



Human
Resources



Springhead School

Parental Leave Policy

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Parental Leave Policy

1. Introduction

- 1.1 This policy incorporates a number of different types of leave which parents can take around the time of the birth of their child and during their lives. It also includes entitlements for adoptive parents leading up to the placement of their child and the subsequent year. This policy includes both statutory and contractual (or occupational entitlements).
- 1.2 A number of the entitlements included in this policy arise from legislation and statutory regulations. Nothing in this policy is intended to replace the statutory schemes which will prevail in the event that this policy contradicts the relevant statute. For ease of reference each leave entitlement is detailed separately, but it is highlighted where they can interact and complement each other.

2. Scope and Definitions

- 2.1 This policy applies to both support and teaching staff in schools and covers leave and pay arrangements. There are some differences in entitlement depending on the conditions of service that apply to each group, and these are detailed in the body of the document.
- 2.2 Copies of all documentation relating to parental leave and pay should be retained on the employee's confidential personal file.

Statutory payments and thresholds

- 2.3 The statutory payment rates change annually in April. The current rates are available on SLA online [here](#) or on the [Gov.uk website](#).

Types of parental leave

- 2.4 This policy includes the entitlements and arrangements for the following types of parental leave:
- Maternity leave (section 3)
 - Paternity leave (section 4)
 - Maternity support leave (section 5)
 - Adoption leave (section 6)
 - Shared parental leave (section 7)
 - Unpaid parental leave (section 8)
 - Neonatal care leave (section 9)
 - Bereaved partner's paternity leave (section 10)
- 2.5 Leave and pay entitlements arise from the following sources:
- Employment legislation – known as 'statutory' entitlements

- From the terms and conditions applied to teaching and support staff – known as ‘occupational’ entitlements

2.6 Where qualifying criteria for different types of leave and pay vary these are shown separately within each section.

Terms and conditions during parental leave

2.7 Employment continues during all periods of parental leave and employees are entitled to receive the same terms and conditions during parental leave (other than remuneration).

2.8 Tax, National Insurance and pension contributions (where the employee is in the LGPS or Teachers’ Pension Scheme) are payable on all occupational and statutory payments made under this policy.

Annual Leave

2.9 Employees taking parental leave, will accrue annual leave and bank holidays throughout their whole leave period.

2.10 For teaching staff, annual leave is not specified in their terms and conditions so the prevailing statutory entitlement of 5.6 weeks (including bank holidays) will apply. The leave year for teaching staff runs from 1 September to 31 August each year. Any school closure periods during the year when teaching staff are not at work or on maternity or other leave, and receive their full normal pay, will be included in the calculation of statutory entitlements.

2.11 Entitlements to annual leave and bank holidays for support staff are detailed in each employee’s terms and conditions of service and individual statements of particulars. Generally, annual leave should be taken in the year in which it accrues but a maximum of 5 days can be carried forward to the following year and must be taken by 31st May. Therefore, depending on when a baby is due the employee may need to take leave both before and after their maternity leave.

2.12 In exceptional circumstances employees may be allowed to carry over any excess leave into the following leave year, for example if it is agreed that an employee is unable to take all their annual leave in the leave year in which they commenced their maternity leave. For employees not returning to work, annual leave will be calculated up to the last day of employment.

2.13 Employees who do not return to work following maternity leave may receive payment in lieu of untaken annual leave.

Annual Leave calculations for Term Time Only staff

- 2.14 Employees who take maternity leave must be able to take their contractual leave entitlement (including bank holidays) at a time outside of their maternity leave.
- 2.15 Due to the way that term-time only employees are contracted and paid, issues around taking annual leave accrued during maternity leave can be complex. To ensure they have received their full contractual and statutory entitlements to leave it may be necessary for term-time only workers to take leave during term-time or to pay them additional leave during school closure periods.

Pension arrangements during parental leave

- 2.16 During any periods of paid leave covered by this policy (including both occupational and statutory payments) employees will pay pension contributions calculated on the actual pay they receive. The arrangements which apply to unpaid leave will depend on the scheme arrangements and differ between the Local Government Pension Scheme and the Teachers' Pension scheme.

Support staff who are members of the Local Government Pension Scheme

- 2.17 Particular rules apply to protect LGPS pensions during periods of child-related leave and employees taking some types of unpaid leave continue to build up pensionable service as if they were working normally and receiving normal pay. Further information is available on the LGPS website: [If you are away from work :: LGPS](#).

Teaching staff who are members of the Teachers' Pension Scheme

- 2.18 The Teachers' Pension Scheme does not allow members to buy back service for periods of unpaid leave, including maternity, though other options for increasing pension benefits are available. Further information regarding the provisions of the scheme is available on the Teachers' Pensions website www.teacherspensions.co.uk.

Right to request flexible working

- 2.19 All employees have a statutory right to request flexible working. If an employee wishes to vary their working arrangements, for example their hours, days, times or place of work, on return from parental leave, they may make a flexible working request. Further information is available in the school's Flexible Working Policy.

Surrogacy

- 2.20 Surrogates are the legal mother/parent of any child they carry, unless they sign a parental order after they give birth transferring their rights to the intended parents. The person who gives birth is always treated as the legal mother/parent and has the right to keep the child - even if they are not genetically related. Surrogacy contracts are not enforced by UK law, even if a contract has been signed with the intended parents and they have paid for any expenses. The child's legal father or 'second parent' is the surrogate's husband or civil partner unless legal rights are transferred to someone else, or the surrogate's husband/civil partner didn't give permission to their wife/partner.
- 2.21 Every pregnant employee has the right to 52 weeks maternity leave and to return to their job after this. What a birth parent does after the child is born has no impact on their right to maternity leave.

Guide to terms and abbreviations used

- 2.22 The following terms and abbreviations are used within this document and are summarised below for ease of reference:

Leave entitlements		Pay entitlements	
ML	Maternity leave	SMP	Statutory maternity pay
CML	Compulsory maternity leave	OMP	Occupational maternity pay
MSL	Maternity support leave	MP	Maternity pay
OML	Ordinary maternity leave	MA	Maternity allowance
AML	Additional maternity leave	SPP	Statutory paternity pay
PL	Paternity leave	ShPP	Shared parental pay
ShPL	Shared parental leave	SAP	Statutory adoption pay
UPL	Unpaid parental leave	SPBP	Statutory Parental Bereavement Pay
AL	Adoption leave	OAP	Occupational adoption pay
NCL	Neonatal care leave	SNCP	Statutory neonatal care pay
BPPL	Bereaved partner's paternity leave		

General	
EWC	Expected week of childbirth
KIT	Keeping in touch
SPLiT	Shared parental leave keeping in touch
NYC	North Yorkshire Council
MatB1	The maternity certificate issued by a midwife or doctor confirming pregnancy and expected due date

3. Maternity Leave

3.1 Introduction

- 3.1.1 The purpose of this policy is to outline the statutory and contractual entitlements and obligations relating to maternity leave and pay and what employees need to do in relation to these rights.
- 3.1.2 The policy applies to all pregnant employees, regardless of the number of hours they work each week. However, the provisions of the maternity scheme have differences depending on the terms and conditions under which an individual is employed. These differences are highlighted where they exist.

3.2 Antenatal care

- 3.2.1 Pregnant mothers have the right to reasonable paid time off for antenatal care, regardless of their length of service. Applications for time off should be made under the Leave Policy.
- 3.2.2 Antenatal care is not restricted to medical examinations, it can also include relaxation classes and parent craft classes, where these have been specifically recommended by a registered medical practitioner, midwife or health visitor. However, employees are encouraged to arrange these, as far as possible, outside of the working day.
- 3.2.3 Partners are entitled to unpaid leave to attend up to two antenatal appointments with the expectant mother (to a maximum of 6.5 hours per appointment). Applications for time off should be made under the Leave Policy.

3.3 Notification of pregnancy

- 3.3.1 Expectant mothers are encouraged to notify the school about their pregnancy as early as possible to help protect their health and safety and get paid leave for antenatal appointments. Notification must be made as follows:

Teachers – must notify the school of their intention to take maternity leave not later than 14 weeks before the expected week of childbirth. They must then give at least 21 days' notice of the date they wish their leave to commence.

Support staff – must notify the school in writing that they are pregnant at least 28 days before the intended start of their leave.

3.3.2 Expectant mothers should notify the following in writing to the school:

- That they are pregnant
- The expected week of childbirth (EWC)
- The date they want their maternity leave to start.
- Whether they intend to return to work at the end of their maternity leave, if they have decided

3.3.3 This written notification can be made by submitting a completed Maternity Notification Form.

3.3.4 The employee is also required to give written evidence of their pregnancy which is usually done through the provision of a MATB1 form. This form is issued to expectant mothers by their midwife, GP or consultant confirming the week in which the baby is due to be born, usually at around 20 weeks gestation. The school must retain a copy of the MATB1 and also provide a copy to Payroll.

3.3.5 On receipt of the written notification, the school will reply to the employee within 28 days, to advise the expected date of return from maternity leave. This will be based on their full leave entitlement of 52 weeks leave.

3.4 Health and safety risk assessment

3.4.1 The school is required by law to protect the health and safety of employees who are pregnant, have recently given birth or are breastfeeding. It is therefore important that employees inform their Headteacher/line manager early in their pregnancy to allow a risk assessment for new and expectant mothers at work to be undertaken. The risk assessment must be documented and reviewed as necessary during the maternity period and when the employee returns to work.

3.4.2 All reasonably practicable measures will be taken to prevent exposure to risks through the removal of hazards and the implementation of controls. Where this does not reduce the risk to acceptable levels, the following steps will be considered in order:

- A temporary alteration of the employee's working conditions or hours of work

- Suitable temporary alternative employment, where available. Suitable alternative employment means work which is both suitable in relation to the employee and appropriate for them to do in the circumstances
- Medical suspension from work for as long as necessary to protect the employee's health and safety. This means they are entitled to paid leave or, where suitable alternative work is available but refused, unpaid leave.

3.4.3 Should medical suspension occur after the 4th week before the EWC, this will automatically trigger the start of maternity leave.

3.5 Maternity leave entitlements

- 3.5.1 All expectant mothers employed by the school are entitled to take up to 1 year's (52 weeks) maternity leave. This can commence no earlier than 11 weeks before the expected week of childbirth or the employee may continue to work up until the day before the baby is due if they feel able to do so. Maternity leave can start from any day of the week and the same is true for maternity pay where this is due.
- 3.5.2 Maternity leave comprises of 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave and there can be no gap between these periods of leave.
- 3.5.3 All mothers must take a minimum of two weeks' compulsory maternity leave. Even where a mother wishes to curtail their maternity leave to enable them and/or their partner to take shared parental leave, they cannot cut short the period of compulsory maternity leave.
- 3.5.4 Where an employee has multiple posts within school, their maternity leave and MP will commence on the same date for all posts based on total earnings for all roles.
- 3.5.5 If the employee wishes to change their maternity leave start date, they must give at least 28 days' notice. The school will write to them within 28 days to confirm their new expected date of return.
- 3.5.6 If childbirth occurs before the date on which the employee has notified the school (or before they have notified any date), the maternity leave period will start automatically on the day after the date of the birth.
- 3.5.7 If the employee gives birth before they have notified the school, or prior to the 11th week before the EWC, they are required to confirm to the school in writing the date of birth and the date the birth was originally expected. This information can be provided together on a MatB1 or through other documentation, e.g. a birth certificate.

- 3.5.8 If the baby is born prematurely, or is unwell, and requires neonatal care in the first 28 days of its life, both parents may become eligible for neonatal care leave and pay (see section 9).
- 3.5.9 If an expectant mother is absent from work due to a pregnancy-related reason after the beginning of the fourth week before the EWC, but before the date they have notified the school they would like their leave to begin, the maternity leave period begins automatically on the day after the first day of absence. In such cases, the school will notify Payroll of the revised dates of maternity leave and confirm these in writing to the employee.

3.6 Maternity Pay

- 3.6.1 There are two types of maternity pay as follows:
- Statutory maternity pay
 - Occupational maternity pay
- 3.6.2 If an employee plans to return to work with the school following maternity, they will receive both Statutory and Occupational Maternity Pay, providing they meet the service and earnings requirements.
- 3.6.3 Occupational entitlements will be assessed on the individual's continuous local government service, including with other schools. Statutory entitlements will be assessed in relation to service with North Yorkshire Council only.
- 3.6.4 Regardless of the date of return from maternity leave, SMP cannot be paid in part weeks, whereas OMP would be paid up to the day before the employee returns, if the employee returns when OMP is still in payment.
- 3.6.5 When an employee has a salary sacrifice arrangement in place during the 8-week period prior to the qualifying week, this has the effect of reducing the pay on which their SMP will be calculated. Employees who participate in such a scheme will have been informed of this through the terms and conditions of the scheme. In addition, employees remain responsible for payments due for the goods or services through salary sacrifice during maternity leave. However, salary deductions cannot be made during periods of SMP, or nil pay and repayment arrangements will have to be set up through a separate agreement.

Statutory maternity pay (SMP)

3.6.6 All pregnant employees who meet the qualifying criteria based on their length of service and average earnings, and give the correct notice, are entitled to receive up to 39 weeks' SMP. The criteria are:

- 26 weeks' continuous service with NYC by the end of the 15th week before the EWC
- average earnings in the 8 weeks ending with the 15th week before the EWC at least equal to the lower earnings limit for National Insurance Contributions

3.6.7 Statutory maternity pay is as follows:

- 6 weeks at 9/10ths (90%) of average earnings
- 33 weeks at the lower rate of SMP, paid at the lower of 90% of average weekly earnings or the flat statutory rate

3.6.8 The 15th week before the EWC is known as the 'qualifying week' and runs from Sunday to Saturday. If the baby is born before or during the qualifying week, the continuous service rule is satisfied if they would have completed 26 weeks' continuous employment had it not been for the baby's early birth. The average weekly earnings would then be worked out using the birth date instead of the qualifying week.

3.6.9 The SMP period will start on the first day of the maternity leave period and may begin on any day of the week, in accordance with the date notified to the school or if maternity is triggered early through sickness or a premature birth.

3.6.10 The payment of SMP will not be affected if the employee decides not to return work following their maternity leave. If an employee qualifies for SMP they will continue to be paid it even if they leave their employment voluntarily for any reason before they could start their maternity leave.

3.6.11 For employees on fixed term contracts who are eligible for SMP but whose contract ceases during the maternity period, SMP will be paid throughout the maternity period. Therefore, the contract end date and date of end of SMP payments may be different.

Maternity allowance (MA)

3.6.12 If an expectant mother has average weekly earnings below the Lower Earnings Limit for National Insurance purposes, or does not meet the service requirements, they will not qualify for SMP paid through the school. However, they may qualify for MA paid directly from the Department of Work and Pensions (DWP) or SMP from a previous employer.

3.6.13 It is possible for an employee who does not qualify for SMP to be paid by the school, to qualify for occupational maternity pay. Where an employee is in receipt of SMP from another employer or MA, then these payments will be offset against occupational maternity pay paid by the school.

Occupational Maternity Pay (OMP)

3.6.14 All pregnant employees who have completed one year's continuous local government service at the 11th week before the EWC are entitled to OMP, offset against any SMP or MA payments due.

3.6.15 To qualify for the full entitlement to OMP employees must return to work following maternity leave. In the event that an employee does not return to their job, they will be expected to refund any OMP which has been paid after the first 6 weeks.

3.6.16 The period for which an employee must return to retain their OMP is detailed in the table at paragraph 3.6.18. If the employee leaves the school before the end of these return periods they may be required to refund payments of OMP paid after week 6 of their maternity leave.

3.6.17 Occupational maternity leave is usually paid during the first 18 weeks of maternity leave. The entitlements to OMP are slightly different for teaching and support staff and these are detailed in the table below. All payments of OMP are offset against SMP/MA if the employee is eligible to receive these, and maternity pay will never exceed normal full pay.

3.6.18 Where an employee has multiple posts, the OMP applies on all their established posts at the time they are going on, maternity leave. Should they meet the continuous service requirement for OMP i.e. if they have local Government service in an established post (not including relief or supply posts) for more than 12 months then their OMP will reflect the multiple posts.

	Teaching Staff	Support Staff
Weeks 1 - 6	4 weeks at 100% and 2 weeks at 90% of normal pay (offset against SMP/MA if eligible)	6 weeks at 90% of normal pay (offset against SMP/MA if eligible)
Returning to work following maternity		
Weeks 7 - 18	12 weeks at ½ pay or 6 weeks full pay spread as agreed between employee and school or 6 weeks paid in full on return to work	

	In addition, the employee may receive SMP/MA if eligible during the above periods, but total maternity pay cannot exceed full pay
Weeks 19 - 39	21 weeks at flat rate SMP/MA if eligible
Weeks 40 – 52	Unpaid maternity leave

Not returning to work following maternity		
Weeks 7 – 39	33 weeks at flat rate SMP (if eligible) or MA	
Weeks 40 – 52	Unpaid maternity leave until leaving date	
Minimum period employee must return to work		
	Period equal to 13 weeks based on contractual hours prior to maternity leave	3 months based on any working arrangements

3.7 Sick absence

- 3.7.1 If an employee is off work due to sickness before the commencement of their maternity leave for non-pregnancy related reasons, they will receive their normal entitlement to occupational and statutory sick pay.
- 3.7.2 If they are absent through pregnancy related sickness after the beginning of the 4th week before the EWC, maternity leave and pay entitlements will be automatically triggered from the day following the first day of absence, regardless of when the employee actually wants their leave to start. If maternity leave has been triggered by childbirth or a pregnancy-related absence the school will write to confirm their expected date of return.
- 3.7.3 If an employee is ill during maternity leave this will not be treated as sick leave, so does not need to be reported to the school and they will not be entitled to sick pay. Maternity leave will be regarded as service for the purposes of the sick pay scheme.
- 3.7.4 If an employee is unable to attend work at the end of their maternity leave due to sickness, the normal reporting, payment and management arrangements for sickness absence will apply.

3.8 Keeping in touch (KIT) days during maternity leave

- 3.8.1 Except during the first two weeks after childbirth, an employee can agree to work for the school for up to 10 days without that work bringing

the period of maternity leave to an end and without loss of a week's SMP. These are known as 'keeping in touch' (KIT) days. Any work carried out on a day (i.e. whether it be for an hour or the full working day) shall count as one of the 10 days allowed. The entitlement to 10 KIT days is not prorated for part-time employees.

- 3.8.2 Work is defined as any work that is done under their contract of employment and this may include training, contributing to work activities or anything else undertaken for the purposes of keeping in touch with their workplace. The school has no right to require an employee to carry out any work during their maternity leave nor does the employee have the right to insist on working.
- 3.8.3 If an employee is entitled to SMP (with or without OMP) for the week(s) in which they work and agreed KIT day, they will continue to receive this in the usual way. In addition, the school will also pay the employee for the number of hours that they work at their normal rate of pay, offset by SMP/MA and OMP (as applicable). If the employee is on unpaid maternity leave when they do this work, they will be paid at their normal rate of pay.
- 3.8.4 Maternity leave will not be extended due to the fact that an employee has attended work for one or more KIT days during the 52-week maternity leave period. Attending work for more than 10 KIT days/occasions may be considered a return to work and could bring the maternity leave to an end. Therefore, an accurate record of completed KIT days will be retained by the school.

3.9 Maintaining contact during maternity

- 3.9.1 The school may make contact with the employee (and vice versa) whilst they are on maternity leave to discuss a range of issues (e.g. to discuss plans for returning to work, or to keep them informed of important developments in the workplace) as long as the amount and type of contact is not unreasonable.
- 3.9.2 The school will ensure that employees who are on maternity leave are not disadvantaged when it comes to having the opportunity to apply for vacancies within the organisation. Employees on maternity leave will, therefore, be notified of relevant vacancies that arise.

3.10 Returning from maternity leave

- 3.10.1 All employees have a right to return to work after maternity leave. This can be no earlier than at the end of the two-week period of compulsory maternity leave. It will be assumed by the school that all employees will return at the end of their full 52-week maternity leave period unless notified otherwise.

- 3.10.2 If an employee wishes to return to work earlier than the end of the 52 weeks, they must notify the school in writing giving a minimum of 21 days' notice of the early return date. If an employee tries to return to work early without giving the relevant notice, the school may postpone their return until the relevant notice has been given (but not beyond the original date of return).
- 3.10.3 Employees may wish to curtail their maternity leave to enable themselves or their partner to take shared parental leave. An employee may also extend their maternity leave by taking unpaid parental leave. Further information regarding these entitlements is given at sections 7 and 8.
- 3.10.4 For the purposes of the minimum periods which must be worked to retain occupational maternity pay entitlements, employees are only considered as returning to work when all periods of statutory family leave (including maternity, shared parental and neonatal care leave) have been completed.
- 3.10.5 If the employee does not intend to return at the end of their maternity leave, they should give normal contractual notice.
- 3.10.6 Employees taking maternity leave have additional statutory redundancy protections during their leave period and during the subsequent protected period. Further information is available in the school's Reorganisation, Redundancy and Redeployment Policy.

3.11 Miscarriage, still birth or death of a child

- 3.11.1 The definition of childbirth is 'the live birth of a child, or a stillbirth after a pregnancy lasting at least 24 weeks. As such, in the unfortunate event that an employee suffers a stillbirth or their baby dies after this time, they retain their full rights to maternity leave and pay. The school's Employee Assistance Programme can provide emotional support via a 24/7 helpline.
- 3.11.2 If a miscarriage or stillbirth occurs earlier than the 24th week of pregnancy, the employee will not be eligible for maternity leave and pay. However, if they are unfit to return to work at this time, they will be eligible to take sick leave, subject to the normal sick pay requirements.
- 3.11.3 If a child dies within the maternity leave period, the employee will remain eligible for maternity leave and pay in the usual way.
- 3.11.4 Depending on the circumstances, the employee may be eligible for Parental Bereavement Leave (see the Leave Policy) or Neonatal Care Leave details of which are available in section 9.

4. Paternity Leave

4.1 Introduction

- 4.1.1 Paternity leave is an entitlement to take up to two weeks off work within the first year following the birth or placement of a child and is intended to support parents in the early stages of that child's life.
- 4.1.2 All employees who are the biological father or the partner of an expectant or new mother, who shares responsibility for the child upbringing is entitled to leave under this policy. Paternity leave is also available to eligible employees whose partners are adopting a child or having a baby through a surrogacy arrangement.

4.2 Eligibility

- 4.2.1 Employees with a contract of employment may apply for paternity leave, subject to the criteria below:
- The employee has, or expects to have, responsibility for the child's upbringing, **and**
 - The employee is making the request to care for the child, **and**
 - The employee is the biological father or the mother's or adopter's partner in an enduring relationship or is the child's co-adopter, **and**
 - The employee will be employed by the school on the date of the baby's birth/child's placement
- 4.2.2 To be eligible for statutory paternity pay, the employee must also:
- Have 26 weeks' continuous service by the end of the 15th week before the baby is due or by the matching week in the case of adoption
 - Have earnings above the National Insurance Lower Earning Limit
- 4.2.3 Some employees may be eligible for both paternity leave and shared parental leave. These are separate entitlements which employees may request to take in any order.

4.3 Paternity leave and pay entitlement

- 4.3.1 Paternity leave (PL) entitlement is two weeks, and can be taken in one two-week block, or two one-week blocks. This will be the same amount of leave if the partner has a multiple birth (e.g. twins) or multiple adoption. Paternity leave can start on any day of the week but must be completed within the first year after the date of birth of the child, or placement for adoption.
- 4.3.2 A week is the same number of days that is normally worked in a week, e.g. if the employee only works on Mondays and Tuesdays a week is two days.

4.3.3 Employees who are eligible can choose to be paid statutory paternity pay (SPP) for either one or two consecutive weeks, but not odd days. SPP is paid at the statutory rate or 90% of average weekly earnings, whichever is less.

4.3.4 To apply for paternity leave and pay, employees should submit a completed notification form. Employees are required to provide a copy of either the MAT B1 form or the adoption matching certificate and give the correct notice of their intention to take paternity leave (at least four weeks before the intended date of paternity leave or seven days before adoption paternity leave).

4.3.5 Employees applying for paternity pay also need to complete and submit the relevant SPP self-certificate with their notification form. These are available on the [Gov.uk](https://www.gov.uk) website.

4.4 Combining Paternity Leave and Maternity Support Leave

4.4.1 A member of support staff may be eligible for both paternity leave and maternity support leave (see section 5 below). An employee who takes one week of maternity support leave can take only one week of statutory paternity leave with statutory paternity pay (where eligible for SPP).

4.4.2 Employees may be entitled to either maternity support leave, paternity leave or a combination of both, and potential entitlements are set out below:

	MSL	Paternity	Payment
Biological father	Yes*	Yes	One week pay, one-week SPP**
Husband or Partner of primary carer	Yes*	Yes	One week pay, one-week SPP**
Secondary adoptive parent	Yes*	Yes	One week pay, one-week SPP**
A relative with close caring relationship (e.g. parent)	Yes*	No	One week pay
Someone else with a caring relationship to the primary carer and/or child***	Yes*	No	One week pay
Teachers	No	Yes	Two weeks SPP**

* On completion of 26 weeks' continuous service with NYC or a related employer at the time they make the request

** Where eligible for SPP

*** Need to demonstrate nature of relationship and why they are taking on this role.

4.4.3 Employees wishing to apply for paternity and maternity support should complete a single notification form detailing both requests.

4.5 Miscarriage, still birth or death of a child or a partner

4.5.1 Employees still qualify for paternity leave and pay if the sad event that the baby is either:

- stillborn from 24 weeks of pregnancy
- born alive at any point in the pregnancy but later dies

4.5.2 If the baby is born prematurely, or is unwell, and requires neonatal care in the first 28 days of its life, both parents may become eligible for neonatal care leave and pay (please see section 9). Individuals eligible to take paternity leave may also request neonatal care leave if eligible.

4.5.3 Should the child's primary carer die during the first 12 months of the child's life or placement with the family, the child's father may be entitled to bereaved partner's paternity leave (see section 10).

5. Maternity Support Leave

5.1 Eligibility criteria

5.1.1 Eligible support staff are entitled to 5 days' maternity or adoption support leave with normal full pay at or around the time of the birth or adoption of a child. The entitlement is pro rata for part time employees. This is an occupational benefit for support staff and applies to all employees who meet the qualifying criteria. This entitlement does not apply to teaching staff employed under the Burgundy Book.

5.1.2 To be eligible for maternity support leave, employees must have completed 26 weeks' continuous service with NYC or a related employer at the time they make the request.

5.1.2 Maternity support leave payment is based on normal weekly contractual hours (or an average week's pay, where varied hours are regularly worked).

5.1.3 To qualify for maternity support leave and pay the employee must be the person nominated by an expectant mother or a soon-to-be adoptive parent (where that adoptive parent will be the primary carer to the child), to be the primary provider of support and care to them at or around the time of the arrival of their child.

5.1.4 The nominated carer may be:

- the biological father of the child, the parent or primary carer's husband or partner, or the adoptive parent who is not the primary carer.
- Someone else with a caring relationship to the mother/ primary carer and/or the child may be eligible for maternity support leave but will need to demonstrate their relationship and why they are taking on this role.

5.2 Application process

5.1.1 Employees eligible for maternity support leave may also be eligible for paternity leave and pay and a single notification form should be completed (see section 4.4 above).

6. Adoption Leave

6.1 Introduction

6.1.1 Employees who adopt a child either from within the UK or from overseas may be eligible for Adoption Leave and Pay. Adoption Leave exists to enable one parent to spend time with the newly adopted child around the time of their placement and in the following months.

6.1.2 The provisions of this policy apply to the primary carer regardless of gender. The other partner may be eligible under other provisions within this policy including paternity leave or shared parental leave.

6.1.3 The rules for overseas adoption are slightly different and, where relevant, this is highlighted within this policy.

6.2 Adoption Leave

6.2.1 Adoption Leave is 52 weeks, and all employees are eligible for adoption leave from the commencement of their employment.

6.2.2 Only one person in a couple can request adoption leave and pay and this applies where parents work for the same or different employers.

6.2.3 Employees may wish to curtail their adoption leave to enable themselves or their partner to take Shared Parental Leave.

6.2.4 If the baby is unwell and requires neonatal care in the first 28 days of its life, both parents may become eligible for neonatal care leave and pay (see section 9).

6.3 Adoption Pay

6.3.1 There are two types of adoption leave as follows:

- Statutory adoption pay
- Occupational adoption pay

6.3.2 If an employee plans to return to work following adoption leave, they will receive both statutory and occupational adoption pay, providing they meet the service and earning requirements.

Statutory Adoption Pay

6.3.3 All primary carers who meet the qualifying criteria based on their length of service and average earnings and give the correct notice are entitled to receive up to 39 weeks' statutory adoption pay. The criteria are:

- 26 weeks' service with North Yorkshire Council by the end of the 15th week before the matching date
- Average earnings in the 8 weeks during the relevant period at least equal to the lower earnings limit for National Insurance Contributions

6.3.4 Statutory adoption pay is as follows:

- 6 weeks at 90% of average earnings; and
- 33 weeks at flat rate SAP (unless 90% is less than the flat rate in which case they will get that for the whole period)

6.3.5 The payment of statutory adoption pay will not be affected if the employee decides not to return to work following their adoption leave.

6.3.6 Not all adoptions qualify for statutory adoption leave or pay. An employee will not be eligible if they:

- Arrange a private adoption
- Become a special guardian or kinship carer
- Adopt a family member or stepchild

6.3.7 If an employee is not eligible for statutory adoption pay the school's payroll provider will give them form SAP1 explaining why they cannot receive SAP.

Occupational Adoption Pay

6.3.8 All primary carers who have completed one year's continuous local government service at the 11th week before the matching date are entitled to occupational adoption pay (offset by payment of statutory adoption pay).

6.3.9 To qualify for the full entitlement of occupational adoption pay, employees must return to work following adoption leave. In the event that an employee does not return to work, they will be expected to repay any OAP which has been paid after the first 6 weeks. The period for which an employee must return to retain their OAP is detailed in the table at paragraph 6.3.11.

6.3.10 If an employee does not intend to return to work their employment they will be required to give the school their normal contractual notice.

6.3.11 Occupational adoption pay is usually paid during the first 18 weeks of adoption leave. The entitlements to OAP are slightly different for teaching and support staff and the details are included in the table below. All payments of OAP are offset against SAP if the employee is eligible to receive these, so adoption pay will never exceed full normal pay.

	Teaching Staff	Support Staff
Weeks 1 - 6	4 weeks at 100% and 2 weeks at 90% of normal pay (offset against SAP if eligible)	6 weeks at 90% of normal pay (offset against SAP if eligible)
Returning to work following adoption		
Weeks 7 - 18	12 weeks at ½ pay or 6 weeks full pay spread as agreed between employee and school or 6 weeks paid in full on return to work In addition, the employee may receive SAP if eligible during the above periods, but total adoption pay cannot exceed full pay	
Weeks 19 - 39	21 weeks at flat rate SAP if eligible	
Weeks 40 – 52	Unpaid adoption leave	
Not returning to work following adoption		
Weeks 7 – 39	33 weeks at flat rate SAP (if eligible)	
Weeks 40 – 52	Unpaid adoption leave until leaving date	
Minimum period employee must return to work		
	Period equal to 13 weeks based on contractual hours prior to adoption leave	3 months based on any working arrangements

6.4 Applying for Adoption Leave

6.4.1 Employees can choose to start their leave on any day of the week, either:

- From the date of the child's placement; or

- From a fixed date which can be up to 14 days before the expected date of placement; or
- From a 'fixed point' to be agreed, where a child is being adopted from overseas.
- From the date the child lives with the adopter when they are fostering to adopt

6.4.2 Prior to the commencement of the adoption leave, the primary carer will be entitled to request paid time off to attend up to five adoption appointments after they have been matched with a child (pro rata for part time employees).

6.4.3 Employees must notify the school that they want to take adoption leave as early as possible so that the manager can plan working arrangements, but no later than 7 days after the date on which they are notified (the 'notification period') that they have been matched with a child (or received their 'official notification' for overseas adoptions). This notification should take place at least 28 days before they wish their adoption leave to start, or as soon as is reasonably practicable. complete and submit the notification form

6.4.4 The employee should complete and submit the notification form to the school which confirms the following:

- That they are adopting a child
- When the child is expected to be placed with them
- The start date of their adoption leave and pay
- Whether they intend to return to work or if they are undecided

6.4.5 With this notification, the employee should give the school a 'matching certificate' from their adoption agency as proof of their entitlement to statutory adoption pay and leave. Employees should ask their adoption agency for this certificate, which will include basic information on matching and expected placement dates.

6.4.6 On receipt of this notification the school will respond in writing to confirm the employee's leave dates and their entitlement to adoption pay.

6.4.7 If the employee subsequently wants to change the date on which their leave starts, they must give at least 28 days' notice if reasonably practicable. The school will confirm in writing within 28 days their new expected date of return.

6.5 Disrupted placements

6.5.1 If the employee's placement is delayed for any reason and they have already started adoption leave they will not be able to stop it and start again later, unless it becomes a disrupted placement. If the employee

plans to start adoption leave before the actual date of placement, they should check the placement is to start as planned.

- 6.5.2 If the employee has started adoption leave before the placement of the child and they are subsequently notified that the placement will not be made; or, if during the employee's adoption leave the child placed with them is returned to the adoption agency or dies; then, the school will discuss with them sympathetically an appropriate date on which to return to work. Usually in this situation the employee's adoption leave finishes eight weeks after the end of the week in which the disruption took place, or earlier if their AL was due to finish before this time. The employee should still give 28 days' notice to return to work.

6.6 Maintaining contact

- 6.6.1 The school may make contact with the employee (and vice versa) whilst they are on adoption leave to discuss a range of issues (e.g. to discuss plans for returning to work, or to keep them informed of important developments in the workplace) as long as the amount and type of contact is not unreasonable.
- 6.6.2 The school will ensure that employees who are on adoption leave are not disadvantaged when it comes to having the opportunity to apply for vacancies within the organisation. Employees on adoption leave will, therefore, be notified of relevant vacancies that arise.

6.7 Keeping in touch (KIT) days during Adoption Leave

- 6.7.1 During adoption leave an employee can agree to work for the school for up to 10 days without that work bring the period of adoption leave to an end and without loss of a week's SAP. These are known as 'keeping in touch' (KIT) days. Any work carried out on a day (i.e. whether it be for an hour or the full working day) shall count as one of the 10 days allowed. The entitlement to 10 KIT days is not prorated for part-time employees.
- 6.7.2 Work is defined as any work that is done under their contract of employment and this may include training, contributing to work activities or anything else undertaken for the purposes of keeping in touch with their workplace. The school has no right to require an employee to carry out any work during their adoption leave nor does the employee have the right to insist on working.
- 6.7.3 If an employee is entitlement to SAP (with or without OAP) for the week(s) in which they work and agreed KIT day, they will continue to receive this in the usual way. In addition, the school will also pay the employee for the number of hours that they work at their normal rate of pay, offset by SAP and OAP (as applicable). If the employee is on unpaid adoption

leave when they do this work, they will be paid at their normal rate of pay.

- 6.7.4 Adoption leave will not be extended due to the fact that an employee has attended work for one or more KIT days during the 52-week adoption leave period. Attending work for more than 10 KIT days/occasions may be considered a return to work and could bring the adoption leave to an end. Therefore, an accurate record of completed KIT days will be retained by the school.

6.8 Returning from adoption leave

- 6.8.1 Employees who intend to return to work at the end of their full adoption leave entitlement do not have to give any further notification to the school. Where employees intend to return before the end of the 52 week adoption leave period they must give 28 days' notice in writing.
- 6.8.2 Employees taking adoption leave have additional statutory redundancy protections during their leave period and during the subsequent protected period. Further information is available in the school's Reorganisation, Redundancy and Redeployment Policy.

7. Shared Parental Leave

7.1 Introduction

- 7.1.1 Shared parental leave 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 best to care for, and bond with, their new child.
- 7.1.2 Parents are still able to take their entitlement to maternity, adoption or paternity leave, however, the mother or primary adopter can choose to end their maternity or adoption leave early and convert the remainder of their leave into shared parental leave.
- 7.1.3 Eligible employees may be entitled to take up to 50 weeks shared parental leave during the child's first year in the family. The number of weeks available is calculated by deducting the amount of maternity or adoption leave taken, from the full 52 week entitlement. This shared parental leave may then be taken by either parent subject to them meeting the relevant eligibility criteria.
- 7.1.4 Shared parental leave can only be taken in weekly blocks with a minimum duration of one week. Shared parental leave can start on any day of the week.
- 7.1.5 Once an employee ends their adoption or maternity leave to create shared parental leave, these types of leave cannot recommence.

7.2 Statutory shared parental pay (ShPP)

- 7.2.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking ShPL. The number of weeks pay available will depend on the amount by which the mother/adopter reduces their statutory maternity/adoption pay or maternity allowance period.
- 7.2.2 Those eligible, will receive either the statutory ShPP value or 90% of their weekly earnings whichever is lower. The standard rates of SNCP increase annually in April.

7.3 Eligibility criteria for Shared Parental Leave and Pay

- 7.3.1 ShPL can only be used by two people:
- The mother/adopter; and
 - one of
 - the father of the child (in the case of birth)
 - or the spouse, civil partner, or partner of the child's mother/adopter
- 7.3.2 An employee is eligible for shared parental leave and pay if:
- the mother/adopter must be/have been entitled to statutory maternity/ adoption leave or have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity /adoption allowances
 - The employee must still be working for the organisation at the start of each period of ShPL
 - The employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks service at the end of the 15th week before the EWC/matching date
 - They share the main responsibility for the care of the child with their partner and are taking leave to look after the child
 - The employee's partner must meet the 'employment and earnings test' requiring them (in the 66 weeks leading up to the EWC/matching date) to have worked for at least 26 weeks and earned an average of at least £30 a week (this is correct as of the date of this document review) in any 13 of those weeks
 - The employee must correctly notify their line manager of their entitlement and provide evidence as required

7.4 Timing of Shared Parental Leave

- 7.4.1 The earliest the mother can take ShPL is after they have taken the legally required two weeks of compulsory maternity leave immediately following the birth of the child.

- 7.4.2 The primary adopter can take ShPL after taking at least two weeks of adoption leave.
- 7.4.3 The father/partner/spouse can take ShPL immediately following the birth/placement of the child. Shared parental leave can be taken before or after any entitlements to paternity leave and/or maternity support leave.
- 7.4.4 If a mother/parent/adopter gives notice to reduce their maternity/adoption entitlement, then the partner can take leave while the mother/parent/adopter is still using their maternity/adoption allowance.

7.5 Giving notice of the intention to take Shared Parental Leave

- 7.5.1 Employees applying for shared parental leave are required to provide a range of information to the schools to enable their eligibility to be confirmed. There are two stages of the process as follows:
- Notification of eligibility
 - A leave booking notice
- 7.5.2 Employees must give at least eight weeks' notice to the school of their eligibility to take ShPL. This notice must be in writing on a notification form, which includes:
- Their name
 - 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
 - the total amount of ShPL and ShPP (if applicable) 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 employee was notified of having been matched with the child and the adoption placement date
 - The employee must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the due date/matching date that are not less than the Lower Earnings Limit in force for National Insurance contributions (if ShPP is being requested)
 - The amount of ShPL and ShPP (if applicable) the employee and their partner each intend to take
 - That they are taking ShPL and ShPP (if applicable) to care for the child
 - A non-binding indication of when the employee expects to take the leave
 - A signed declaration from the employee confirming that the information they have given is accurate, that they will meet or will

meet the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible

7.5.3 The school may, within 14 days of the ShPL entitlement notification being given, request:

- The name and business address of the partner's employer (where the partner is no longer employed or is self-employed their contract details must be given instead)
- In the case of biological parents, a copy of the child's birth certificate (or where one has not been issued, a declaration as to the time and place of birth)
- In the case of an adopted child, documentary evidence of the name and the address of the adoption agency, the date of the matching notification and the date which the child is expected to be placed for adoption

7.5.4 The school reserves the right to investigate further where there is cause to believe that a fraudulent claim has been made. Any investigation would be carried out in accordance with the appropriate process and without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

7.6 Booking Shared Parental Leave

7.6.1 In addition to notifying the school of the intention to take ShPL, the employee must also give notice to take the leave. In many cases, this will be done at the same time. The correct notification must be given at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

7.6.2 The employee may make up to three notifications to book, vary or cancel shared parental leave. If the employee has used up all of their notifications, the school is under no obligation to agree to vary, cancel or book further leave, though, may still consider any request and decide whether it is reasonably practicable to grant it.

7.6.3 The minimum of 8 weeks' notice will not apply when the baby is born early and the parents intend to take ShPL immediately or shortly following the birth.

7.6.4 Employees have the right to submit no more than three notifications specifying leave periods they are intending to take. Each notification may contain either:

- A single period of weeks of leave or
- Two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

7.6.5 ShPL can only be taken in complete weeks, but it may begin on any day of the week.

7.6.6 A written response will be provided to the employee no later than the 14th day after the leave request was made.

Continuous leave notifications

7.6.7 A notification can be for a period of continuous leave which means a notification of several weeks taken in an unbroken period of leave e.g. six weeks in a row. Employees can take a continuous block of leave so long as it does not exceed the total number of weeks of ShPL available to them and the correct notice period has been given. As the right to take periods of continuous leave is statutory, the school must agree to such requests.

Discontinuous leave notifications

7.6.8 A single notification may contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks over a period, with breaks in between, e.g. employee takes six weeks of ShPL, and then works every other week for a period of three months.

7.6.9 It is not a statutory right to have periods of discontinuous leave. All requests will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse effects to the service.

7.6.10 If a notification request for discontinuous leave is refused, the employee can either withdraw it within 15 days of giving it or can take the leave in a single continuous block. If the option of a single continuous block is taken, the employee has until the 19th day from the original date of notification to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a leave date the leave will begin on the date specified in the original notification.

7.7 Commencing Shared Parental Leave

7.7.1 ShPL will generally commence on the employee's chosen start date. However, if the baby arrives early the leave can start, and notice be given as soon as practically possible. It must end no later than one year after the birth/placement of the child. Any ShPL not taken by this point will be lost.

Varying Shared Parental Leave

- 7.7.2 Employees are permitted to vary or cancel an agreed and booked period of ShPL if they advise the school in writing at least eight weeks before the start of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 7.7.3 Variation/cancellation notifications will usually count as a new notification, thus reducing the employee's right to book/vary leave by one. Exceptions to this will be changes due to early births, or because of the organisation requesting the change and it being agreed by the employee. Any variation will be confirmed in writing by the school.

7.8 Shared Parental Leave in touch days (SPLiT days)

- 7.8.1 During shared parental leave an employee can agree to work for the school for up to 20 days without that work bring the period of shared parental leave to an end and without loss of a week's ShPP. These are known as 'Shared Parental Leave in touch' (SPLIT) days. Any work carried out on a day (i.e. whether it be for an hour or the full working day) shall count as one of the 20 days allowed.
- 7.8.2 Work is defined as any work that is done under their contract of employment and this may include training, contributing to work activities or anything else undertaken for the purposes of keeping in touch with their workplace. The school has no right to require an employee to carry out any work during their shared parental leave nor does the employee have the right to insist on working.
- 7.8.3 If an employee is entitlement to ShPP for the week(s) in which they work and agreed SPLIT day, they will continue to receive this in the usual way. In addition, the school will also pay the employee for the number of hours that they work at their normal rate of pay, offset by ShPP (as applicable). If the employee is on unpaid shared parental leave when they do this work, they will be paid at their normal rate of pay.
- 7.8.4 The 20-day entitlement to SPLIT days is in addition to the 10 KIT days which the mother or primary adopter will have during their maternity or adoption leave.

7.9 Maintaining contact during shared parental leave

- 7.9.1 The school may make contact with the employee (and vice versa) whilst they are on shared parental leave to discuss a range of issues (e.g. to discuss plans for returning to work, or to keep them informed of important developments in the workplace) as long as the amount and type of contact is not unreasonable.

7.9.2 The school will ensure that employees who are on shared parental leave are not disadvantaged when it comes to having the opportunity to apply for vacancies within the organisation. Employees will, therefore, be notified of relevant vacancies that arise.

7.10 Return to work following Shared Parental Leave

7.10.1 The school will have confirmed the return date in writing to the employee and the employee will be expected to return to work on the next working day after this date unless they notify the school otherwise.

7.10.2 Employees taking shared parental leave have additional statutory redundancy protections during their leave period and during the subsequent protected period. Further information is available in the school's Reorganisation, Redundancy and Redeployment Policy.

8. Unpaid Parental Leave

8.1 Introduction

8.1.1 Employees can request to take unpaid parental leave to look after their child's welfare, for example to:

- Spend more time with their children.
- Look at new schools.
- Settle children into new childcare arrangements
- Spend more time with family, such as visiting grandparents.

8.1.2 Unpaid Parental Leave is not intended for use in emergency situations and in such circumstances, leave should be requested under the Leave Policy.

8.2 Unpaid Parental Leave Entitlements

8.2.1 To be eligible to take unpaid parental leave, an employee must be named on the child's birth or adoption certificate or have (or expect to have) parental responsibility for the child.

8.2.2 The total entitlement is for 18 weeks unpaid parental leave per child, up to the child's 18th birthday. The entitlement is specific to an individual child. Therefore, parents with more than one child may request leave for each child.

8.2.3 An employee can request up to 4 weeks for each child in a year. For the purposes of this policy, the year will commence on the date on which the employee becomes eligible. This will be either:

- The date of the child's birth; or
- The placement date in the case of adoption.

- 8.2.2 Leave should be taken in blocks or multiples of one week (except for parents of children in receipt of disability living allowance, where leave can be taken in periods of one day or more), with a maximum four weeks leave in any year.

8.3 Applying for unpaid parental leave

- 8.3.1 To request unpaid parental leave, employees must complete and submit a notification form to the school at least 21 days prior to the commencement date of the requested leave. The school may request documentary evidence of the child's age e.g. a birth certificate.
- 8.3.2 Every attempt will be made by the school to agree unpaid parental leave for the dates which it is requested. However, the school may postpone the leave if it has a significant reason for doing so, except for requests to take leave immediately after a child is born or placed for adoption.
- 8.3.3 If the school postpones a request for leave it will confirm the reasons for this and will suggest a new start date which will be within 6 months of the requested start date. When suggesting an alternative start date, the school cannot change the duration of the unpaid parental leave period which was originally requested.

9. Neonatal Care Leave

9.1 Introduction

- 9.1.1 Employees may be able to take paid time off work if their new-born baby is premature or sick and needs neonatal care. Neonatal care leave allows parents to have additional time off to be with a baby who is receiving neonatal care and is available to both parents.
- 9.1.2 Neonatal care is the name given to care for new-born babies which starts in the first 28 days after birth. This may be for:

- Hospital care
- Medical care after leaving hospital – this must be under a consultant and include ongoing visits or checks arranged by the hospital where the baby was treated
- Palliative or end of life care

9.2 Entitlements and eligibility

- 9.2.1 To be eligible to take neonatal care leave an employee must:
- be the baby's parent or partner of the baby's mother, and have caring responsibility for the baby; or
 - be an adoptive parent or their partner; or
 - be the intended parent through a surrogacy arrangement; and

- be taking leave to care for the baby.

9.2.2 All eligible employees may apply for neonatal care leave from the commencement of their employment.

9.2.3 Employees can take one week's neonatal care leave for every 7 full and continuous days their baby is in neonatal care up to a maximum of 12 weeks. Leave must be taken within 68 weeks of the baby's date of birth.

9.2.4 The arrangements for neonatal care leave will depend on the type of leave taken:

Type of leave	Definition	Leave period
Tier 1	Leave taken when the baby is in neonatal care or up to a week after leaving neonatal care	Leave can be taken in separate blocks of at least one week
Tier 2	Leave taken more than a week after the baby has left neonatal care	Leave must be taken in a single continuous block

9.2.5 An employee may take periods of both Tier 1 and Tier 2 leave; what determines the tier is when the leave is taken.

9.3 Interaction with other leave

9.3.1 Employees can take neonatal care leave and pay in addition to other parental pay and leave entitlements; however, employees cannot take two types of leave at the same time.

9.3.2 Where the employee is on statutory maternity or adoption leave, they must take their neonatal care leave after their maternity or adoption leave has finished.

9.3.3 For employees taking shared parental leave or statutory paternity leave, they can take neonatal care leave either:

- before or after shared parental leave or statutory paternity leave
- between blocks of shared parental leave where these have been booked before the baby started neonatal care (this includes if the shared parental leave is for another child)

9.3.4 Where Tier 2 leave is being used, this must be taken in a single block so it may not be possible to take this between periods of pre-booked shared parental leave. In this case, the employee may take the neonatal care leave before or after the shared parental leave.

9.4 Multiple births

- 9.4.1 In the case of multiple births who are in neonatal care at the same time, an employee can only take neonatal care leave for one of them, up to a maximum of 12 weeks.
- 9.4.2 If the babies are in neonatal care at separate times, the employee will be able to take neonatal care leave for each of them, up to a maximum of 12 weeks in total.
- 9.4.3 If there are multiple but separate births, then leave can be taken for each child. For example, if there is another baby born with 68 weeks of the first baby.

9.5 Neonatal care pay

- 9.5.1 Employees taking neonatal care leave may also be eligible to apply for statutory neonatal care pay (SNCP). Those eligible will receive either the statutory value or 90% of their weekly earnings whichever is lower. The standard rates of SNCP increase annually in April.
- 9.5.2 To qualify employees must be employed for at least 26 weeks up to the end of the relevant qualifying week. These are as follows:
- for those eligible for statutory maternity pay or statutory paternity pay, the qualifying week is the 15th week before the baby is born
 - for those not eligible for SMP or SPP, the qualifying week is the week immediately before the baby enters neonatal care
 - for those eligible for adoption leave, the qualifying week is the week they were told they had been matched for adoption
- 9.5.3 Employees must also:
- continue to be employed up to the week before they want the pay to start
 - on average, for 8 weeks before the qualifying week, earn on or above the National Insurance Lower Earning Limit
- 9.5.4 The payment of SNCP will not be affected if the employee decides not to return to work immediately following their neonatal care leave, or soon thereafter.

9.6 Applying for Neonatal Care Leave and Pay

- 9.6.1 Employees must give appropriate notice before they take neonatal care leave and pay. Where NCL is being taken after periods of maternity, adoption, paternity or shared parental leave, a minimum of 28 days' notice should be given. Otherwise, notification should be made as soon as possible.

9.6.2 Notification must be made by completing the relevant notification form and will include the following information:

- the baby's date of birth and, if adopted, the date they were placed or entered the country if adopted from overseas
- the start and end dates (if known) of the baby's neonatal care
- when the employee wants their neonatal care leave and pay, if applicable, to begin
- how many weeks' leave and pay the employee wishes to take

9.6.3 If the employee has more than one baby in neonatal care, they will need to provide information relating to each.

Tier 1 leave

9.6.4 Tier 1 is leave which is taken whilst the baby is in neonatal care or in the first week after. To request tier 1 leave, employees must notify the school on the day they want their leave, and pay if eligible, to start. Where notice is given on the first day of absence, it may be notified through the absence reporting procedure and before the employee is due to start work.

9.6.5 Notification for tier 1 leave can be made verbally, however, requests for neonatal leave care pay during tier 1 leave periods need to be made in writing and must be made within 28 days of the start of the tier 1 leave.

9.6.6 Alternatively, when the timing of leave allows, the employee can give notice in writing up to 28 days before they want their tier 1 leave and pay to start.

9.6.7 Tier 1 leave must be taken in blocks of at least one week. If the employee wishes to continue their leave for another week, they must notify the school by the end of the previous week. This can be done verbally.

9.6.8 If the baby is likely to be in neonatal care for a long time, the school may agree alternative, less frequent, notification arrangements with the employee.

9.6.9 Employees must notify the school of the date that their baby leaves neonatal care as soon as possible. This is to ensure that accurate calculations of leave and pay can be made.

Tier 2 leave

9.6.10 Tier 2 is leave taken more than a week after the baby has left neonatal care and must be taken in a single block. The statutory notice periods to be given are detailed below:

Length of leave	Notice required
One week	15 calendar days before the start date of the leave
2 weeks or more	28 calendar days before the start date of the leave

9.6.11 Whilst these are the statutory notice periods, the school will work with employees to be flexible where possible on the commencement and timing of leave. Employees are asked to keep the school updated on events and give as much notice of leave as possible.

Cancelling leave or pay

9.6.12 Employees may ask to move their pre-booked neonatal care leave and should give as much notice as possible of the change.

9.6.13 The statutory arrangements for cancelling leave or pay depend on when the leave is due to be taken as detailed below:

Type of leave	Duration of leave	Cancellation arrangements
Tier 1	Any	Leave cannot be cancelled
Tier 2	One week	Notice of 15 calendar days prior to the planned start date
Tier 2	2 weeks or more	Notice of 28 days before planned start of leave

9.6.14 Whilst these are the statutory notice periods, the school will work with employees to be flexible where they wish to vary or cancel any periods of leave. Employees are asked to keep the school updated on events and give as much notice as possible of requests to vary or cancel leave.

9.7 Communication during neonatal care leave

9.7.1 A baby requiring neonatal care will be an extremely upsetting and stressful time for the child's parents, especially in the first few weeks. The school will be sensitive to this when contacting any employee on neonatal care leave. The level and method of contact will be discussed and agreed with the employee and will, as far as possible, reflect their wishes.

9.7.2 The school will keep confidential any information shared by the employee about their baby needing neonatal care. Other employees will only be told if the parent has made it clear that this information can be shared.

9.7.3 Employees taking neonatal care leave have additional statutory redundancy protections during their leave period and during the

subsequent protected period. Further information is available in the school's Reorganisation, Redundancy and Redeployment Policy.

9.8 If the baby dies after being in neonatal care

9.8.1 In the sad event that a child dies, the employee might still be eligible to take neonatal care leave where:

- Their child was in neonatal care for 7 consecutive days or more
- They provided notice for neonatal care leave before or after the death

9.8.2 The neonatal care leave can start the day after the child dies. If other leave has already been booked, for example, maternity, adoption or paternity leave, then this must be taken first.

9.8.3 Any entitlement to neonatal care leave will be in addition to Parental Bereavement Leave, the details of which are included in the Leave Policy.

10. Bereaved Partner's Paternity Leave

10.1 Introduction

10.1.1 The school recognises the profound impact of the death of a child's mother or primary adopter within the first year of the child's life or adoption placement. This policy ensures that all eligible employees are treated with compassion, dignity, and fairness while receiving the support and time away from work required to care for their child.

10.2 Eligibility

10.2.1 Employees may take Bereaved Partner's Paternity Leave if:

- The child's mother or primary adopter dies; and
- The employee has or is expected to have the main responsibility for the upbringing of the child; and
- The child is:
 - under 12 months old, or
 - within 12 months of adoption placement; and
- The employee is any of the following:
 - The child's father; or
 - The spouse, civil partner, or partner of the deceased mother/primary adopter; or
 - The primary parental order parent in a surrogacy arrangement

10.2.2 There is no qualifying service requirement as this is a day-one right for all employees regardless of length of employment.

10.3 Leave Entitlement

10.3.1 Eligible employees may take up to 52 weeks of unpaid Bereaved Partner's Paternity Leave, to be taken within the first 52 weeks after the child's birth or adoption placement. Leave must be taken in a single block.

10.3.2 Where the bereavement occurs within the final 14 days of that 52-week period, the employee may take up to 14 days of leave, recognising the limited remaining time.

10.4 Notice Requirements

10.4.1 Recognising the sensitive nature of bereavement, statutory notice rules are intentionally flexible and will be applied sensitively.

10.4.2 For leave beginning within 8 weeks of the bereavement, employees may give oral notice, even at short notice. They must later provide written confirmation using the notification form of:

- The amount of leave they intend to take
- Their intended return date

10.4.3 For leave beginning more than 8 weeks after the bereavement, employees must give at least one week's written notice.

10.4.4 Employees may vary or cancel their leave, provided statutory minimum notice periods are met.

10.5 Communication during Bereaved Partner's Paternity Leave

10.5.1 The school will be sensitive to this when contacting any employee on bereaved partner's paternity leave. The level and method of contact will be discussed and agreed with the employee and will, as far as possible, reflect their wishes.

10.5.2 The school will ensure that employees who are on bereaved partner's paternity leave are not disadvantaged when it comes to having the opportunity to apply for vacancies within the organisation. Employees will, therefore, be notified of relevant vacancies that arise.

10.5.3 Employees taking bereaved partner's paternity leave have additional statutory redundancy protections during their leave period and during the subsequent protected period. Further information is available in the school's Reorganisation, Redundancy and Redeployment Policy.

10.6 Keeping in touch (KIT) days during Bereaved Partner's Paternity Leave

10.6.1 During adoption leave an employee can agree to work for the school for up to 10 days without that work bring the period of bereaved

partner's paternity leave to an end. These are known as 'keeping in touch' (KIT) days. Any work carried out on a day (i.e. whether it be for an hour or the full working day) shall count as one of the 10 days allowed. The entitlement to 10 KIT days is not prorated for part-time employees.

- 6.7.2 Work is defined as any work that is done under their contract of employment and this may include training, contributing to work activities or anything else undertaken for the purposes of keeping in touch with their workplace. The school has no right to require an employee to carry out any work during their bereaved partner's paternity leave nor does the employee have the right to insist on working.
- 6.7.3 The school will pay the employee for the number of hours that they work at their normal rate of pay on any KIT days at their normal rate of pay.