Shared Parental Leave Policy

(Inc. Maternity, Paternity, Neonatal, Adoption Leave)

Date Published	**June 2016**
Version	**5**
Last Approved Date	**October 2026**
Review Cycle	**Triennial**
Review Date	**October 2029**

"Learning together; to be the best we can be"

1. What is Shared Parental Leave?

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 to best care for, and bond with, their child. Eligible employees may have a statutory entitlement to take Shared Parental Leave and, where the relevant eligibility criteria are met, to receive Shared Parental Pay (ShPP).

2. Who is eligible for Shared Parental Leave?

2.1. SPL can only be used by two people:

- The mother/adopter/ Surrogate parent **and**
- One of the following:
  - the father of the child (in the case of birth); or
  - the spouse, civil partner or partner of the child's mother/ adopter/ Surrogate Parent.

2.2. Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

2.3. Additionally an employee seeking to take SPL must satisfy each of the following criteria:

2.3.1. the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;

2.3.2. the employee must still be working for the Trust at the start of each period of SPL;

2.3.3. the employee must pass the 'Employment earnings test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;

2.3.4. the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks. The exact requirements can be found on www.gov.uk – Shared Parental Leave Guidance;

2.3.5. the employee must correctly notify the Trust of their entitlement and provide evidence as required.

3. The Shared Parental Leave entitlement

3.1. Eligible employees may be entitled to take up to 50 weeks of Shared Parental Leave during the child's first year following birth or placement for adoption. The number of weeks of Shared Parental Leave available is calculated by reference to the mother's or adopter's entitlement to maternity or adoption leave, which is normally up to 52 weeks. If the mother or adopter reduces their maternity or adoption leave entitlement, they and/or their partner may opt into the Shared Parental Leave scheme and take the remaining weeks as Shared Parental Leave.

3.2. A mother/adopter may reduce their entitlement to maternity/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.

3.3. If the mother or adopter is not entitled to statutory maternity or adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the maximum 39-week period of SMP, SAP or MA. If they do so, their partner may be entitled to Shared Parental Leave. The amount of Shared Parental Leave available is calculated by deducting the number of weeks of maternity or adoption pay or Maternity Allowance taken by the mother or adopter from 52 weeks.

3.4. 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 primary adopter can commence SPL after ending their adoption leave, subject to the applicable notice and eligibility requirements. The primary adopter is not required to take two weeks of adoption leave; however, any unused compulsory period cannot be transferred as SPL.
- An eligible father, spouse, civil partner or partner can commence SPL from the date of the child's birth (or placement for adoption), provided the applicable SPL eligibility and notice requirements are satisfied. The partner does not need to take paternity leave before commencing SPL. Since 6 April 2026, eligible employees may take paternity leave either before or after SPL.

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

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

3.7. If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period.

3.8. SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

4. Notifying the Trust of an entitlement to Shared Parental Leave

4.1. An employee entitled and intending to take SPL must give the line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.

4.2. Part of the eligibility criteria requires the employee to provide the Trust with correct notification. Notification must be in writing and requires each of the following:

- the name of the employee;
- 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 employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take
- a non-binding indication of when the employee expects to take the leave.

4.3. The employee must provide their line manager 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 Trust.

4.4. The employee must provide their line manager with a signed declaration from their partner confirming:

- that they satisfy the 'employment and earnings test', and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the Trust processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

5. Requesting further evidence of eligibility

5.1. The Trust may, within 14 days of the SPL entitlement notification being given, request:

- the name and address of the employee's partner's employer or, where the partner has no employer, a declaration that the partner has no employer;
- in the case of a biological child, a copy of the child's birth certificate or, where the birth certificate has not yet been issued, a declaration signed by the employee stating the date and place of the child's birth;
- in the case of an adopted child, documentary evidence issued by the adoption agency confirming:
  - the name and address of the adoption agency;
  - the date on which the employee was notified of being matched with the child; and
  - the date on which the adoption agency expects the child to be placed with the employee.

5.2. In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

6. Fraudulent claims

6.1. The line manager can, where there is a suspicion that fraudulent information may have been provided or where the Trust has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual Trust investigation and disciplinary procedures.

7. Booking Shared Parental Leave

7.1. In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

7.2. The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

7.3. SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

7.4. The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

8. Continuous leave notifications

8.1. 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).

8.2. An employee has a statutory right to take a continuous block of Shared Parental Leave specified in a booking notice, provided that the period does not exceed the employee's available Shared Parental Leave entitlement and the Trust has been given at least eight weeks' notice of the proposed start date

9. Discontinuous leave notifications

9.1. 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 employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

9.2. Where there is concern over accommodating the notification, the line manager or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the school/service

9.3. The Trust will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

10. Responding to a Shared Parental Leave notification

10.1. Once the Trust receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

10.2. All notices for continuous leave will be confirmed in writing.

10.3. All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the school/service against any adverse impact to the business.

10.4. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

10.5. The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the school/service may propose a modified version of the request.

10.6. If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given 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 start date, then the leave will begin on the first leave date requested in the original notification.

11. Variations to arranged Shared Parental Leave

11.1. The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Trust in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

11.2. A variation notice will normally count as one of the employee's three statutory notices to book or vary Shared Parental Leave. This includes a notice to vary or cancel a period of SPL, or a notice to return to work early. However, a variation resulting from the child being born earlier than the expected week of childbirth, or a variation requested by the Trust and agreed by the employee, will not count towards the employee's statutory limit of three notices. Any agreed variation or cancellation will be confirmed in writing by the line manager..

12. Statutory Shared Parental Pay (ShPP)

12.1. Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

12.2. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

12.3. In addition to meeting the eligibility requirements for SPL, an employee seeking to receive ShPP must satisfy the following requirements:

- the mother or adopter must be, or have been, entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), and must have curtailed, or given notice to curtail, their entitlement to maternity or adoption pay or Maternity Allowance;
- the employee must intend to care for the child during each week in which ShPP is payable;
- the employee must have average weekly earnings of at least the Lower Earnings Limit for National Insurance contributions during the relevant period. This is normally the eight weeks ending with the qualifying week, which is the 15th week before the expected week of childbirth or, in the case of adoption, the week in which the adopter is notified of being matched with the child
- the employee must remain in continuous employment until the first week of ShPP has begun;

- the employee must give proper notification in accordance with the rules set out below.

12.4. Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

12.5. To take SPL, any notice that advises of an entitlement for ShPP must include:

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

12.6. It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the Trust to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

12.7. Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

13. Terms and conditions during Shared Parental Leave

13.1. During Shared Parental Leave, the employee's contract of employment continues in force and they remain entitled to their contractual benefits, except for remuneration for the period during which they are not working. In particular, contractual benefits in kind will normally continue and contractual annual leave entitlement will continue to accrue.

13.2. Pension arrangements during Shared Parental Leave will depend on the pension scheme in which the employee participates. Where the employee is receiving ShPP, pension contributions will normally continue in accordance

with the rules of the relevant pension scheme.

For employees who are members of the Local Government Pension Scheme (LGPS), pension contributions during a period of paid Shared Parental Leave are based on the employee's actual pay, with the employer contributions calculated in accordance with the LGPS rules. During unpaid Shared Parental Leave, the period may be treated as an authorised unpaid absence, and employees should contact the relevant pension administrator for information about maintaining or making up pension benefit

13.3. Employees may have options to maintain or increase their pension benefits in respect of a period of unpaid Shared Parental Leave, depending on the rules of their pension scheme. Employees should obtain advice from their pension administrator before making any decision about additional pension contribution .

13.4. For further information about pension arrangements during Shared Parental Leave, employees should contact their pension scheme .

14. Contact during Shared Parental Leave

14.1. Before an employee's SPL begins, the line manager will discuss the arrangements for them to keep in touch during their leave. The Trust reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

15. Shared Parental Leave in Touch days

15.1. An employee can agree to work for the Trust (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

15.2. The Trust has no right to require the employee to carry out any work, and is under no obligation to offer or agree the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the line manager and the employee. Days can be worked and paid for either a full day or a half day, in line with an individual's contracted working hours. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will

be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

15.3. An employee, with the agreement of the line manager, may use SPLIT days to work part of a week during SPL. The line manager and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

16. Returning to work after Shared Parental Leave

16.1. The employee will have been formally advised in writing by the line manager of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the Trust otherwise. If they are unable to attend work due to sickness or injury, the normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

16.2. If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Trust at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Trust does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

16.3. On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

16.4. If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

16.5. If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

16.6. If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

17. Special Circumstances and further information

17.1. In certain situations, an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the Trust will abide by any statutory obligations and an employee should refer to the documents listed below and/or clarify any issues or queries with the Headteacher.

18. Maternity Leave

18.1. The maternity scheme applies to all pregnant employees regardless of the number of hours worked per week.

18.2. All staff are entitled to take up to 52 weeks maternity leave regardless of the length of qualifying service with the employer. This means that the qualifying condition in paragraph 4 of section 5 of the Burgundy Book and Part 2 paragraph 11.4 of the Green Book should be ignored. Leave is composed of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). It can commence at any time but no earlier than the 11th week before the Expected Week of Childbirth (EWC).

18.3. Subject to meeting the statutory eligibility requirements, an employee may be entitled to up to 39 weeks of Statutory Maternity Pay (SMP). SMP is normally paid as follows:

18.3.1. the first six weeks at 90% of the employee's average weekly earnings; and

18.3.2. the following 33 weeks at the statutory rate or 90% of the employee's average weekly earnings, whichever is lower.

18.4. The remaining 13 weeks of Statutory Maternity Leave are unpaid unless the employee has a separate contractual entitlement to maternity pay under the applicable terms and conditions of employment.

18.5. To qualify for SMP, the employee must have been continuously employed by the Trust for at least 26 weeks continuing into the qualifying week, which is the 15th week before the Expected Week of Childbirth, and must meet the

applicable earnings threshold. The employee must also satisfy the relevant notice and evidence requirements.

19. Maternity Pay

19.1. Appendix 1 illustrates the different eligibility criteria for Maternity Pay depending on contract types and length of service.

19.2. Maternity Pay will be paid for up to 39 weeks of the 52 weeks' Maternity Leave period, provided the employee meets the qualification criteria for length of service and weekly earnings. Two different payments may be made, depending on the type of Maternity Leave (OML or AML)

19.2.1. Statutory Maternity Pay ("SMP"); and
19.2.2. Occupational Maternity Pay ("OMP").

19.3. SMP and OMP are subject to deductions for tax, national insurance and pension. Maternity Pay is calculated on the employees' average weekly earnings in the period 8 weeks prior to the qualifying week (the 15th week before the EWC). For further details please refer to www.gov.uk.

19.4. To qualify for SMP, employees must have at least 26 weeks' continuous service by the 15th week before the EWC. An employee must give at least 28 days' notice of when they would like the SMP to start, or if that is not reasonably practicable, give notice as soon as reasonably practicable.

19.5. To be eligible for SMP, an employee must have earnings above the National Insurance Contributions Lower Earning Limit. SMP is payable for up to 39 weeks ("the Maternity Pay Period") and is paid at a rate of 90% of the employee's average weekly earnings (before tax) for the first 6 weeks, followed by 90% of their average weekly earnings (before tax) or the standard SMP rate (whichever is lower) for the next 33 weeks.

19.6. If the employee is in legal custody, imprisoned or arrested (but not voluntarily helping Police with their enquiries, out on bail or serving a suspended sentence) during the Maternity Pay Period they must notify HR and any SMP will cease and will not be resumed.

19.7. To qualify for OMP, employees must have at least one year's continuous local government employment by the 11th week before the EWC. The amount of OMP payable depends on the terms and conditions of employment of the employee. It differs for teachers and other employees (see Appendix 1).

19.8. A week's pay for the purposes of OMP is the employee's pay under their contract of employment (including contractual allowances) during their

Maternity Leave. Changes to contractual pay that become effective during an employee's Maternity Leave are reflected in the OMP from the effective date onwards (for example increments and pay awards).

19.9. OMP for weeks 7 onwards of the Maternity Pay Period is only payable when the employee has declared that they will return to work for at least 3 months (13 weeks) following Maternity Leave. If the employee fails to return to work for the required period, any OMP that has been paid in respect of weeks 7 onwards must be repaid.

19.10. If the employee returns to work on fewer hours than they were contracted to work prior to Maternity Leave they will be required to return to work for a proportionately longer period (to equate to their weekly contractual hours prior to Maternity Leave x 13 weeks).

19.11. For example, if the employee returns to work on half the contractual hours, they will be required to return to work for at least 6 months (26 weeks) following Maternity Leave. Maternity Allowance A pregnant employee who does not qualify for SMP may be entitled to Maternity Allowance ("MA"), which is claimed from Jobcentre Plus for up to 39 weeks. For full and further eligibility criteria including Maternity Allowance rates please see www.gov.uk.

20. Maternity Leave -Notification of Pregnancy

20.1. On becoming pregnant, you should notify your line manager as soon as you feel able to do so. It is in the employees own interest to notify the school as early as practicably possible that she is pregnant because there are health and safety considerations which may need to be made.

20.2. As soon as reasonably practicable afterwards, you are required to provide the following information in writing to the School/Trust:

20.2.1. that you are pregnant
20.2.2. your EWC (expected week of childbirth)
20.2.3. the date on which you intend to start your maternity leave
20.2.4. In addition, you will need to provide your line manager with a MATB1 certificate. The MATB1 is issued by your doctor or midwife and it states when your baby is due. The certificate must have either your doctor's name and address on it, or if issued by a midwife, her name and registration number. She should supply a copy of the valid maternity certificate (MATB1) provided by a Doctor or Midwife, which is available at the 20th week before the baby is due EWC (Expected Week of Confinement).

20.2.5. Employees should confirm on the form the date she intends to commence her maternity leave and whether or not she intends to return to work following the birth.

20.3. You are permitted to bring forward your maternity leave start date, provided you advise the School/Trust in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your maternity leave start date, provided you advise the School/Trust in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

21. Antenatal Appointments

21.1. Pregnant employees are entitled to reasonable paid time off to attend antenatal care clinics arranged on the advice of their Registered Medical Practitioner, Midwife or Health Visitor.

21.2. Employees should provide as much notice as possible of appointment times and, where able, make their appointments near the start or end of the day or such other times to minimise disruption to service delivery. Appointments (with the exception of the first one) should be supported by a card or letter confirming the appointment details.

22. Maternity and Sickness

22.1. If you are sick during pregnancy, you will be on sick leave/pay according to your normal entitlement. If you are absent from work due to a pregnancy related reason after the beginning of the 4th week before your EWC but before the date you have notified, your maternity leave will begin automatically on the day after the first day of absence.

22.2. You must notify School that you are absent from work wholly or partly because of pregnancy as soon as is reasonably practicable and, until your maternity leave commences, you are still required to comply with the Trust's sickness absence reporting procedure.

23. Health and Safety

23.1. You should inform your Line Manager that you are pregnant as soon as possible so that they can carry out a workplace Risk Assessment to consider any Health & Safety implications whilst you are pregnant or breastfeeding.

24. Premature Birth & Neonatal Care

24.1. A child may be born before the expected date of birth, including significantly earlier than expected. Where a baby is born prematurely, the employee's statutory maternity, paternity and other relevant leave and pay entitlements will apply in accordance with the applicable legislation and the Trust's contractual maternity and leave arrangements.

24.2. Where a baby requires neonatal care following birth, eligible employees may also be entitled to Statutory Neonatal Care Leave and, where the relevant eligibility conditions are met, Statutory Neonatal Care Pay. Neonatal Care Leave may provide additional leave following or other statutory family leave entitlements. Further information can be found Part Three of this policy.

25. Notification of Return to Work

25.1. Under the new statutory scheme, the notice an employee must give if she wants to return to work early from ordinary maternity leave or from additional maternity leave is extended from 28 days to 8 weeks. Paragraph 7 of Section 5 of the Burgundy Book and Part 2 paragraph 11.7(a)(ii) of the Green Book refers to 21 days' notice (although some authorities moved to 28 days in April 2003 since this reflected the statutory provisions which came into effect at that time).

26. Keeping in touch ("KIT") days

26.1. An employee can work for up to 10 days during her maternity leave without bringing her maternity leave to an end or losing her entitlement to SMP. These are known as Keeping in Touch (KIT) days.

26.2. Once the employee has used her 10 KIT days, the existing rule continues to apply. Any further work undertaken during maternity leave will result in the employee losing her SMP for the week in which the work is carried out.

26.3. KIT days are designed to enable employees to stay in touch with developments and undertake training. The employer cannot insist that a woman carries out any work and equally, a woman cannot insist on being given any work to do. Days can be worked and paid for either a full day or a half day, in line with an individual's contracted working hours. She will also continue to receive her SMP for the week. It is open to the employer to offset the SMP for the day against any pay due. If payment is made during a period of unpaid leave, this triggers the Social Security Act thus making pensions contributions due.

26.4. Issues to take into account will include the nature of the work and its duration. These matters should be discussed and clearly agreed before any work is undertaken to avoid subsequent complications.

26.5. The Trust/School has no right to require you to carry out any work, and the employee has no right to undertake any work, during maternity leave. Any work undertaken must be agreed by the responsible line manager in advance, and defined as either a full day or half day, and paid as such. Any keeping in touch days worked do not extend the period of your maternity leave.

27. Accrual of annual leave during Shared Parental and Maternity Leave

27.1. Teachers do not have a 'contractual' entitlement to annual leave, however, they do have a 'statutory' right under the WTR. The entitlement of 28 days, introduced by the Working Time (Amendment) Regulations 2007, came in to effect on 1 October 2007. This is not an additional entitlement to annual leave on top of the current school closure arrangements.

27.2. After consideration of the opinion, and based on the law as it currently stands, we now advise that Teachers are entitled to 28 days' statutory annual leave under the WTR and a Teacher who takes maternity leave must be able to take those 28 days statutory annual leave at a time outside of her maternity leave. The maternity leave period must not be treated as annual leave.

27.3. In order to accommodate this, the annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question, i.e. both before or after the maternity leave period. Therefore, a teacher should be advised prior to commencing her maternity leave that she has a statutory entitlement to 28 days annual leave and that this should be taken:

27.3.1. Either before or after the maternity leave period during school closure period **or;**

27.3.2. On her return from maternity leave, a Teacher must be allowed to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate her leave in that leave year.

27.4. Green book (non-teaching) staff on term time-contracts are entitled to accrue annual leave during maternity leave, and this is calculated on their FTE employment status and contract. However, this must be taken during the school holidays.

27.5. Green book staff on non-term-time contracts are entitled to accrue annual leave during maternity leave, and this should typically be taken at the end of

the maternity leave period. It must be used within the annual leave period in which the employee returns to work, unless this is agreed as impractical by both the employee and employer. The maximum carry-forward of annual leave days per FTE, as defined in Trust policy, applies in all other circumstances.

28. How does this impact on schools?

28.1. The only situation where this may provide an issue for schools is where a Teacher returns to work prior to the end of the academic year and there is insufficient school closure periods that allows them to be away from work for 28 days. However, school closure periods in the following academic year can offset any carry forward entitlement with no effect on schools in terms of cost.

28.2. Where having returned from maternity leave and undertaken the requirement to work for 3 months on their return they decide to leave teaching before being able to offset the 28 days entitlement there would be a requirement to provide pay in lieu of this leave.

28.3. Whilst this is an additional cost this would only happen in very rare circumstances. Where this situation arises please contact the Trust HR Team.

29. Not returning to work from maternity leave

29.1. Where an employee decides they no longer want to return to work following maternity leave and would like to resign from their employment, they may do so by giving the appropriate contractual notice.

29.2. Employees must return to their job for at least 13 weeks (including periods of school closure for school-based staff), or the equivalent period where they return on a reduced-hours basis, as a condition of entitlement to the relevant Occupational Maternity Pay. Where this condition is not met, the employer may recover the Occupational Maternity Pay from the employee.

29.3. An employee who is eligible for SMP and who does not return to work is still entitled to the full period of SMP, unless they starts work for a new employer while on Maternity Leave after the baby is born. In this situation, SMP will cease to be paid to the employee by the Trust and the employee will be given form SMP1 to explain why they are no longer entitled to SMP.

30. Neonatal Leave

30.1. The Neonatal Care (Leave and Pay) Act 2023 entitles eligible working parents to up to 12 weeks of paid neonatal leave in addition to other statutory parental leave entitlements. The Act is designed to support parents whose newborn requires at least seven continuous days of hospital neonatal care within the first 28 days of life.

30.2. As part of our commitment to employee wellbeing and inclusive workplace practices, this policy recognises the specific needs of employees with babies receiving neonatal care. It outlines the support available, including neonatal leave and pay entitlements, flexible working options, and access to additional resources. Our aim is to ensure that all staff members are treated with empathy and fairness during this critical time.

30.3. The entitlements and eligibility criteria for Statutory Neonatal Care Leave (SNCL) and Statutory Neonatal Care Pay (SNCP) are summarised below and are available to parents/adopters.

30.4. Neonatal Care means a baby/child:

30.4.1. who receives medical care in a hospital i.e. in a neonatal/ICU setting.

30.4.2. who receives medical care in any other place (i.e. 'outreach' / outpatient setting) where the baby/child previously received inpatient medical care in a hospital, and the care continues to be administered once the baby/child leaves hospital, and the care is under the direction of a consultant, and the care includes ongoing monitoring by, and visits from healthcare professionals arranged by the hospital (where the baby/child was an inpatient).

30.4.3. who receives palliative/end of life care.

30.5. For the above purposes neonatal care is treated as being received continuously (without interruption) throughout any period spent being transported from one care setting to another.

30.6. Employees irrespective of their length of service have the right to take up to 12 weeks Statutory Neonatal Care Leave. The exact amount that can be taken will depend on how long the baby/child receives Neonatal Care for. Employees will be eligible to receive one weeks' Statutory Neonatal Care Leave for each uninterrupted week their baby/child receives Neonatal Care. Statutory Neonatal Care Leave must be taken in one-week blocks.

30.7. To be eligible for Neonatal Care Leave (SNCL):

30.7.1. The parent/adopter must have (or expect to have) parent/caring responsibilities for the baby/child.

30.7.2. The baby/child must be born/placed on or after 6th April 2025.

30.7.3. The baby/child must receive Neonatal Care within 28 days starting the

day after the birth/being placed, for at least seven consecutive days (from the day after the Neonatal Care began).

30.8. Accrued Statutory Neonatal Care Leave must end within 68 weeks of the birth/placement of the baby/child, and is available in 2 types, Tier 1 and Tier 2

30.9. Tier 1 (In care) **-** The Tier 1 period begins when the baby/child starts receiving Neonatal Care and ends on the seventh day after the baby/child stops receiving Neonatal Care.

30.9.1. Leave cannot commence until the baby/child has received 7 consecutive full days of Neonatal Care (from the day after the Neonatal Care began).

30.9.2. May be taken (flexibly) in non-continuous one-week blocks or as a continuous block of a whole number of weeks

30.9.3. Intended for un-planned use e.g. where a parent/adopter has already exhausted another type of statutory leave (e.g. Paternity Leave)

30.9.4. To be used whilst the baby/child is in receipt of Neonatal Care or in the first week following their discharge from Neonatal Care

30.10. Tier 2 (After leaving care) - any remaining accrued Statutory Neonatal Care Leave:

30.10.1. Planned leave which must be taken in a single continuous block of a whole number of weeks.

30.10.2. Can be taken at any time after the Tier 1 period has ended up until the end of the 68th week following the baby/child's birth/placement

30.11. Employees are eligible for up to a maximum of 12 weeks' Statutory Neonatal Care Leave in total across both tiers.

30.12. The above entitlements are in addition to any other applicable statutory family leave and/or pay provisions (Statutory Maternity, Adoption, Paternity, Shared Parental Leave, Parental and Parental Bereavement (Special Leave).

30.13. **Tier 1 period (in care)**

30.13.1. For each week the employee intends to take SNCL they are expected to notify their manager (by phone or email) before they are due to start work on the first day of absence of each week of such leave, or where this is not possible as soon as is reasonably practicable. This is likely to be a challenging time for the employee and their family and managers are encouraged to be sympathetic to the employee's personal circumstances.

30.13.2. Where leave is taken during the Tier 1 period and it is not reasonably practicable for the employee to give notification of their intention to take SNCL (e.g. the baby/child is admitted for Neonatal Care unexpectedly after other (i.e. Paternity) leave has been exhausted), managers will email Payroll as soon as

possible with details of the employee's SNCL.

30.13.3. If an employee is currently in work and unexpectedly needs to take SNCL, the leave will commence from the following day.

30.13.4. Employees are expected to complete the Statutory Neonatal Care Leave & Pay Notification form (and submit this to their manager) within 28 days of their SNCL starting, or if this is not possible as soon as is reasonably practicable thereafter to ensure that their pay can be adjusted accordingly.

30.14. **Tier 2 period (after leaving care)**

30.14.1. If an employee intends on taking Tier 2 Statutory Neonatal Care Leave, they must provide advance written notification to their manager as follows:

30.14.1.1. For a single week of Statutory Neonatal Care Leave- no later than 15 days before the first day they intend to start SNCL

30.14.1.2. For two or more consecutive weeks of Statutory Neonatal Care Leave - no later than 28 days before the first day they intend to start SNCL

30.14.2. For Tier 2 Statutory Neonatal Care Leave, the employee must complete the 'Statutory Neonatal Care Leave & Pay Notification Form' and submit this to their manager in accordance with the above notification periods. The manager will approve and submit the form to Payroll/HR. Failure to submit this form in a timely manner may result in incorrect payments being made to the employee.

30.14.3. Employees who have submitted a notification of intention to take SNCL and subsequently wish to cancel or change this may do so, by notifying their manager in writing giving as much notice as possible.

30.14.4. During the period of SNCL the employee's contract of employment continues and they are entitled to receive all their contractual benefits except for pay. Salary will be replaced by SNCP if the employee is eligible

30.15. Statutory Neonatal Care Pay will be paid for up to 12 weeks provided the employee meets the qualification criteria for length of service and weekly earnings.

30.16. Statutory Neonatal Care Pay ("SNCP") is payable at either the statutory rate or 90% of average weekly earnings, whichever is lower).

30.17. SNCP is subject to deductions for tax, national insurance and pension. SNCP is calculated on the employee's average weekly earnings in the 8 weeks ending on the relevant date. For further details please refer to www.gov.uk. SNCP is not payable if an employee is receiving SSP or is in legal custody or imprisoned.

30.18. To qualify for SNCP, employees must:

30.18.1. have (or expect to have) responsibility for the upbringing of the baby/child

30.18.2. must have at least 26 weeks' continuous service with the Trust (at the relevant date).

30.18.3. must remain in continuous employment from the end of the relevant week (or from the baby/child's birth/placement if born/placed early) until the week before that in which SNCP is being claimed.

30.18.4. must have average weekly earnings that are not less than the lower earnings limit (LEL) for national insurance contribution (NICs) purposes.

30.19. An employee must give at least 28 days' notice of when they would like the SNCP to start, or if that is not reasonably practicable, give notice as soon as reasonably practicable.

30.20. If an employee is not eligible for SNCP, Statutory Neonatal Care Leave will be unpaid.

30.21. Managers have the right to reasonable contact with employees during their Statutory Neonatal Care Leave. Depending on the timing, nature of Neonatal Care (and duration), employees and managers should agree how they would like to stay in touch, acknowledging that during periods of Tier 1 leave the baby/child may be seriously ill and/or receiving palliative care.

30.22. Employees should agree with managers:

30.22.1. how/when may be appropriate to make contact, for example by email, phone etc.

30.22.2. how to be notified of any job/promotion opportunities within the service

30.22.3. any other arrangements (staff bulletins, news, social events), workplace developments or training (which may be useful to receive ahead of returning to work)

30.23. During Tier 1 SNCL employees and managers should endeavor to keep updated around plans for returning, recognising that the situation is likely to be distressing and has the potential to evolve.

30.24. Where an employee had previously agreed to undertake work e.g. to complete a project but this subsequently clashes with SNCL, the employee must not be disadvantaged if they are then unable to work any pre-arranged days.

30.25. Where an employee has more than one contract of employment with the Trust and has accrued qualifying service in respect of each contract of employment, only one entitlement to SNCP will be payable.

31. Paternity Leave

31.1. The purpose of Paternity Leave is to enable employees to take time away from work to care for the child and/or support the child's mother or birth parent around the time of the birth. From April 2026, Paternity Leave became a day-one employment right, regardless of an employee's length of service.

31.2. Employees are entitled to take up to two weeks of Paternity Leave following the birth of the child. The leave may be taken as either one week or two weeks. Where two weeks are taken, they may be taken consecutively or as two separate one-week blocks.

31.3. Paternity Leave cannot start before the child is born. It may start on the date of birth, on a specified number of days after the birth, or on another specified date after the birth.

31.4. Paternity Leave must end within 52 weeks of the child's birth, or 52 weeks from the end of the Expected Week of Childbirth where the child is born early. Where more than one child is born as a result of the same pregnancy, the employee is entitled to the same maximum of two weeks' Paternity Leave; the entitlement does not increase because of a multiple birth.

32. To qualify for Paternity Leave

32.1. To qualify for Paternity Leave, the employee must be the child's father, the husband or partner of the mother (or adopter) - this includes same-sex partners, the child's adopter, or the intended parent (if you're having a baby through a surrogacy arrangement). The employee must also:

32.1.1. Be taking time off to care for the child and/or support the mother;

32.1.2. Have or expect to have the main responsibility, other than the mother, for the upbringing of the child;

32.1.3. For Statutory Paternity Pay (SPP), have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for National Insurance (in order to qualify for payment of SPP.

32.2. During your Paternity Leave your contract of employment continues, there will be no break in service. You are entitled to receive all your contractual benefits, except full salary, this includes the accrual of contractual annual leave entitlement (where applicable) and pension contributions will continue to be made.

33. Paternity Leave Provisions & Pay

33.1. The Trust provides a Paternity Leave package, this consists of:

33.2. Teachers: 2 weeks of Statutory Paternity Leave, paid at Statutory Paternity Pay (SPP);

33.3. Support Staff: 1 week paid at normal earnings rate plus 1 week paid at SPP.

33.4. To qualify for Statutory Paternity Pay, the employee must:

33.4.1. have been continuously employed by the Trust for at least 26 weeks up to the end of the relevant qualifying week;
33.4.2. continue to be employed by the Trust up to the date of the child's birth (or, in the case of adoption, the date of placement or the relevant statutory date);
33.4.3. have average weekly earnings of at least the Lower Earnings Limit for National Insurance purposes applicable to the relevant tax year;
33.4.4. satisfy the statutory requirements concerning responsibility for the child and the purpose for which Paternity Leave is taken; and mgive the Trust the required statutory notice.

33.5. Statutory Paternity Pay is paid at the statutory weekly rate applicable at the time the leave is taken, or 90% of the employee's average weekly earnings, whichever is lower.

33.6. Employees who qualify for Paternity Leave but do not meet the separate eligibility requirements for Statutory Paternity Pay, will remain entitled to Paternity Leave but will not be entitled to Statutory Paternity Pay.

34. Informing your Headteacher, or Line Manager of Paternity Leave

34.1. To qualify for Paternity Leave you should notify your Headteacher, or relevant line manager no later than the end of the 15th week before the expected week of childbirth (EWC), or as soon as is reasonably practicable of:

34.1.1. The expected week of childbirth;
34.1.2. Whether you wish to take one or two weeks' Paternity Leave;
34.1.3. When you wish to start your Paternity Leave.

34.2. We acknowledge that babies may be born earlier or later than expected and that short notice may be given as to exact dates when Paternity Leave would start. We would ask that you give an estimated start date and, as soon as

reasonably practicable after the birth of the child, you should inform your line manager of the actual date of birth of the child.

34.3. If you are a nominated carer written confirmation should be provided to your Headteacher that you are the person nominated by the mother as her primary provider of support at or around the time of birth. This should be signed by a registered midwife or general practitioner (GP).

35. Documentation to support Paternity Leave

36.1 Employees are required to give notice of their eligibility for, and intention to take Paternity Leave by the appropriate date below:

36.1.1 In or before the 15th week before the EWC (for births) and give at least 28 days' notice of the specific dates they intend to take the leave, unless this is not reasonably practicable, in which case notice should be given as soon as reasonably practicable.

36.2 Employees are required, as part of the notification process, to complete form Paternity Leave Form and return it to their manager, stating:

36.2.1 The week the baby is due
36.2.2 Whether they intend to take one- or two-weeks duration Paternity Leave
36.2.3 When they intend to take their Paternity Leave
36.2.4 That they are taking Paternity Leave to care for the child and/or support the child's mother
36.2.5 That they are the father, or married to or the partner of the child's mother
36.2.6 If applicable, that they expect to have responsibility for the upbringing of the child. Any application for paternity leave must be submitted in writing to the Headteacher, and you must state the expected week of childbirth and the date at which you wish to start your leave.

36.3 Proof of pregnancy must be provided by supplying the MATB1 certificate issued to the expectant mother.

36.4 If you change your mind about the start date of your leave you will need to submit a new request in writing.

36. Pension contributions

37.1 If you are a member of the Local Government Pension Scheme, you can continue to pay contributions during the period when you are receiving additional statutory paternity pay. This period will count as service for pension purposes.

37.2 You can buy extra pension to cover the period by undertaking to pay an Additional Pension Contribution (APC) over a period of time or by paying a one-off lump sum. For further information please contact South Yorkshire Pensions Authority.

37. Adoption Leave

37.1. An employee who has been notified by a UK Adoption Agency that a child is to be placed for adoption with them, and who is either a Sole Adopter or, if adopting jointly, has elected or will be electing to be the Primary Adopter for the purpose of taking Adoption Leave, may have paid time off to attend up to five Adoption Appointments.

37.2. An employee who opts to take paid time off for Adoption Appointments cannot subsequently take paternity or nominated carer leave. Employees should provide as much notice as possible of appointment times and, where able, make their appointments near the start or end of the day or such other times to minimise disruption to service delivery.

37.3. Appointments must be supported by documentation confirming the appointment date and time and that they have been arranged by or at the request of the Adoption Agency.

37.4. Employees who are Sole Adopters or adopt jointly and elect to be the Primary Adopter, irrespective of their length of service, have the statutory right to take up to 52 weeks Adoption Leave (26 weeks Ordinary Adoption Leave ("OAL") followed immediately by 26 weeks Additional Adoption Leave ("AAL").

37.5. Employees will not qualify for Adoption Leave or Pay when:

37.5.1. becoming a special guardian or kinship carer
37.5.2. adopting a family member or stepchild
37.5.3. adopting privately, for example without permission from a UK Adoption Agency.

37.6. There are various different circumstances under which an employee may wish to take Adoption Leave. For each of the circumstances below, to be able to take Adoption Leave, the employee must complete the adoption form and provide information as follows:

37.7. Adoption Leave can start:

37.7.1. on the date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions).

37.7.2. when the child arrives in Great Britain or within 28 days of this date (overseas adoptions).

37.7.3. the day the child is born or, if the employee was at work on that day, the day after (for Primary Parental Order Parent in a surrogacy arrangement) The employee may change the date they wish to commence Adoption Leave by giving 28 days' written notice.

37.8. It is up to the employee to determine how much of their 52-week entitlement of Adoption Leave to take and also when they intend to start their Adoption Leave, subject to the rules below.

37.9. It is recommended that employees discuss with their manager how to make best use of Annual Leave when determining their Adoption Leave dates. For example, some employees choose to extend the paid period of leave by using Annual Leave immediately before or following Adoption Leave.

37.10. For adoptions through a UK Adoption Agency (or where child is matched, under section 22C of the Children Act 1989, with a foster parent who is also an approved prospective adopter, with a view to adoption – see Section 9 below): within 7 days of being matched with a child (or as soon as reasonably practicable) an employee must:

37.10.1. notify their manager in writing of:

37.10.2. how much Adoption Leave they want to take;

37.10.3. their Adoption Leave start date;

37.10.4. the date of placement (the expected or actual date the child is placed with them); and

37.10.5. provide proof of the placement – such as a copy of the letter from the UK Adoption Agency confirming the match with the child and expected placement date.

37.11. After the child has been placed, the employee must provide, in writing as soon as reasonably practicable, the date of the placement.

37.12. In surrogacy arrangements, where a couple have applied for, or are intending to apply for, a Parental Order2 for a baby that will be born of a surrogate mother, the intended parents may determine which one of them will be the Primary Parental Order Parent to take Adoption Leave (the other, Secondary, Parental Order Parent may be eligible for Paternity Leave): at least 15 weeks before the baby is due, the Primary Parental Order Parent must notify their manager in writing of:

37.12.1. the baby's due date;

37.12.2. when they want to start their Adoption Leave; and

37.12.3. provide a statutory declaration that they have applied, or intend to apply, for a Parental Order in the 6 months after the baby's birth

37.13. After the baby has been born, the employee must provide in writing, as soon as reasonably practicable, the child's date of birth.

37.14. For an overseas adoption the employee must complete Form SC6 available from the www.gov.uk website and must notify their manager in writing of:

37.14.1. the date of their official notification and the date the child is expected to arrive in Great Britain (within 28 days of getting the notification);

37.14.2. the date they want to start their Adoption Leave and how much Adoption Leave they want to take (giving 28 days' notice of the start date);

37.14.3. the actual date the child enters Great Britain (within 28 days of this date); and

37.14.4. provide a copy of their official notification, together with your signed Declaration Form SC6.

37.15. Adoption Pay will be paid for up to 39 weeks of the 52 week Adoption Period, provided the employee meets the qualification criteria for length of service and weekly earnings. Two different payments may be made, depending on the type of Adoption Leave (OAL or AAL):

37.15.1. Statutory Adoption Pay ("SAP")

37.15.2. Occupational Adoption Pay ("OAP")

37.16. SAP and OAP are subject to deductions for tax, national insurance and pension. Adoption Pay is calculated on an average of the employees' weekly earnings in the 'relevant period' before the matching week. For further details, please see www.gov.uk.

37.17. To qualify for Statutory Adoption Pay (SAP), employees must have 26 weeks' continuous service with the Trust at the end of the week in which they were notified of having been matched with the child ("the qualifying week "). An employee must give at least 28 days' notice of when they would like the SAP to start, or if that is not reasonably practicable, give notice as soon as reasonably practicable.

37.18. To be eligible for SAP, an employee must have earnings above the NI Contributions Lower Earning Limit. SAP is payable for up to 39 weeks ("the Adoption Pay Period") and is paid at a rate of 90% of the employee's average weekly earnings (before tax) for the first 6 weeks, followed by 90% of their average weekly earnings (before tax) or the standard SAP rate (whichever is lower) for the next 33 weeks.

37.19. If the employee is in legal custody, imprisoned or arrested (but not voluntarily helping Police with their enquiries, out on bail or serving a suspended sentence) during the Adoption Pay Period they must notify HR and any SAP

will cease and will not be resumed. If the employee becomes ill while on adoption leave and is eligible to be paid SSP then the SAP will cease for the period that SSP is paid.

37.20. To qualify for Occupational Adoption Pay (OAP), employees must have at least one year's continuous local government employment by "the qualifying week". OAP depends on the terms and conditions of employment of the employee. It differs for teachers and other employees.

37.21. The employee's pay for the purposes of OAP is the employee's pay under their contract of employment (including contractual allowances) during their Adoption Leave. Changes to contractual pay that become effective during an employee's Adoption Leave are reflected in the OAP from the effective date onwards (for example increments and pay awards).

37.22. OAP for weeks 7 onwards of the Adoption Pay Period is only payable when the employee has declared that they will return to work for at least 3 months (13 weeks) following Adoption Leave. If the employee fails to return to work for the required period, any OAP that has been paid in respect of weeks 7 onwards must be repaid, together with any associated NI contributions. This "return to work" that is required for teachers in schools, to retain OAP paid means a return to the same job, in the same school on the same terms and conditions.

37.23. If the employee returns to work on fewer hours than they were contracted to work prior to Adoption Leave they will be required to return to work for a proportionately longer period (to equate to their weekly contractual hours prior to adoption leave x 13 weeks). For example if the employee returns to work on half the contractual hours, they will be required to return to work for at least 6 months (26 weeks) following Adoption Leave.

37.24. The table in Appendix 2 summarises the key features of Adoption Leave and different elements of Adoption Pay.

38. Contact during leave

38.1. Shortly before your maternity, paternity, adoption or shared parental leave starts, the Trust / School will discuss the arrangements for you to keep in touch during your leave, should you wish to do so.

38.2. We reserve the right in any event to maintain reasonable contact with you from time to time during your period of leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

39. Your rights on return to work

39.1. If a restructuring exercise takes place while the employee is either on Maternity, adoption, shared parental leave, or is absent from work by reason of sickness due to pregnancy or maternity related illness, the manager must ensure the employee is kept informed of any organisational change proposals and how these may affect the individual concerned to ensure that they do not suffer any detrimental treatment.

39.2. From 6th April 2024 employees and those who are on Statutory Maternity Leave or adoption leave have enhanced protections to prevent unfavourable / detrimental treatment occurring for reasons relating to their pregnancy and/or maternity including unlawful selection for redundancy on grounds relating to pregnancy, childbirth or taking Maternity or adoption Leave. This protection commences from the date the employee notifies their manager of their pregnancy until 18 months after the first day of the EWC.

39.3. For an employee taking six or more consecutive weeks of SPL, the additional protected period extends to 18 months from the relevant birth/placement date.

39.4. These protections do not prevent an employer from making a genuine redundancy where the statutory requirements are met. However, the Trust must ensure that the redundancy process and selection criteria do not discriminate against employees because of pregnancy or the taking of statutory family-related leave.

Appendix 1

Summary of Entitlements and Eligibility for Maternity Leave and Pay for Teachers and Support Staff.

Support Staff Maternity Pay

Length of Continuous Service	Maternity Pay Entitlement
Under 26 weeks by the end of the 15th week before the expected week of childbirth.	Maternity Allowance from the Department of Work and Pensions.
26 weeks or over by the end of the 15th week before the expected week of childbirth.	If your earnings are above the lower earnings National Insurance Level you are entitled to Statutory Maternity Pay (SMP). This is 6 weeks at 90% of a week's pay and a further 33 weeks at SMP or 90% of weekly pay if your earnings are less NB: weeks 40 to 52 are unpaid. Current SMP rates can be found at www.gov.uk
One year or over by the 11th week before the expected week of childbirth and intending to return to work for at least 12 weeks after maternity leave.	6 weeks at 90% of a week's pay (offset against SMP or MA), 12 weeks half pay (OMP) plus SMP or MA and the next 21 weeks are paid at SMP. NB: weeks 40 to 52 are unpaid. If you state that you intend to return and then change your mind you will have to repay the 12 weeks half pay you received. If you return on a part time basis, where you were previously full time, please note that this may lengthen your notice period should you chose to leave employment.
One year or over by the 11th week before the expected week of childbirth and **not** intending to return to work for at least 12 weeks after maternity leave.	6 weeks at 90% of a week's pay (offset against SMP or MA), plus SMP or MA and the next 33 weeks are paid at SMP. NB: weeks 40 to 52 are unpaid.

Teachers Maternity Pay

Teachers with one year's continuous service with one or more local authorities/Schools at the 11th week before the EWC will receive 18 weeks Occupational Maternity Pay (OMP), as follows:

- 4 weeks at full pay (SMP offset)
- 2 weeks at 9/10ths of a week's pay (SMP offset)
- 12 weeks at half pay (+ SMP)

This will be followed by 21 weeks Statutory Maternity Pay (SMP). The remaining 13 weeks leave are unpaid.

Occupational maternity pay (paid during the first 18 weeks of maternity leave, outlined above) is only payable on condition that the teacher returns to work for at least 13 weeks (see section 5 of the Burgundy Book).

If you state that you intend to return and then change your mind you will have to repay the 12 weeks half pay you received. If you return on a part time basis, where you were previously full time, please note that this may lengthen your notice period should you choose to leave employment.

Teachers with between 6 months but less than one year's continuous service with one or more local authority/school at the 11th week before the EWC may be eligible for:

- 4 weeks at full pay
- 2 weeks at 9/10ths of full pay
- 33 weeks at SMP

Teachers with less than 6 months' continuous service can apply to the Department for Works and Pensions for maternity allowance.

Appendix 2

Summary of Entitlements and Eligibility for Adoption Leave and Pay for Teachers and Support Staff

Support Staff Adoption Pay

Length of Continuous Service	Adoption Pay Entitlement
Have been continuously employed for at least 26 weeks ending with the week in which they are notified of having been matched with the child.	26 weeks Ordinary Adoption Leave (OAL) 26 weeks Additional Adoption Leave (AAL) 39 weeks SAP (Statutory Adoption Pay)
Have been continuously employed for one year or over and intending to return to work for at least 12 weeks after Adoption leave	6 weeks at 90% of a week's pay (offset against SAP), 12 weeks half pay plus SAP and the next 21 weeks are paid at SAP. Weeks 40 to 52 are unpaid. Current SAP rates can be found at www.gov.uk If you state that you intend to return and then change your mind you will have to repay the 12 weeks half pay you received. If you return on a part time basis, where you were previously full time, please note that this may lengthen your notice period should you chose to leave employment
Have been continuously employed for one year or over and **NOT** intending to return to work for at least 12 weeks after Adoption leave.	6 weeks at 90% of a week's pay (offset against SAP). The next 33 weeks are paid at SAP. NB: weeks 40 to 52 are unpaid.

Teachers Adoption Pay

Teachers with one year's continuous service with one or more local authorities/Schools will receive:

- 4 weeks at full pay (SAP offset)
- 2 weeks at 90% of a week's pay (SAP offset)
- 12 weeks at half pay (+ SAP)
- 21 weeks Statutory Maternity Pay (AP).
- The remaining 13 weeks leave are unpaid.

Occupational adopting pay (paid during the first 18 weeks of adoption leave, outlined above) is only payable on condition the Teacher returns to work for at least 13 weeks

If a Teacher does not return to work after their Adoption Leave, they must repay the 12 weeks half pay received. If they return on a part time basis, where they were previously full time, this may lengthen their notice period, should they choose to leave employment.