be the child's biological father
- Legal parent, adopter, or the spouse or partner of the child's mother.
- Child's adopter
- Intended parent (if having a baby through surrogacy)
- Have, or expect to have, responsibility for the child's upbringing.
- Have been continuously employed for at least 26 weeks ending with the 15th week before the expected week of childbirth; 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.
- Give proper notice and evidence to the school of their intention to take statutory paternity leave.

Staff members eligible for the statutory scheme have the right to choose to take one or two consecutive weeks' leave. Paternity leave cannot be taken as odd days, nor can it be taken before the birth or placement of the child – the leave must be taken within eight weeks of the birth or placement.

The staff member will provide written evidence from either the GP, hospital or adoption agency that:

- Their partner's pregnancy exists, or that they have been officially matched with a child for adoption.
- Shows the expected date of childbirth, or the date a child will be placed with them.

The staff member must also live at the same address as their partner (except for below).

In order to apply for nominated carer's leave, the staff member must provide a copy of the MATB1 certificate, along with a letter from the mother confirming they are the nominated person of choice. Staff members must comply with notification requirements as set out below.

A staff member must notify their employer by the end of the 15th week before the expected week of childbirth, or as soon as reasonably practicable, that they intend to take paternity leave. The Inland Revenue Form 'SC3 – Becoming a Parent' [Ask your employer for Statutory Paternity Pay or Paternity Leave or both - GOV.UK](#), for births, or 'SC4 – Becoming an Adoptive Parent', [Statutory Paternity Pay and Leave: becoming](#)

[an adoptive or parental order parent - GOV.UK](#) 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 staff member wishes the leave to commence. A copy of this should be sent to the HR (People) department.

If the staff member wishes to change the start date of their paternity leave, they must give 28 days' notice, in writing if requested.

Contractual paternity leave

To qualify for contractual paternity leave, staff members must:

- Be the child's father or adopter, or the spouse or partner of the child's mother.
- Have, or expect to have, responsibility for the child's upbringing.
- Have been continuously employed for at least one year by the beginning of the 11th week before the expected week of childbirth, 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.
- Give proper notice and evidence to the school of their intention to take contractual paternity leave.

Staff members eligible for the contractual scheme have the right to take up to two working weeks' leave of absence with full pay. It can be taken as circumstances dictate, either as a block or in days. The leave may be taken at any time during the pregnancy and up to three months after childbirth or placement. If the staff member chooses to take leave on the date of birth or placement and they are at work on that day, leave will begin the following day.

The staff member must notify the school of their intention to take leave as set out above.

In the tragic circumstances of a stillbirth, which is defined as occurring after 24 weeks of pregnancy or of neo-natal death, staff members will be entitled to the same paternity leave and pay as if the pregnancy had reached full term.

Paternity pay

If a staff member is entitled to the contractual paternity scheme, it will be paid at the staff member's contractual rate of pay (inclusive of SPP).

If a staff member who has met the above criterion has taken some paternity leave, but then leaves the school's employment before the beginning of the 11th week, and at the date of leaving, has less than one year's continuous local government service, they will be required to repay the cost of the paternity pay received.

Paternity leave for ante-natal appointments

Staff members can take unpaid leave to accompany a pregnant individual to two ante-natal appointments if they are any of the following:

- The baby's father or parent who did not give birth
- The expectant mother's spouse or civil partner
- In a long-term relationship with the expectant mother
- Expecting a child through surrogacy, as long as they intend to become the child's legal parent

Staff members can take up to six and a half hours per appointment.

Staff members can apply for leave immediately if they're a permanent staff member. Staff members will need to have been doing a job for 12 weeks before they qualify, if they are an agency worker.

The school will expect staff members to complete and submit a [Leave of Absence Form](#) to request paternity leave for ante-natal appointments.

Entitlement to maternity support leave – Support Member of Staff

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

Extended additional paternity leave

Staff members may take an extended period of additional paternity leave in the event that the child's mother, who has taken leave for the child, dies before the child is one year old, or in the first year of adoption placement. Extended additional paternity leave can last up to the child's first birthday or the year anniversary of their placement. Additional statutory paternity pay, paid during the 39 weeks that the child's mother would have received SMP, may be payable, and staff members will be advised to speak to the headteacher if they believe they are entitled.

6. Adoption leave and pay

Statutory adoption leave is available to parents to prepare for adoption or to care for a newly-placed adoptive child.

Only one parent may take full adoption leave, with the other parent being entitled to statutory paternity leave. It is the choice of the adoptive parents of the child which parent will take adoption leave, and the school will not make unwarranted assumptions, or discriminate, based on sex, gender or sexual orientation where offering provisions of adoption leave.

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

In cases where both parents are employed by the school, and assuming that both parents are eligible, the total leave entitlement, i.e. the post confinement leave aggregated with the two working weeks' adoptive paternity leave, can be combined and shared between the two staff members at their discretion.

Pre-adoption leave

Staff members adopting a child alone are entitled to paid time off to attend up to five pre-adoption appointments after they have been matched with a child. Where a staff member is adopting jointly with another individual, the individuals may choose which adoptive parents can take this paid time off. The other parent will be entitled to unpaid time off to attend up to two pre-adoption appointments.

Staff members 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, staff members will be given reasonable paid time off.

The school will require staff members to give notice of the date and time of an appointment or meeting and the best estimate of the length of absence from work, including travelling time if significant. Where possible, the school requests that staff members try to arrange appointments at the beginning or the end of the day, although the school recognises this may not always be possible. Staff members must be prepared to show proof of an appointment.

The time taken to attend such appointments within a staff member'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 staff member 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 for this reason will not be granted.

Adoption leave

A staff member adopting a child is to be allowed comparable leave and pay arrangements as applies to staff members who are giving birth. Accordingly, a staff member who satisfies the full criteria and conditions of the maternity scheme specific to their conditions of service will be entitled to the following:

- Ordinary adoption leave of 26 weeks' duration;
- A further 26 weeks of additional adoption leave – a total of 52 weeks' adoption leave – where the staff member has 26 weeks' continuous service ending with the week in which they are notified of being matched with a child for adoption;

- Be subject to all other entitlements and conditions of their maternity scheme.

Adoption leave will begin on the placement date or up to 14 days before the placement date. Where staff members choose to begin leave on the placement date and they are at work on that date, leave begins the following day. Both ordinary and additional adoption leave is to be taken in one block within a 12-month period from the date of placement unless otherwise agreed with the school.

The staff member will be required to notify the school of their intention to take adoption leave. The school will require correspondence to be sent from the adoption agency confirming the adoption and placement, and the staff member to inform them 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 after as is reasonably practicable, that they will be absent from work due to adoption and whether they intend to return to work.

The school will respond to the staff member's notification of their leave plans within 28 days. The school will write to the staff member, setting out the date on which they are expected to return to work if the full entitlement to adoption leave is taken. The school will assume that the staff member will be taking their full entitlement to adoption leave, unless informed by the staff member otherwise.

Adoption pay

Payments for staff members who have less than one year's continuous service at the beginning of the 11th week before the week of the child's placement shall be the staff members' entitlement to Statutory Adoption Pay (SAP). SAP will be paid for 39 weeks, or if earlier, until the date the staff member returns to work, or for eight weeks after the end of the week the placement is disrupted.

The contract of employment continues during adoption leave. The staff member receives all contractual benefits during the full period of adoption leave.

The school will ensure that adopters are aware they are subject to all other entitlements and conditions of their appropriate maternity scheme, including the obligation to return to either their job or LA employment for a period of at least three months in order to retain the occupational pay element.

A staff member shall not be entitled to 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 step-child by a step-parent.
- The adoption of a foster child by a foster parent.
- Those who become parents through arrangements with a surrogate mother.

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 primary adopter. The paternity leave provisions, as set out in [the 'Paternity and nominated carer leave' section](#) of this policy, will apply to staff members who:

- Are an adoptive parent who is either ineligible for adoption leave or has opted for their partner to take full adoption leave instead.
- Are the spouse or partner of the main adopter.
- Will have responsibility for the child's upbringing.
- Have been continuously employed for at least 26 weeks ending with the week the child's adopter is notified of the match.
- Have given notice and evidence to the school.

Entitlement to adoption support leave – Support member of staff

Adoption support leave of five days with pay shall be granted to the partner or nominated carer of the primary adopter at or around the time of placement.

A nominated carer is the person nominated by the primary adopter to assist in the care of the child and to provide support to the primary adopter at or around the time of the placement.

Surrogacy

A staff member who becomes a parent through surrogacy arrangements is not entitled to statutory adoption leave and pay.

Staff members will instead be entitled to unpaid parental leave upon becoming a parent, providing that:

- They intend to apply for a parental order when the child is living with them, where one parent is genetically related, or adopt the child, where there is no genetic relationship.
- They meet the qualifying conditions outlined in this policy.
- The father of a child born through surrogacy arrangements (provided he is registered as the father) and fulfils eligibility criteria and provisions outlined in this policy, will be eligible to take paternity leave. Staff members acting as surrogates are entitled to the same full maternity leave, pay and provisions as any other pregnant staff member.

7. Parental leave

Parental leave offers qualifying parents the right to take a period of unpaid time off work to look after a child or to make arrangements for the child's welfare. Parents can also use it to spend more time with their children.

Staff members are entitled to a total of 18 weeks' leave for each qualifying child. Parental leave is for each child and, therefore, if a staff member has twins, the leave is doubled. For the purposes of parental leave, a disabled child is one for whom disability living allowance has been awarded.

Staff members can take a maximum of four weeks per year per child, which can be taken in blocks or multiples of one week.

Staff members are generally disallowed from taking individual days as parental leave; however, in exceptional circumstances, the school may grant individual days as parental leave if the staff member requests this in advance. Where the staff member's child is disabled, the school will allow more flexibility with regard to parental leave.

Qualifying Conditions

Parents or adopters of children up to the age of 18 may have the right to parental leave. To qualify, staff members must have one year's continuous service.

If a staff member is separated from their spouse or partner and do not live with their child(ren), they maintain the right to parental leave if they keep formal parental responsibility for the child(ren). Foster parents do not have the right to parental leave; however, the school will work with staff members who are foster parents upon request to assess the feasibility of implementing a flexible working pattern.

Parental leave is an individual right and cannot be transferred between parents.

Requests for parental leave

Staff members wishing to request a period of parental leave, must make a request to the school giving at least 28 days' notice. This request should be put in writing stating the dates on which the leave is to begin and end.

The school is entitled to ask to see evidence to confirm that the staff member 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.

A staff member may elect to take a period of parental leave from the date of childbirth or from the date of adoption, in which case the school will not delay the date of the leave. The staff member will be required to give 28 days' notice before the expected week of childbirth, or before the week in which adoption placement is to occur.

If a staff member wishes to take a period of parental leave immediately following their maternity leave, they should also ensure that they make the request to the headteacher, giving at least 28 days' notice.

Returning to work

At the end of parental leave period, the staff member is entitled to return to the same job as before, if the leave was for a period of four weeks or less. The staff member 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.

If the parental leave period was more than four weeks, the staff member is entitled to return to the same job, or if it is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the previous job.

8. Shared parental leave (SPL)

Shared parental leave (SPL) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and both with, their child. All eligible staff members have a statutory right to take shared parental leave, and may be entitled to some shared parental pay.

The school recognises that, from time to time, staff members may have questions or concerns relating to their shared parental rights. Staff members should address the headteacher with any questions regarding shared parental leave and pay.

Eligibility for SPL

SPL can only be used by two people – the child's mother, biological or adoptive, and one of the following:

- The father or other legal parent of the child
- The spouse, civil partner or partner of the child's mother

Staff members seeking to take SPL must satisfy each of the following criteria:

- The mother of the child must be, or have been, entitled to statutory maternity leave or adoption leave; be, or have been, entitled to SMP, adoption pay or maternity allowance; and must have ended, or given notice to reduce, maternity or adoption entitlements
- The staff member must still be working for the school at the start of each period of SPL
- The staff member must have a minimum of 26 weeks' service at the end of the 15th week before the expected week of childbirth or placement
- The staff member's partner must have worked for 26 weeks and earned an average of at least £30 a week for any 13 weeks in the 66 weeks leading up to the expected week of childbirth or placement
- The staff member must correctly notify the school of their entitlement and provide evidence as required

- Both parents are required to share primary responsibility for the care of the child to be eligible for SPL or shared parental pay

SPL entitlement

Eligible staff members may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's entitlement to maternity or adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

SPL can only be taken in complete weeks, but may begin on any day of the week, e.g. if a week of SPL began on a Tuesday, it would finish on a Monday. A mother may reduce her entitlement to maternity or adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother is not entitled to maternity or adoption leave but is entitled to SMP, SAP or MA, they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The other legal parent, or spouse or partner of the mother, can take SPL immediately following the birth or placement of the child, but may first choose to exhaust any paternity leave entitlements, as the other legal parent or partner cannot take paternity leave or pay once they have taken any SPL or shared parental pay

Where a mother gives notice to curtail her maternity or adoption entitlement, then the mother's partner can take leave while the mother is still using their maternity or adoption entitlements.

SPL will generally commence on the staff member's chosen start date specified in their leave booking notice, or in any subsequent variation notice.

If the staff member is eligible to receive it, shared parental pay may be paid for some, or all, of the SPL period. SPL must end no later than one year after the birth or placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

Notification and eligibility for SPL

A staff member entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.

Part of the eligibility criteria requires the staff member to provide the school with correct notification. Notification must be in writing and requires each of the following:

- The name of the staff member.
- The name of the other parent.
- The start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available.
- The date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the staff member was notified of having been matched with the child and the date of placement for adoption.
- The amount of SPL the staff member and their partner each intend to take.
- A non-binding indication of when the staff member expects to take the leave.

The staff member must provide the school with a signed declaration stating:

- That they meet, or will meet, the eligibility conditions and are entitled to take SPL.
- That the information they have given is accurate.
- If they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter.
- That should they cease to be eligible they will immediately inform the school.

The staff member must provide the school with a signed declaration from their partner confirming:

- Their name, address and national insurance number, or a declaration that they do not have a National Insurance number.
- That they are the legal parent of the child, or the partner of the primary legal parent, i.e. the mother.
- That they satisfy the employment and earnings criteria (having worked for 26 out of the 66 weeks leading up to the expected week of childbirth or placement, and having been paid at least £30 per week in at least 13 of those weeks) and had, at the date of the child's birth or placement for adoption, the main responsibility for the child, along with the staff member.
- That they consent to the amount of SPL that the staff member intends to take.
- That they consent to the school processing the information contained in the declaration form.
- That they will immediately inform their partner should they cease to satisfy the eligibility conditions.

The school may also request the name and address of the partner or other parent's employer, a copy of the child's birth certificate, or documentary evidence that a child has been adopted by the staff member.

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row). Staff members have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice. A staff member may submit up to three separate notifications for continuous periods of leave.

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the staff member returns to work (for example, an arrangement where a staff member will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the school may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the staff member and the school. The school will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the staff member can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

The school will consider each request for discontinuous leave on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another staff member to be granted a similar pattern of SPL. The school will inform staff members in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.

Statutory shared parental pay

Eligible staff members may be entitled to take up to 37 weeks shared parental pay while taking SPL. The number of weeks available will depend on the amount by which the mother reduces their maternity or adoption pay period or maternity allowance period.

Shared parental pay may be payable during some or all of SPL, depending on the length and timing of the leave. In addition to meeting the eligibility requirements for SPL, a staff member seeking to claim shared parental pay must further satisfy each of the following criteria:

- The mother must be, or have been, entitled to statutory maternity or adoption pay or maternity allowance and must have reduced their maternity or adoption pay period or maternity allowance period.

- The staff member must intend to care for the child during the week in which shared parental pay is payable.
- The staff member must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date or placement date are not less than the lower earnings limit in force for national insurance contributions.
- The staff member must remain in continuous employment until the first week of shared parental pay has begun.
- The staff member must give proper notification.

Where a staff member is entitled to receive shared parental pay, they must, at least eight weeks before receiving any shared parental pay, give their line manager written notice advising of their entitlement to shared parental pay. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for shared parental pay must include:

- The start and end dates of any maternity or adoption pay or maternity allowance.
- The total amount of shared parental pay available, the amount of shared parental pay the staff member and their partner each intend to claim, and a non-binding indication of when the staff member expects to claim shared parental pay.
- A signed declaration from the staff member confirming that the information they have given is correct, that they meet, or will meet, the criteria for shared parental pay and that they will immediately inform the school/company should they cease to be eligible.

It must be accompanied by a signed declaration from the staff member's partner confirming:

- Their agreement to the staff member claiming Shared parental pay and for the school to process any shared parental pay payments to the staff member.
- That they have reduced their maternity or adoption pay or maternity allowance, in the case that the partner is the mother.
- That they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any shared parental pay due will be paid at a rate set by the government for the relevant tax year.

9. Parental bereavement pay and leave

Where a staff member's child dies before they turn 18, or if they have a stillbirth after 24 weeks of pregnancy, they may be able to take two weeks' leave from the first day of employment for each child who has died or was stillborn. The leave can start on or after the date of the death or stillbirth and can be taken as two consecutive weeks, two separate weeks or only one week of leave – however the leave is taken, it must finish within 56 weeks of the date of the death or stillbirth.

Where a staff member is taking another type of statutory leave (e.g. maternity leave following a stillbirth) when the child dies or the stillbirth happens, their parental bereavement leave will start after the other leave has ended, but does not have to be taken immediately after.

Eligibility for Leave

To be eligible for leave, the staff member may have been, at the time of the child's death or stillbirth:

- **The child's biological parent**, where no adoption or parental order was made, unless there was a contact order in place.
- **The child's adoptive parent**, after the adoption order was granted, or before if the child was already placed with them and that placement was not interrupted. If the child was adopted from abroad, parental leave can be granted if the child was living with the staff member after entering Great Britain or they have an 'official notification' confirming the adoption.
- **A parent of the child where the child was born to a surrogate**, where a parental order was made, or before if they had applied or intended to apply for a parental order within six months of the child's birth and expected it to be granted.
- **The partner of the child's parent.**
- **Taking care of the child**, i.e. the child was living with them at their home for at least four continuous weeks ending with the date of death.
- **The individual that had day-to-day responsibility for the child** during the time of the child's death.

Staff members who were being paid to look after the child prior to their death will not be eligible for parental bereavement leave unless they were:

- A foster parent being paid a fee or allowance by an LA.
- Reimbursed for expenses related to caring for the child.
- Getting payments under the terms of a will or trust for the child's care.

Where it is between zero and eight weeks after their child's death or still birth, a staff member will be expected to notify the school prior to the time they would normally start work on the first day of the week or weeks they want to take off from work.

Where it is between nine and 56 weeks after their child's death or still birth, a staff member will be expected to notify the school at least one week prior to the start of the week or weeks they want to take off from work.

The school will not require notifications of parental bereavement leave to be submitted in writing; however, will require that all notifications include:

- The date of the child's death or stillbirth.
- When the staff member intends parental bereavement leave to begin.
- How much leave they are planning on taking, i.e. either one or two weeks.

Eligibility for Statutory Parental Bereavement Pay (SPBP)

To be eligible for statutory parental bereavement pay (SPBP), staff members must have been continuously employed at the school for at least 26 weeks up to the end of the relevant week, i.e. the week immediately before the week of the death or stillbirth, ending with a Saturday. They must also:

- Continue to be employed at the school up to the day the child dies or is stillborn.
- Earn on average £123 per week before tax over an eight-week period.
- Provide the school with the correct notice information.

SPBP must be requested within 28 days, starting from the first day of the week that the staff member is claiming payment for. The school will require staff members to submit the following information in writing to confirm the entitlement to SPBP:

- The staff member's name
- The dates of the period that they wish to claim SPBP
- The date of the child's death or stillbirth.

The school will also require staff members requesting SPBP to confirm that they are eligible due to their relationship to the child. This can be completed through the government's [online declaration form](#).

The school will use the government's [tables](#) to help [manually calculate a staff member's eligibility](#) and, where they are eligible, when SPBP is due to be paid.

SPBP for staff members whose employment is temporary, periodic or otherwise irregular

The school will treat temporary or periodic workers, e.g. supply teachers, as staff members for PAYE tax and Class 1 National Insurance contributions (NICs), and will therefore pay these workers SPBP if they satisfy the above qualifying conditions and:

- The school has to deduct PAYE tax and Class 1 NICs from the irregular worker's earnings; or

- The school would deduct PAYE tax and Class 1 NICs if their earnings were high enough.

The school will treat irregular workers as having worked in the relevant week, i.e. the week immediately before the one in which the child died or was stillborn, if they are unwell throughout the relevant week, or not required to work during that week. This will apply even if they do not resume work before commencing their bereavement.

Where staff members work for more than one employer, they are entitled to receive SPBP from the school as well as their other employer(s).

Where staff members have more than one job at the school, all of their earnings from their different jobs will be added together to work out Class 1 NICs, and therefore these staff members will be eligible for one lot of SPBP – two weeks of pay which can be taken together or separately.

SPBP and changes within the school

Where a staff member who is in receipt of SPBP, or is due SPBP but has not yet taken it, the school will continue paying SPBP to the staff member, provided that all qualifying conditions have been met.

In the unlikely event that the school becomes insolvent during the period during which a staff member is due SPBP, staff members will be advised to contact HMRC, as it will continue to pay the SPBP when the school no longer can.

Where a staff member receives a backdated pay rise, the school will recalculate their AWE and pay any extra SPBP due to them. If the staff member was not previously entitled to SPBP, the school will recalculate their AWE and check whether their entitlement has changed.

Where a staff member eligible for SPBP leaves their job at the school, they will not receive SPBP if they left prior to the child's death or stillbirth – the school will pay SPBP if the staff member left after the date of the death or still birth and do not work for a new employer during the week in which SPBP is being paid.

Miscarriages

If a staff member's baby is stillborn before the end of the 24th week of pregnancy, it is treated as a miscarriage. In these cases, the staff member or a partner would not be eligible for maternity or paternity leave or pay; however, other options are available.

If the staff member is not well enough to work following a miscarriage, they will be entitled to statutory sick leave and pay. The staff member will be able to self-certify their sick leave for the first seven days of their absence and will need a doctor's note for any time period beyond that.

Any time off required as a result of a miscarriage will be treated as a pregnancy-related sickness. There is no time limit on sickness absence following a miscarriage – if the staff member's GP has certified their sickness as pregnancy-related, this will apply for as long as their sick leave lasts.

Staff members who have experienced a miscarriage will also be entitled to compassionate leave. This can be taken after any period of sick leave.

If a staff member's partner has experienced a miscarriage, they will not be entitled to pregnancy-related leave or sickness absence; however, they will be entitled to compassionate leave. The staff member will need to discuss their leave options with their line manager.

Wellbeing Support

The school understands that experiencing a miscarriage or other parental bereavement is extremely difficult for all those involved. A supportive workplace environment will be fostered to ensure staff members feel able to discuss their pregnancy and any bereavement with their colleagues and line manager.

The staff member's line manager will keep in contact with the staff member throughout any period of absence and will ensure the necessary support is put in place for their return to work. The line manager and staff member will discuss what reasonable adjustments can be put in place to support the staff member at work, and who, if anyone, the staff member would like to be informed about the situation.

The staff member's line manager will ensure the staff member is aware of the wellbeing support available both in school and externally, including details of the company Employee Assistance Programme (EAP)

10. Pregnancy-related sick leave

If a staff member is not well enough to work due to any pregnancy-related reason, including a miscarriage, they will be able to take sick leave and receive sick pay in line with usual sick leave procedures.

The school will record any sick leave relating to a staff member's pregnancy (including sick leave following a miscarriage) separately to other sick leave. Pregnancy-related sick leave will not be taken into consideration for any other circumstances, including absence management procedures or disciplinary procedures.

The school will seek advice from its HR team where necessary.

11. Neonatal leave and pay

11.1 Eligibility

Staff eligible for neonatal care leave may also qualify for statutory neonatal care pay if they have:

- Been continuously employed by Trust for at least 26 weeks by the end of the “relevant week”, which is the 15th week before the:
 - Expected week of childbirth, or
 - Week in which the adoption agency or local authority notified them of a match, or
 - Week before neonatal care starts (in any other cases)
- Received normal weekly earnings of not less than the government’s “lower earnings limit”, over an 8-week period ending with the “relevant week” (see above). See the government’s website for the latest “lower earnings limit”: <https://www.gov.uk/employers-neonatal-care-pay-leave/eligibility>

11.2 How much pay you can get

You can find the latest statutory weekly rate of neonatal care pay on the government’s website – <https://www.gov.uk/employers-neonatal-care-pay-leave>

Staff can only be paid statutory neonatal care pay for the whole weeks of neonatal care leave that they take.

11.3 Giving notice for neonatal care pay

Tier-1 period (from when the baby has been in neonatal care for 7 consecutive days, until 7 days after they’ve left neonatal care): you must give notice for pay within 28 days after the start of your neonatal care leave.

Tier-2 period (when the baby left neonatal care more than 1 week ago): if you want to take:

- 1 week of pay, you must give us at least 15 days’ notice before the first day of your tier-2 neonatal care leave
- If you wish to take 2 or more weeks of leave, you must give us at least 28 days’ notice before the first day of leave

11.7 Details you should provide when giving notice of neonatal care leave and pay

You should provide the following details to us, in writing, within 28 days after the start of your neonatal care leave:

- Your name
- The child’s date of birth
- The start and end dates of any period of neonatal care (if known)

- The date the period of neonatal care leave started or will start
- The number of weeks you have taken, or intend to take, neonatal care leave
- UK adoption cases: date of the placement
- Overseas adoption cases: the date the child entered Great Britain
- You must also provide:
 - A declaration that the purpose of your leave is to care for the child
 - A declaration that you have parental responsibility for the child, if this is the first time you're giving notice for neonatal care pay and leave

11.8 Cancelling neonatal care leave

You can:

- Cancel any future planned weeks of neonatal care leave that are due to start in tier 2. You should give written notice of at least 15 days for 1 week of leave, and at least 28 days for 2 or more weeks of leave
- Return early from tier 2 neonatal care leave by telling the Trust at least 1 week in advance. However, you cannot return part-way through a week of neonatal care leave, as it must be taken in whole weeks

You **cannot** cancel notice for leave if the baby is in neonatal care or in the first week after (tier 1).

11.9 Taking neonatal care leave with other types of family leave

Taking neonatal care leave does not affect your entitlement to other types of family leave and pay, including:

- Maternity leave and pay
- Adoption leave and pay
- Paternity leave and pay
- Shared parental leave and pay
- Unpaid parental leave

If you are taking any of these types of family leave at the time the child starts neonatal care, you can take neonatal care leave after the other type of family leave ends. You should give the relevant period of notice (see section 11.5) and written information (see section 11.7) set out above.

If your neonatal care leave is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave, unpaid parental leave or shared parental leave):

- During a tier-1 period (where the baby is in neonatal care or it ended within the last week), you can resume the interrupted neonatal care leave period straight away after the other leave ends

- During a tier-2 period (where the neonatal care ended more than a week ago), you must add the remainder of the interrupted neonatal care leave onto any further period of neonatal care leave that you are intending to take

You must make sure that any neonatal care leave you're taking later than a week after the baby leaves neonatal care is not interrupted by the start of another period of family leave that you've booked. This is because you can only take tier-2 leave in a single block.

11.10 Additional support

Our Trust acknowledges that each staff member's circumstances may differ. If you need additional support, please discuss this with your line manager or a member of the HR (People) department and we will do our best to help you.

12. Monitoring and review

This policy will be reviewed every two years by the Trust HR & ICT Manager and CEO, who will make any changes necessary.

The next scheduled review date for this policy is **April 2026**.

Appendix A – Intention to take Maternity Leave form

Your details	
Name	
Job title	
Manager	
Employee number (on payslip)	
Dates for pay and leave	
Expected date of childbirth	
Anticipated date to intend to start maternity leave	
Anticipated date to intend to return to work	
Additional documentation required: (MATB1 certificate attached)	<input type="checkbox"/> Yes
Declaration	
<p>I have read the full Family Leave Policy and accept the terms contained within it. In particular, I agree that if I do not return to work for at least 12 weeks after my maternity leave, I will repay the school any maternity pay that I have received (other than statutory maternity pay). I agree that the school may deduct any unpaid amount from any outstanding payments (including salary and holiday pay) due from the school to me.</p>	
Signed (employee)	Signed (manager)
Date	Date

Appendix B – Leave of absence form for absences related to pregnancy, childbirth, or parenting

Your details			
Name		Employee number	
Job title		Manager	
Expected week of childbirth or placement			
Details of intended leave			
Purpose of intended leave, e.g. appointment			
Intended start time and date of leave		Intended end time and date of leave	
Details of entitlement			
Is this leave related to a statutory entitlement, e.g. entitlement to time off for antenatal appointments? If so, please specify.			
If yes, and if this intended leave is accepted, how much of this entitlement will remain after it has ended?			
Signature of staff member			
Date of request		Date request approved or rejected	
Reason for rejection, if applicable			
Signature of approver			

Appendix C – ‘Keep in touch day’ request form

Your details			
Name			
Job title			
Manager			
Employee number (on payslip)			
Communication arrangements			
Purpose for contact, e.g. department news			
Form of contact, e.g. telephone			
Frequency of contact			
Who will initiate contact			
10 KIT days – list dates and purpose			
KIT Days	Specify exact date of KIT day	Initial to confirm that the school has been notified of KIT day	
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
Signature of staff member		Signature of manager	
Date signed		Date signed	

Appendix D – Manually calculating employee SPBP

Step one: Before beginning to manually calculate employee SPBP, schools must first ensure they have all of the evidence in the following checklist:

Evidence needed	Obtained? (Y/N)
Written declaration signed by employee	
Date of child's death or stillbirth	
Date employee started or wishes to start SPBP	
Employee's gross pay and the dates the school paid them	
Date employee started working at the school	
Confirmation that employee's gross earnings are liable to employer's Class 1 NICs or would be liable but for their age or level of earnings	

Step two: Schools must calculate average weekly earnings (AWE), including all earnings on which Class 1 NICs liability is due or would be due if they were high enough. The relevant period is usually the eight-week period leading up to the relevant week, i.e. the week immediately before the week in which the child died. For example:

Relevant week	Payday	Last payday 8 weeks before the end of the relevant period	Last payday before the Saturday of the relevant week
1 March to 8 March	Last Thursday of month	31 January	25 February

This would make the relevant period between 31 January and 25 February. Schools would then calculate AWE as follows:

- Add up all earnings paid between 31 January and 25 February
- Divide this number by two
- Multiply this result by 12
- Divide this result by 52
- **Do not** round this figure up or down to whole pence.

Step three: Employees must be paid whichever is lower: **Updated 2025: £187.18. per week; or 90 percent of their AWE.**