



# Family & Parental Leave Policy

*formerly Maternity, Paternity, Adoption and Policy*

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# Family & Parental Leave Policy

## 1. Aims

This policy aims to:

- Set out Aspire Multi-Academy Trust's approach to maternity, paternity, adoption and shared parental leave, and other family-related leave
- Make sure Aspire Multi-Academy Trust is a family-friendly place to work by supporting staff members who need to take time off work for family-related reasons
- Support all parties in managing family-related leave effectively and consistently, to ensure a fair and transparent approach across Aspire Multi-Academy Trust that complies with our duties under the Equality Act 2010 and Employment Rights Act 1996

This policy will be agreed following consultation with unions through our Joint Consultative Committee (JCC) network.

This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time following consultation within our JCC network.

## 2. Legislation and guidance

This policy meets the requirements of:

- [Data Protection Act 2018](#)
- [Employee rights when on leave – GOV.UK](#)
- [Employment Rights Act 1996](#)
- [Employment: Statutory Code of Practice – the Equality and Human Rights Commission](#)
- [Equality Act 2010](#)
- [Induction for Early Career Teachers \(England\) – GOV.UK](#)
- [Protecting pregnant workers and new mothers – the Health and Safety Executive](#)

It also reflects best practice guidance set out in:

- [The Advice, Conciliation and Arbitration Service \(Acas\)'s guidance on accommodating breastfeeding employees in the workplace](#)
- [The Advice, Conciliation and Arbitration Service \(Acas\)'s guidance on holiday, sickness and leave](#)

Some of our staff have a contract that specifically incorporates conditions from:

- [School Teachers' Pay and Conditions Document \(STPCD\)](#)
- [Conditions of Service for School Teachers in England and Wales](#) (the Burgundy Book)
- [The National Agreement on Pay and Conditions for Support Staff](#) (the Green Book)

These will continue to apply due to the [Transfer of Undertakings \(Protection of Employment\) \(TUPE\) Regulations 2006](#), which protect employees' terms and conditions when a maintained school becomes an academy.

As such, this policy complies with the STPCD, the Burgundy Book and the Green Book.

This policy complies with our funding agreement and articles of association.

### 3. Scope

This policy applies to all full-time and part-time staff who are employed directly by Aspire Multi-Academy Trust.

Self-employed workers, volunteers and agency workers are not covered by this policy.

### 4. Data protection

All discussions and sensitive medical and personal information about staff members will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018. Please refer to our [Data Protection Policy](#) for more detail on how data will be processed.

### 5. Roles and responsibilities

#### 5.1 Headteacher

The headteacher is responsible for making sure that:

- This family and parental leave policy is applied consistently across our academies and that it is in line with equality legislation
- Line managers and other staff are aware of this policy and their responsibilities
- Any of the points in section 5.2 below relevant to their role as line manager

#### 5.2 Line managers

Line managers have day-to-day responsibility for this policy. If staff have questions about this policy, they should refer to their line manager in the first instance.

Line managers are responsible for:

- Considering all valid requests for time off equally and fairly
- Supporting staff to understand this policy
- Supporting staff and managing family-related leave and matters confidentially and sensitively, and in line with the Data Protection Act 2018
- Taking family-related leave and responsibilities into account when monitoring staff's workload, and promoting positive working arrangements
- Maintaining effective communication with staff, including while staff are on leave
- Liaising with academy business managers to inform payroll promptly if a staff member's pay needs to be adjusted as a result of them taking maternity, paternity, adoption or shared parental leave, or other types of family-related leave
- Giving due regard to equality legislation and taking any protected characteristics into consideration
- Monitor, log and review the application of this policy

#### 5.3 Board of Trustees and Local Governing Board

The Board of Trustees will approve this policy and hold the CEO to account for its implementation.

#### 5.4 Other staff

Staff are expected to:

- Take the time to understand the sections of the policy that apply to them, and seek further detail and/or clarification from their line manager and the Operations and HR Officer (OHRO) if necessary
- Follow the procedures set out in this policy
- Adhere to the stated timescales

## **6. Maternity leave (including for surrogates)**

Any pregnant staff member employed by Aspire Multi-Academy Trust is entitled to 52 weeks of maternity leave. This is made up of:

- 26 weeks of ordinary maternity leave first, followed by
- 26 weeks of additional maternity leave

You do not have to take a full 52 weeks, but you must take:

- A minimum of 2 weeks' leave following the birth of your baby
- All of your maternity leave in one go

### **6.1 Starting maternity leave**

You can start your maternity leave from up to 11 weeks before your baby is due.

Maternity leave will also start:

- The day after you give birth if the baby is early (read more about premature birth in section 6.3 below)
- Automatically if you are off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due

### **6.2 Claiming maternity leave**

You must notify the academy headteacher / your line manager in writing at least 15 weeks before the beginning of the week that your baby is due:

- That you are pregnant
- When your baby is due
- When you want to start your maternity leave. If you want to change the day you want to start your maternity leave, you must notify academy headteacher / your line manager of the new day:
  - 28 days before your maternity leave was originally due to start
  - 28 days before the new date you want to start your leave (whichever of the 2 dates is earlier)

We have provided a proforma in appendix 1.to claim maternity/adoption leave.

We will write to you within 28 days of your notice confirming your maternity leave start and end dates (for more information on notice periods for returning to work, see section [16] below).

### **6.3 Premature birth**

If your baby is born prematurely\*, the Aspire Multi-Academy Trust will consider extending your maternity pay period. We will determine the extension and its length on a case-by-case basis, depending on your individual circumstances.

\*A premature (also known as preterm) birth is when a baby is born before 37 weeks of pregnancy.

## **7. Maternity pay (including for surrogates)**

You may be eligible for occupational maternity pay or statutory maternity pay, depending on how long you have worked at Aspire Multi-Academy Trust.

### **7.1 Occupational maternity pay**

#### **a) Teachers**

Teachers are eligible for occupational maternity pay if they have worked continuously for at least 1 year with Aspire Multi-Academy Trust by the 11th week before the week that their baby is due.

If you are not eligible for occupational maternity pay, you may still be eligible for statutory maternity pay or maternity allowance. Read more about these in section 7.2 below.

Teachers eligible for occupational maternity pay can be paid for up to 39 weeks as follows:

- At 100% of their salary for the first 4 weeks
- At 90% of their salary for weeks 5 and 6
- At 50% of their salary for weeks 7 to 18, plus the weekly rate of statutory maternity pay, unless this figure exceeds full pay in which case deductions will be made (see the government's latest weekly statutory maternity pay figure at <https://www.gov.uk/maternity-pay-leave/pay>)
- At the weekly rate of statutory maternity pay for the remaining 21 weeks (see the link above to find out how much this is)

#### **Conditions for occupational maternity pay**

The Aspire Multi-Academy Trust expects teachers to return to work in their academy for at least 13 weeks as a qualifying condition for receiving occupational maternity pay. If a teacher does not do this, the Aspire Multi-Academy Trust may require them to refund some or all of the occupational maternity pay that they have received after the 6<sup>th</sup> week of maternity leave. They will not be required to refund any statutory maternity pay that forms part of their occupational maternity pay.

The 13-week period starts:

- From the date the teacher returns to work, or
- The date after maternity leave ends. This includes both term time and school holidays

Teachers who do not intend to return to work after maternity leave will not be entitled to occupational maternity pay. They may still be entitled to statutory maternity pay or maternity allowance if they meet the criteria (see section 7.2 below).

Returning to work part time:

- Teachers who were full time and choose to return to work on a part-time basis must return for a period that equates to 13 weeks of full-time service
- Teachers working part time may return to work on a different part-time basis, but must return for a period that equates to 13 weeks of part-time service, relating to their previous contract

If a teacher is unable to return to work at the end of their maternity leave due to sickness, our sick pay scheme will apply: Aspire Sickness Absence Policy.

For more information on returning to work after maternity leave, including notice periods, see section 16 below.

#### **b). Support staff**

Support staff are eligible for occupational maternity pay if they have worked continuously for at least 1 year with Aspire Multi-Academy Trust by the 11th week before the week that the baby is due.

If you are not eligible for occupational maternity pay, you may still be eligible for statutory maternity pay or maternity allowance. Read more about these in section 7.2 below.

- Support staff eligible for occupational maternity pay can be paid for up to 39 weeks, as follows:
- At 90% of their salary for the first 6 weeks
- At 50% of their salary for weeks 7 to 18, plus the weekly rate of statutory maternity pay, unless this figure exceeds full pay in which case deductions will be made (see the government's latest weekly statutory maternity pay figure at <https://www.gov.uk/maternity-pay-leave/pay>)
- At the weekly rate of statutory maternity pay for the remaining 21 weeks (see the link above to find out the exact figure)

Note: staff must inform the headteacher / line manager in writing that they intend to return to work after their maternity leave in order to claim occupational maternity pay for weeks 7 to 18.

### **Conditions for occupational maternity pay**

The Aspire Multi-Academy Trust expects support staff to return to work in their academy for at least 3 months as a qualifying condition for occupational maternity pay. If a staff member does not do this, the Aspire Multi-Academy Trust may require the staff member to refund some or all of the occupational maternity pay that they have received. They will not be required to refund any statutory maternity pay that forms part of their occupational maternity pay.

Where a staff member requests flexible working arrangements on their return to work, the Aspire Multi-Academy Trust will consider these on a case-by-case basis. The return-to-work period must equate to at least 3 months of full-time work.

If a staff member is unable to return to work at the end of their maternity leave due to sickness, the Aspire Multi-Academy Trust sick pay scheme will apply: Aspire Sickness Absence Policy.

For more information on returning to work after maternity leave, including notice periods, see section 16 below.

## **7.2 Statutory maternity pay and maternity allowance (all staff)**

You are eligible for statutory maternity pay if you:

- Have been on the trust's payroll continuously for at least 26 weeks continuing into the 15<sup>th</sup> week before the week that your baby is due
- Earn more than the minimum threshold set out on the government's website – see the latest figure at <https://www.gov.uk/maternity-pay-leave/eligibility>
- Notify your line manager at least 28 days before the date you want your maternity pay to start
- Give proof of your pregnancy within 21 days before you intend to start your maternity pay. Please submit your doctor's letter or a maternity certificate (known as a MATB1 form) to your line manager

Statutory maternity pay is paid for up to 39 weeks. The weekly amounts are:

- 90% of your average weekly earnings for the first 6 weeks
- At a weekly rate of statutory maternity pay for the next 33 weeks (see the latest weekly figure at <https://www.gov.uk/maternity-pay-leave/pay>)

If you are not eligible for statutory maternity pay, you may still be eligible for maternity allowance – read more about the allowance, including eligibility criteria and how much you can get, at <https://www.gov.uk/maternity-allowance>.

## **8. Neonatal care leave and pay (statutory)**

### **8.1 Purpose**

Aspire Multi-Academy Trust recognises that some babies require specialist neonatal care following birth. Where this occurs, eligible parents and others have a statutory right to additional leave and, in some cases, pay, to support bonding and care arrangements during and after the neonatal period.

This section sets out staff entitlements to Statutory Neonatal Care Leave and Pay, which apply in addition to existing maternity, paternity, adoption and shared parental leave provisions.

### **8.2 Eligibility for neonatal care leave**

Neonatal Care Leave may be available to:

- Birth parents
- Partners of birth parents (including same-sex partners)
- Adoptive parents and intended adoptive parents

Staff are entitled to Statutory Neonatal Care Leave where:

- The child is born on or after 6 April 2025, and
- The child spends 7 or more consecutive days in neonatal care, beginning within the first 28 days after birth.

Neonatal care includes:

- Inpatient care in a neonatal unit, and
- Other forms of specialist medical care for newborns, as defined in statutory regulations.

Eligibility for neonatal care leave is a day-one right and does not depend on length of service.

### **8.3 Entitlement to neonatal care leave**

Eligible staff may take:

- 1 week of neonatal care leave for each full week the baby spends in neonatal care
- Up to a maximum of 12 weeks

Neonatal care leave:

- Is taken in addition to maternity, paternity, adoption and shared parental leave
- May be taken while the baby is receiving neonatal care [and/or] after other family-related leave has ended[, subject to statutory time limits]
- Must be taken within 68 weeks of the baby's birth date
- Must be taken in whole weeks

### **8.4 Interaction with other leave**

Maternity leave will begin and run as normal and is not paused due to neonatal care. Neonatal care leave is taken after maternity leave has ended, extending the overall time away from work.

Paternity, adoption and shared parental leave remain available as separate entitlements and may be followed by neonatal care leave where eligibility criteria are met.

Neonatal care leave is not sickness absence and must not be recorded as such.

## 8.5 Statutory neonatal care pay

Eligible staff may also qualify for Statutory Neonatal Care Pay, subject to statutory eligibility criteria, including:

- At least 26 weeks' continuous service by the relevant qualifying week
- Earnings at or above the Lower Earnings Limit for National Insurance
- Compliance with statutory notice and evidence requirements

Statutory neonatal care pay is paid at the statutory flat rate or 90% of average weekly earnings, whichever is lower.

## 8.6 Notice and evidence

Staff should notify their headteacher or line manager of a claim in writing (letter or email) as soon as reasonably practicable. [that their child is receiving neonatal care]

To claim neonatal care leave, you need to tell your employer:

- Your full name
- The baby's date of birth and, if adopted, the date they were placed with you (or the date they entered into Great Britain if adopted overseas)
- The start and end date of the baby's neonatal care
- When you want your Neonatal Care Leave to begin
- How many weeks' leave you want to take

For pay and leave, you will also need to confirm that:

- You will care for the baby during the period for which you are claiming
- You are the baby's parent or mother's partner with caring responsibilities for the baby - you will only need to give this information the first time you claim leave and pay

The Trust may request reasonable evidence to confirm:

- The child's date of birth
- The period of neonatal care

Recognising the circumstances, Aspire Multi-Academy Trust will apply these requirements flexibly and sensitively.

## 8.7 Employment rights and protection

During neonatal care leave:

- Staff retain continuity of employment
- Terms and conditions (except pay during unpaid periods) are protected

Staff must not suffer detriment or disadvantage for taking, or seeking to take, neonatal care leave

## 8.8 Enhanced and discretionary support

This statutory entitlement operates alongside Aspire Multi-Academy Trust's wider commitment to staff wellbeing. Where appropriate, the Trust may consider additional discretionary support, but statutory neonatal care leave and pay form the minimum legal entitlement.

## 9. Paternity leave and pay

### 9.1 Statutory paternity leave (including for surrogacy)

You are entitled to take 1 week or 2 consecutive weeks\* of statutory paternity leave if you have worked for the trust for at least 26 weeks up to any day in the 15th week before the baby is due. This is different if you are adopting a child – see section 8.4 below for more information on paternity leave for adoption.

\*A week is the amount of time that you normally work in a week (so a week is 2 days if you normally work on Mondays and Tuesdays only).

To be eligible, you must be responsible for the child's upbringing and be the:

- Child's father
- Partner of the person having a baby (including same-sex partner)
- Child's adopter
- Intended parent (if you are having a baby through surrogacy)

Paternity leave:

- Cannot start before the baby is born
- Must end within 56 days of the birth (or due date if the baby is early)

### 9.2 Statutory paternity pay (including for surrogacy)

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

To be eligible for statutory paternity pay, you must:

- Have been continuously employed by Aspire Multi-Academy Trust for at least 26 weeks up to any day in the 15th week before the baby is due
- Be employed by the trust up until the date the baby is born
- Earn more than the minimum threshold set out on the government's website (see the latest figure at <https://www.gov.uk/paternity-pay-leave/eligibility>)

Staff will usually be paid their statutory paternity pay during the week/s they are taking paternity leave.

### 9.3 How to claim statutory paternity leave and pay

You must tell your line manager at least 15 weeks before the baby is due:

- The due date
- When you want your leave to start (for example, the day of the birth or the week after the birth). If you want to change your start date, you must give us 28 days' notice
- Whether you want to take 1- or 2-weeks' leave

We have provided a proforma in appendix 2 to claim paternity leave.

### 9.4 Paternity leave and pay for adoption

To be eligible for paternity leave when adopting, you must:

- Have worked for the Aspire Multi-Academy Trust for at least 26 weeks by:
  - The end of the week you have been matched with a child for adoption in the UK, or
  - The date the child enters the UK for overseas adoption

- Be the adopter, or partner of the adopter (this includes same-sex partners)
- Not also be taking adoption leave and pay (see section 9 below)

You:

- Cannot start your leave before the child is born
- Must end your leave within 56 days of the child's placement for adoption, or the child's arrival in the UK (for overseas adoptions)

You are also entitled to unpaid time off to attend 2 adoption appointments after you have been matched with your child.

To claim paternity leave for adoption, you must tell your line manager that you have been matched with a child within 7 days of this happening. You should also tell us:

- The date you were matched with your child
- The placement start date
- Whether you want to take 1 or 2 weeks' leave
- When you want the leave to start (if you want to change your start date, you must give us 28 days' notice)

To claim paternity pay for adoption, you need to tell us 28 days before you want the pay to start.

We have provided a proforma in appendix 2. to claim paternity leave.

## **10. Adoption leave and pay (including for surrogacy)**

All staff employed by the Aspire multi-Academy Trust who are adopting a child are entitled to 52 weeks of statutory adoption leave, made up of:

- 26 weeks of ordinary adoption leave, followed by
- 26 weeks of additional adoption leave

You will also get paid time off to attend 5 adoption appointments after you have been matched with a child.

Only 1 person in a couple can take adoption leave – the other partner could get paternity leave instead (read more in section 8.4 above).

### **10.1 Exceptions**

You do not qualify for statutory adoption leave or pay if you:

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

### **10.2 Starting leave**

You can start adoption leave:

- Up to 14 days before the date the child starts living with you (UK adoptions)
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- The day the child is born or the day after (if you have used a surrogate to have a child)

### **10.3 Notice periods for leave**

Within 7 days of being matched with a child you must tell your line manager:

How much leave you want to take

When you want to start leave

The date the child is placed with you

The academy will confirm your leave start and end dates within 28 days of receiving your notice.

#### 10.4 Adoption pay

You can receive statutory adoption pay for up to 39 weeks. The weekly amounts are:

- 90% of your average weekly earnings for the first 6 weeks
- At a weekly rate of statutory adoption pay for the next 33 weeks (see the latest weekly figure at <https://www.gov.uk/adoption-pay-leave/pay>)

You are eligible for statutory adoption pay if you:

- Have been on Aspire Multi-Academy Trust payroll continuously for at least 26 weeks by the week you are matched with the child. For overseas adoptions it is 26 weeks by the time you start receiving adoption pay
- Earn more than the minimum threshold set out on the government's website – see the latest figure at <https://www.gov.uk/adoption-pay-leave/eligibility>
- Notify us at least 28 days before the date you want your adoption pay to start
- Submit proof of the adoption to your line manager (read about the proof you need at <https://www.gov.uk/adoption-pay-leave/how-to-claim>)

#### 10.5 Notice periods for pay

You must give the academy 28 days' notice:

- That you want to stop work and adopt a child
- When you want your statutory adoption pay to start

The academy will confirm within 28 days of this notice how much statutory adoption pay you will receive and when it will start and stop.

**Overseas adoptions:** you must tell us the date of your 'official notification' and when you expect the child to arrive in the UK within 28 days of getting the notification.

We have provided a proforma in appendix 1. to claim maternity/adoption leave.

## 11. Shared parental leave and pay

A Shared parental leave can be complex, so please speak to your line manager or the trust's OHRO if you are thinking about taking shared parental leave and have any questions.

### 11.1 How it works

Eligible staff members and their partners can share up to 50 weeks of leave and up to 37 weeks of pay between them. (Note that the first 2 weeks of leave and pay, starting from the day the baby is born, must be reserved for the person taking maternity or adoption leave.)

You or your partner (whichever of you is taking maternity or adoption leave) needs to take less than:

- 52 weeks of maternity or adoption leave and use the rest as shared parental leave
- 39 weeks of maternity or adoption pay (or maternity allowance) and take the rest as statutory shared parental pay

To take shared parental leave and pay, you and your partner:

- Must share the leave and pay in the first year after your child is born or placed with your family
- Can take the leave all in one go, or book up to 3 separate blocks of leave
- Can choose to be off work together, or stagger your leave and pay

Note that once you or your partner start shared parental leave or pay, you cannot switch back to the original type of leave or pay (e.g. maternity or paternity leave or pay) you were taking.

See the government's [shared parental leave and pay planning tool](#) to check when you and your partner can take your leave.

### 11.2 Amount of pay

Any shared parental pay due during shared parental leave will be paid at a rate set by the government for the relevant tax year, or at 90% of the staff's average weekly earnings, if this figure is lower than the government's weekly rate. See the latest amount on <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>.

### 11.3 Eligibility

You and your partner need to meet the eligibility criteria set out on the government website – the criteria are different for [birth parents](#), [adoptive parents and parents using a surrogate](#).

### 11.4 Applying for leave and pay

#### To start shared parental leave:

Both you and your partner must, with 8 weeks' notice:

- Give an initial, non-binding indication of each period of shared parental leave and pay that you are requesting.
- Set out the start and end dates of each period of shared parental leave that you are requesting. You can change your mind later about how much shared parental leave or pay you plan to take and when you want to take it, as long as you give at least 8 weeks' notice of these.

The person taking maternity or adoption leave must give their employer 'binding notice' of the date when they plan to end their maternity or adoption leave (unless they have already returned to work). They must give this notice at least 8 weeks before their planned return to work

Eligible parents wanting to apply for shared parental leave and pay should use the form available from Acas here: [templates provided by Acas](#) to inform Aspire Multi-Academy Trust of the request.

They can only withdraw the binding notice if the planned end date has not passed and they have not already returned to work, **and**:

- They discover that they and their partner are **not** entitled to shared parental leave or statutory shared parental pay, and they withdraw the notice within 8 weeks of giving the notice, or
- They gave the notice before the birth or placement of the child and withdraw it within 6 weeks of the child's birth or placement, or
- Their partner has died

**To start shared parental pay:** the person taking maternity or adoption leave must give their employer 'binding notice' of the date when they plan to end their maternity or adoption pay. You can start shared parental pay while your partner is still on maternity pay, adoption pay or maternity allowance, as long as they have given binding notice to end it.

## **12. Antenatal care**

All pregnant staff are entitled to take reasonable time off work, with full pay, to attend antenatal appointments. Staff will need further approval from their headteacher / line manager to attend other appointments during working hours.

To be entitled to this, the Trust will ask you to produce a certificate from your doctor, nurse or midwife that states that you are pregnant. Except for the first appointment, you should also produce evidence of the appointment, such as an appointment card. This must be shared with your headteacher / line manager with as much notice as possible to allow for cover to be arranged where needed.

### **12.1 Partners of pregnant staff and intended parents (in a surrogacy or adoption arrangement)**

You are entitled to unpaid time off to accompany the pregnant person to 2 antenatal appointments. You can take up to 6 and a half hours per appointment.

Your headteacher / line manager will request to see evidence of these appointments.

### **12.2 Antenatal care when having a child through IVF**

You will be allowed time off for antenatal care only after the fertilised embryo has been implanted. For information on time off for fertility treatment and IVF, please discuss with the trust's OHRO.

## **13. Health and safety risk assessments during and after pregnancy**

After a staff member has notified their line manager that they are pregnant, the line manager will review an individual workplace risk assessment in line with the staff member's role to make necessary adjustments. Templates are available via the trust's OHRO.

When a staff member returns to work from maternity leave, the headteacher / line manager will conduct an individual risk assessment that covers the staff member's specific needs if the staff member is:

- Returning to work fewer than 6 months after giving birth
- Breastfeeding (read more about support for staff who are breastfeeding in section 17 below)

## **14. Loss of a pregnancy**

The loss of a pregnancy can be extremely painful, both physically and mentally. Our Trust is committed to supporting all staff members who suffer the loss of a pregnancy, whatever the nature of their loss or their length of employment.

### **14.1 Miscarriage**

This is where a loss of pregnancy happens before the 24<sup>th</sup> week.

Staff who have had a miscarriage are encouraged to speak to their line manager to enable us to support you as best as we can through this difficult time.

The Trust will consider staff absence due to miscarriage as pregnancy-related illness. We will not count this absence when reviewing staff's attendance records. Read more about this in our [Aspire Sickness Absence Policy](#).

### **14.2 Still birth**

This is where a baby is stillborn or dies after the 24<sup>th</sup> week of pregnancy.

Staff who have had a still birth are entitled to up to 52 weeks of leave, in line with statutory maternity leave and pay (see sections 6 and 7 for more information).

Staff whose partners have had a still birth, or whose babies are born alive at any point during the pregnancy are entitled to 1 or 2 weeks of leave and pay (see section 8 for more information).

In addition, the birth parents, adoptive parents or parents of a child born to a surrogate are entitled to 1 or 2 weeks of statutory parental bereavement leave after finishing their maternity or paternity leave. Please see the [Aspire Leave of Absence Policy](#) for more information.

You may also be eligible for statutory parental bereavement pay – read the government's [guidance on statutory parental bereavement and pay](#) to find out more.

## 15. [Keeping in touch during leave](#)

Staff and their line manager will discuss how often they will communicate while the staff member is on leave, and what form the communication will take. If you have any questions or concerns, or to discuss any leave extensions, please speak to your line manager or the trust's OHRO.

### 15.1. Keeping in touch (KIT) days during maternity or adoption leave

Staff can work up to 10 days during their maternity or adoption leave. These are known as KIT days and are:

- Paid – KIT days will be paid for the hours worked as the normal hourly rate in the following month's payroll
- Entirely voluntary – you need to agree to them with your line manager

### 15.2. Shared parental leave in touch (SPLIT) days

Staff can work up to 20 days during shared parental leave. This is in addition to the 10 KIT days staff can take while on maternity or adoption leave (see above). As with KIT days, SPLIT days are paid and entirely voluntary.

## 16. [Employment terms while on leave](#)

Your employment terms and conditions are protected when you are on leave. You are entitled to any pay rises and improvements in terms and conditions during this time.

Maternity, paternity, adoption and shared parental leave are regarded as continuous employment for the purpose of calculating entitlement to statutory employment rights (such as redundancy, unfair dismissal rights and notice requirements).

### 16.1 Pensions

You will continue to be entitled to pension contributions during periods of leave that are paid. Pension contributions will stop during any unpaid periods of leave. Please check your employment contract for more details.

### 16.2 Annual leave entitlements

Your annual leave entitlement will continue to accrue during periods of leave. You can take any holiday that you have accrued before or after your maternity, paternity, adoption or shared parental leave.

Under the Working Times Regulations, staff have a statutory right to 28 days annual leave (including bank holidays), this should be taken before or after the maternity leave. **This is not an additional entitlement to annual leave on top of the current school closure arrangements. In most circumstances the member of staff will take the leave in school closure periods and therefore will not be entitled to additional leave as the number of closure days will supersede the**

**statutory entitlement.** The leave year for the purpose of establishing annual leave entitlement whilst on maternity leave will be 1 September in line with the school academic year. Leave should be taken in the current leave year providing there are sufficient school closure days. If there are insufficient school closure days, within the leave year in question, leave can be taken in term time following the maternity leave. **However, in most cases this will not be relevant as leave will have already been used in the school closure periods.** If the return from maternity is close to the end of the leave year the balance can be carried over and taken during periods of school closure in that leave year. We advise academies to contact OHRO for further advice.

## **17. Returning to work after maternity, paternity, adoption or shared parental leave**

### **17.1 Your right to your job (all staff)**

- Where you have been on leave for: **26 weeks or less** (for shared parental leave this means 26 weeks between both partners): you are guaranteed the same job in which you were employed under your original contract, and on terms and conditions that are at least as favourable
- **More than 26 weeks** (for shared parental leave this means 26 weeks between both partners): you are guaranteed the same job in which you were employed under your original contract, unless the academy has a good reason to offer you another job. If your job no longer exists or there have been changes to the organisation, the trust will offer you a suitable alternative job which has the same or better terms or conditions

### **17.2 Returning to work earlier or later (maternity leave only)**

If staff wish to change the date that they return to work from maternity leave, they should discuss this with the headteacher/their line manager as soon as possible. The staff member must notify academy in writing at least:

- 21 days before the day on which they propose to return, if this is earlier than the original date. Where they give less than 21 days' notice, we may postpone their return, but not beyond the end of the original maternity leave period
- 21 days before the original return date, if the new date is later than the original return date

Please note that:

- If a staff member is unable to return to work due to sickness at the end of their leave period, our [Aspire Sickness Absence Policy](#) will apply.
- Staff may be able to take unpaid parental leave immediately following the end of their leave period. If you wish to do this, discuss it with the headteacher/your line manager as soon as possible. Read more about unpaid parental leave in section 18 below.

## **18. Breastfeeding**

If you intend to continue breastfeeding after returning to work from maternity leave, please speak to your line manager / the headteacher / OHRO as soon as possible so that we can support you the best we can.

The academy will make every attempt to try to provide a suitable area where staff who are breastfeeding can rest.

We note that this area should:

- Include somewhere to lie down

- Be hygienic, safe, secure and private, so staff can express milk if they choose to – toilets are not a suitable place for this
- Include somewhere to store their milk, for example a fridge

Staff who are breastfeeding are entitled to more frequent breaks. We encourage you to talk to your line manager so you can agree the timing and frequency of breaks.

## **19. Unpaid parental leave**

**Note:** *this section refers to the rights that staff have to unpaid parental leave **after** they have finished maternity, paternity or shared parental leave; it should not be confused with maternity, paternity or shared parental leave itself.*

### **19.1 What staff are entitled to**

Staff can take up to 18 weeks of unpaid leave for each child and adopted child up to their 18<sup>th</sup> birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

The purpose of the leave must be to look after your child's welfare, for example to:

- Spend more time with your child
- Look at new schools
- Settle your child into new childcare arrangements
- Spend more time with family, such as visiting grandparents

You must take parental leave as whole weeks, rather than individual days. Note: a week is the amount of time that you normally work in a week (so a week is 2 days if you normally work on Mondays and Tuesdays only).

### **19.2 Eligibility**

You are eligible for unpaid parental leave if the child is under 18 and you:

- Have been working our trust continuously for more than 1 year
- Are named on the child's birth or adoption certificate, or you have or are expected to have parental responsibility
- Are not a foster parent (unless you have secured parental responsibility through the courts)

### **19.3 Giving notice**

You must give your line manager at least 21 days' notice in writing before the day you intend to start your leave.

You must confirm the start and end dates in your notice.

### **19.4 Taking unpaid parental leave immediately after maternity, paternity, adoption or shared parental leave**

Speak with your line manager if you wish to take unpaid parental leave immediately following:

- Maternity leave. You will not be required to refund occupational maternity pay (as explained in sections 7.1.2]and 7.1.3 above) unless you do not return to work in your academy for at least 13 weeks/3 months after you finish your unpaid parental leave
- Adoption leave. You will not be required to refund occupational adoption pay unless you do not return to work in your academy for at least 13 weeks/3 months after you finish your unpaid parental leave
  - Paternity leave

- Shared parental leave

### 19.5 Postponing leave

We will grant staff's requests for unpaid parental leave whenever possible, and will ask staff to postpone their requested leave only for significant reasons (e.g. if it would cause serious disruption to the running of the academy). We will **not** ask staff to postpone leave if:

- It is being taken by the father or partner immediately after the birth or adoption of a child
- It means a staff member would no longer qualify for parental leave, e.g. postponing it until after the child's 18<sup>th</sup> birthday

If the school or trust postpones the leave, we will:

- Within 7 days of the original request, write to the staff member explaining why their leave has been postponed
- Suggest a new start date within 6 months of the requested start date
- Not change the amount of leave being requested

### 19.6 Staff rights during leave

Your employment rights, such as the right to pay and annual holiday, are protected during unpaid parental leave.

Where you are on unpaid parental leave for:

- **4 weeks or less:** you are guaranteed the same job in which you were employed under your original contract, and on terms and conditions that are at least as favourable
- **More than 4 weeks:** you are guaranteed the same job in which you were employed under your original contract, unless the academy has a good reason to offer another job. If the job no longer exists or there have been changes to the organisation, the trust will offer you a suitable alternative job which has the same or better terms or conditions

## 20. Time of for dependants

Staff have the right to take a reasonable amount of unpaid time off to help a dependant in an unexpected event. If you need time off, notify your line manager as soon as possible so that the best next steps can be arranged.

A dependant may include your:

- Spouse, partner or civil partner
- Child
- Parent

A dependant may also be someone who:

- Lives in your household (excluding tenants or lodgers)
- Would rely on you for help in the event of an accident, illness or injury, such as an elderly neighbour
- Relies on you to make care arrangements

An unexpected event may include:

- Where a dependant falls ill, is injured or assaulted (this could be as a result of a deterioration of an existing condition) or has to go to hospital because they go into labour unexpectedly

- Dealing with an unexpected disruption or breakdown of care arrangements for a dependant – e.g. if a childminder or nurse fails to turn up as arranged, or the nursery or nursing home has to close unexpectedly
- Dealing with an unexpected incident involving your child during school hours
- Dealing with the death of a dependant. You may also be able to receive statutory parental bereavement and pay – for more information on this, read our [Leave of Absence Policy](#)

## **21. Early career teachers (ECTs): extending the induction period to reflect leave periods**

Early-career teachers (ECTs) who are serving their induction period or an extension to their induction period can decide to extend this period to reflect the number of days they have been absent due to:

- Maternity leave
- Paternity leave
- Adoption leave
- Shared parental leave
- Parental bereavement leave

The ECT should seek advice before deciding, e.g. discussing it with their line manager, mentor and/or union representative.

The academy will not make any outstanding assessments until the ECT returns to work and has had the opportunity to decide whether to extend (or further extend) their induction period. The academy will grant such a request.

If the ECT chooses not to extend (or further extend) the induction period, the academy will assess their performance against the Teachers' Standards.

## **22. Flexible working**

All staff can request flexible working, not just parents and carers. However, becoming a parent or carer and looking after children might make you think again about your flexible working options.

To find out about our trust's flexible working arrangements, see our Flexible Working Policy.

## **23. Monitoring arrangements**

This policy will be reviewed every 3 years.

At every review, this policy will be approved by the Trust Board.

## **24. Abuse of this policy**

Where an employee takes a period of family or parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue under our Disciplinary Procedure.

## **25. Links to other policies and forms**

This policy links to the following policies: *(available from the [Aspire website](#))*

- Leave of Absence Policy
- Data Protection Policy
- Flexible Working Policy
- Health and Safety Policy
- Staff code of conduct
- Sickness Absence Policy

and [ACAS shared Parental Leave Forms](#)

The following forms are also available from the [Aspire website](#)

- Appendix 1. Maternity/Adoption Leave Request Form
- Appendix 2. Paternity Leave Request Form



**Appendix 1: Maternity / adoption leave application form**

When completed and countersigned by your headteacher / line manager this form should be returned to the Academy Business Manager. Please ensure that you attach your original **MAT B1** Certificate to this form and that all details are **completed correctly and in full** to avoid delay in processing your maternity application.

<b>A: PERSONAL DETAILS (to be completed by Employee)</b>			
Name			
Home Address			
Telephone		Email	
NI number		Employee No	
Department		Hours of work per week	
If you have more than one post employed at Aspire Multi-Academy Trust please tick this box:			
Post details:		FROM	TO
<b>B: Maternity Details</b>			
Expected Week of Childbirth (Please attach your MAT B1 certificate)	/ /		
When do you propose to commence your maternity leave?	/ /		
Do you intend to return to work with this academy?	Yes / No / Undecided		
If YES when do you intend to return to work? (Please circle desired option)	After 26 weeks After 39 weeks After 52 weeks Other		
If other please specify date	/ /		
<b>Declaration (please sign one and delete the others):</b>			
<ul style="list-style-type: none"> <li>I agree to <b>return to work</b> with Aspire Multi Academy Trust for a minimum of 13 weeks* / 3 months** at the end of my maternity leave. Should I fail to return to work I will be liable to repay all of the maternity pay received, except for any SMP element to which I am entitled. SIGNED..... DATE.....</li> <li>I agree that I <b>will not be returning to work</b> with Aspire Multi Academy Trust at the end of my maternity leave SIGNED..... DATE.....</li> <li>I am <b>undecided as to whether or not I will not be returning to work</b> with Aspire Multi Academy Trust at the end of my maternity leave. SIGNED..... DATE.....</li> </ul>			
<b>In accordance with the Family leave policy 13 weeks* for teaching staff, 3 months** support staff</b>			
This application is endorsed by: SIGNED (Headteacher/Line Manager)		Date	
PRINT NAME (Headteacher/ Line Manager)			
Annual Leave arrangements agreed:			
Expectant mothers risk assessment completed:			

<b>FOR USE BY ACADEMY ADMINISTRATION DEPARTMENT</b>				
Maternity Leave Dates Approved:	From:		To:	
Actioned at payroll	Signed		Date	
Confirmation letter sent within 28 days	Signed		Date	

**Appendix 2. Aspire Multi-Academy Trust claim for ordinary statutory paternity pay leave/pay**



<b>SECTION A - To be completed by Employee</b>			
<b>Name (BLOCK CAPITALS)</b>			
<b>Address</b>			
<b>Personnel number</b>		<b>National Insurance no.</b>	
<b>Position</b>		<b>Full time/ part time</b>	
<b>Academy</b>			
<b>Full name of child's mother</b>		<b>Date of birth of child/ren</b>	
<b>Dates of Paternity Leave (inclusive)</b> <i>Please see section 8 of the Aspire Family Leave Policy for more details.</i>	<b>From:</b>	<b>To:</b>	
<b>I DECLARE THE INFORMATION GIVEN ABOVE IS CORRECT</b>			
<b>Signed</b>		<b>Date:</b>	
<b>SECTION B- To be completed by Line Manager/School</b>			
<b>I certify the paternity absence from/to is WITH PAY</b>			
<b>I certify the paternity absence from/to is WITHOUT PAY</b>			
<b>Date of Aspire continuous service</b>			
<b>Signature</b>		<b>Name (Print)</b>	
<b>Position</b>		<b>Date:</b>	
<b>ALL sections above must be completed before forwarding to your Academy Business Administrator.</b>			