Family Leave Policy

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Changes to this Edition

DATE	VERSION	DETAILS OF CHANGES
September 2025	1.0	First Edition
September 2026	2.0	No Changes

Introduction

St Francis Catholic Multi Academy Trust recognises its obligations to ensure that support is available to all employees combining career and family responsibilities.

This policy covers statutory provisions for the following types of leave:

- Maternity
- Paternity
- Adoption & Surrogacy
- Shared Parental
- Neonatal Care
- Carers
- Parental
- Parental Bereavement

Any payments that are due are subject to any TUPE terms and conditions.

The Trust operates across several LEA's, specific information relating to the pay allowances for Maternity and Paternity leave can be found within the appendix.

Some statutory entitlements are subject to length of service criteria.

Scope

The statutory rights described in this policy apply to all employees that have a contract of employment with the Trust or one of its member schools. This includes those with temporary or fixed term contracts. They apply to full-time and part-time employees, irrelevant of the number of hours they work.

Glossary of Terms

Terms relating to pay:

SMP: Statutory Maternity Pay *– payable to eligible employees who take maternity leave or leave employment because of pregnancy or childbirth. Payment of SMP is subject to qualifying conditions; subject to deductions for tax, NI and pension contributions, if applicable; and is payable only for complete weeks. Once paid SMP is not repayable. Link to SMP current rates:* Maternity pay and leave: Pay - GOV.UK

OMP: Occupational Maternity Pay *– enhanced level of maternity pay provided to eligible employees.*

MA: Maternity Allowance *– allowance payable by Job Centre Plus to employees not entitled to SMP.*

MPP: Maternity Pay Period *– the period during which SMP is payable to an eligible employee.*

Qualifying week: qualifying week for SMP *– the end of the 15th week before the expected week of childbirth (EWC) for the payment of SMP.*

LEL: Lower Earnings Limit *– point at which employees start to be treated as if they have paid NI contributions, link to current rate:* Rates and allowances: National Insurance contributions - GOV.UK

Terms relating to leave:

OML: Ordinary Maternity Leave *– the 26-week maternity leave period to which all pregnant employees are entitled to regardless of length of service or hours worked.*

AML: Additional Maternity Leave *– the 26-week maternity leave period, which immediately follows OML. The first 13 weeks of AML is paid, and the second 13 weeks is unpaid.*

CML: Compulsory Maternity Leave *– there is a statutory requirement that the first two weeks following a birth must be taken as maternity leave and no work undertaken.*

Terms relating to pregnancy/childbirth:

EWC: Expected Week of Childbirth *– the week in which the baby is due to be born as certified by the employee's doctor or midwife, identified on the maternity certificate (known as a MAT B1).*

MAT B1: maternity certificate *– the maternity certificate given to a pregnant woman by a doctor or midwife, which states the EWC and is issued after the 20th week of pregnancy. It is a requirement that this is given to the employer prior to payment of SMP being made.*

KIT: Keeping in Touch days *– employees on maternity leave or main adopters on adoption leave can attend work for up to 10 days during maternity leave without impacting their maternity leave. See section 1, pages 13 – 14.*

Section 1 – Maternity Leave and Maternity Pay

Informing your Manager

When do I tell my line manager/Headteacher I'm pregnant?

1.0.1 It is recognised that there may be different reasons why employees may wish to delay sharing that they are pregnant. Irrespective of whether you are eligible to paid maternity leave, we encourage you inform your line manager/Headteacher about your pregnancy as soon as you feel comfortable in doing so. This is to facilitate the completion of a pregnancy risk assessment to make sure you and your baby are safe at work **and that the Trust meets its health and safety obligations.**

1.0.2 If you prefer, your notification of pregnancy will be kept confidential until you decide to share your news with colleagues and other stakeholders that you work with.

There may be a need to share your pregnancy with other need-to-know staff and you will be informed who these staff are e.g. Headteacher and line manager.

Statutorily, if you are eligible to paid maternity leave, you should inform your line manager/Headteacher of your pregnancy no later than the 15th week before your expected week of childbirth (EWC) identifying the date the baby is due and when you plan to start your maternity leave.

1.1 I have concerns about my health and safety, what should I do?

1.1.1 If, after completing a pregnancy risk assessment, it is perceived by the school/Trust that any of your duties could put you or your baby's health at risk, arrangements will be made to reduce or remove any identified risks.

1.1.2 This might mean changing some of your duties or moving you to another area of work during your pregnancy e.g. move class and/or teach a different year group. If this is needed, this will be discussed with you. An occupational health referral, with your consent, may be arranged to inform any changes.

1.1.3 If you have any concerns at any time about risks or the pregnancy risk assessment, you should raise these with your line manager/Headteacher initially.

1.2 Can I take time off to attend antenatal appointments?

1.2.1 All pregnant employees have a right to paid time off to attend antenatal care, irrespective of your length of service. Antenatal appointments will usually include:

- Medically necessary scans arranged by your doctor and/or midwife.
- Any appointments with your doctor and/or midwife that you are required or are medically necessary to attend.

1.2.2 When arranging your antenatal care, you should try to, wherever practically possible, arrange appointments on non-working days or avoiding known busy periods for your role.

1.2.3 Antenatal care does not usually include 'parent craft' classes or relaxation classes, for example pregnancy yoga, unless you have been advised to attend these on medical grounds by a doctor or midwife.

1.2.4 If you are required to attend such classes, you must produce evidence of your appointments, if your manager asks you to do so. Your line manager should be informed as soon as possible so that cover can be arranged, where appropriate.

1.2.5 Antenatal care excludes non medically necessary 4D ultrasound scans that are arranged privately.

1.3 Can I take time off to attend IVF appointments

1.3.1 There is no automatic right to paid time off for IVF medical appointments and reference should be made to your school's Leave of Absence Policy and Procedure to request time off. Where IVF treatment is successful and you become pregnant, you are entitled to paid time off ante-natal care as outlined in section 1.2.

1.3.2 The Trust is committed to treating empathetically any request for IVF or other fertility treatment and your line manager/Headteacher may discuss the leave options available to you.

These options could include taking annual leave (for staff contracted for 52 weeks) or using unpaid leave (for term time only staff) whilst receiving treatment.

1.4 Can I keep school/Trust property while I am on maternity leave?

1.4.1 If you have any property that is required by the school or Trust, e.g. laptop or mobile phone, you must return these to your line manager/ Headteacher on your last day before your maternity leave commences.

Applying for Maternity Leave

1.5 How much maternity leave can I take?

1.5.1 You are entitled to six months Ordinary Maternity Leave (OML) and six months Additional Maternity Leave (AML), totalling a maximum allowance of 12 months' (52 weeks) maternity leave.

1.5.2 You are required to have a statutory minimum of 2 weeks maternity leave immediately following the birth of your child.

1.6 When can I start maternity leave?

1.6.1 You can start your maternity leave at any time after the start of the 11th week before your EWC. You can start your maternity leave on any day of the week.

1.6.2 The latest date you can start maternity leave is the day you give birth.

1.7 How do I apply for maternity leave?

1.7.1 You must write to your line manager/Headteacher no later than the 15th week before your EWC and it should state:

- that you are pregnant.
- your EWC date.
- the date that you wish your maternity leave to start.
- that you know you do not want to return to work or
- you intend to return to work or
- you are not sure if you will return to work at this time.

If you are not sure of your eligibility to enhanced occupational maternity pay, you can email Payroll on hrpmaternity@rotherham.gov.uk

The following documents need to accompany your notification:

- Your MAT B1 certificate. This shows the EWC and will be issued by a registered medical practitioner or midwife around the 20th week of pregnancy.

1.7.2 If you would like to change the date of your maternity leave after you have informed your line manager/Headteacher, you should, wherever practically possible, 28 days' notice of this change.

1.8 What happens if I'm off sick before starting maternity leave?

1.8.1 If you are off sick during your pregnancy, you should report your sickness in line with the Trusts Sickness Absence Policy and local reporting procedures.

1.8.2 If your absence is pregnancy related, you should make your line manager/ Headteacher aware of this when you report your absence and during any return-to-work meetings.

This is to ensure your line manager/Headteacher is fully aware of the nature of your absence and to consider any adjustments that can be made at work to support you. This may prompt the review and updating of your pregnancy risk assessments.

1.8.3 If you are off sick after the start of the fourth week before your EWC, and the absence is pregnancy related, then your maternity leave will start the following day.

1.8.4 You will receive confirmation in writing of your new maternity leave dates.

1.8.5 If your absence is not pregnancy related, you will remain on sick leave until the date you were due to start your maternity leave, unless you return earlier.

1.9 What is reasonable contact?

1.9.1 During your maternity leave, you and your manager can make reasonable contact to discuss issues such as your return to work, Trust job vacancies and any workplace developments.

1.9.2 This level of contact will be specific to your needs and can be pre-arranged in agreement with you and your line manager/Headteacher.

1.10 I'm on a fixed term contract with the Trust, what are my rights to maternity leave and pay?

1.10.1 If you are on a fixed term contract, please contact Payroll to check your eligibility for Occupational Maternity Pay (OMP), Statutory Maternity Pay (SMP) or Maternity Allowance (MA) by e-mailing hrpmaternity@rotherham.gov.uk

1.11 When will my maternity pay start?

1.11.1 Your maternity pay will start from the first day of your maternity leave.

1.12 How will my pay be affected if I leave the Trust?

1.12.1 If you leave your job for any reason after the start of your qualifying week (15th week before EWC), the Trust still pays you SMP (subject to eligibility) however you will lose any entitlement to any OMP (where eligible).

1.12.2 Should you accept an offer of employment with another employer during or at the end of your maternity leave you should inform your line manager/Headteacher when your start date will be. This may be checked with your new employer.

Upon your start date with the new employer the Trust will cease paying your SMP as you are no longer statutorily entitled to it.

Where you have been receiving OMP, the Trust will write to you about what monies you owe (the difference between OMP and SMP) up to the date of your new employment.

1.13 What happens if there is a pay rise whilst I'm on maternity leave?

1.13.1 Any new rates of pay will be applied to your maternity pay and back dated to the effective date. Any arrears of pay due will be paid in the next pay period. This will include changes to SMP rates (reviewed and

set by the Government). If you are on unpaid maternity leave, you will receive the new increased rates in arrears, if you are due any, upon your return to work or at the point of leaving if you decide not to return to work.

1.14 <u>How will I receive my maternity pay?</u>

1.14.1 You will be paid each month on your normal pay date and will be sent a payslip in the usual way. Any SMP you are entitled to is paid by the Trust but is shown separately on your payslip.

1.15 Can my partner share my maternity leave and pay?

1.15.1 You can transfer a proportion of your maternity leave (and pay where applicable) to your partner, providing they share the main responsibility of your baby's care. See Section 5, page 23 for Shared Parental Leave.

1.16 Does my period of maternity leave count as continuous service with the Trust?

1.16.1 Both paid and unpaid maternity leave is included as continuous service, therefore, this counts towards benefits that are related to your length of service.

1.17 Will my incremental progression be affected?

1.17.1 Incremental progression is not affected because you are on maternity leave.

1.17.2 You will remain subject to the requirements of the School Teachers Pay and Conditions/Burgundy Book or Green Book (support staff).

1.18 What happens if my baby is born prematurely?

1.18.1 If you give birth before the date you intended to start your maternity leave, your maternity leave and pay (where eligible) will start from the day after your baby is born. You must notify the school if this happens, and you will receive a letter confirming your new maternity leave dates.

1.19 What if my baby requires specialist Neonatal care?

1.19.1 See Neonatal Leave at Section 2, page 19 for further details.

Annual Leave and Bank Holidays

ANNUAL LEAVE AND BANK HOLIDAYS – TEACHING STAFF

1.20.1 Teachers have a statutory entitlement to 28 days annual leave and bank holidays pro rata during each leave year, which runs from 1 September to 31 August, however, this is not an entitlement that is in addition to school closure periods.

1.20.2 You will be entitled to take the statutory entitlement outside of your maternity leave. This leave can be offset by any period of school closure during the leave year i.e. both before and after your maternity leave.

1.20.3 On your return from maternity leave, if you have not been able to take your statutory entitlement you will be able to carry this forward to the following leave year. However, given the structure of the academic calendar and school closure periods, it is unlikely that you will be unable to take your statutory leave entitlement.

1.20.4 Pay in lieu of annual leave can only be made where employment ends and there is any outstanding leave (based on the statutory entitlement of 28 days pro rata to the amount of the leave year worked, minus the annual leave taken that year). This is unlikely to be the case given the structure of the academic year and school closure periods.

ANNUAL LEAVE AND BANK HOLIDAYS – SUPPORT STAFF

1.21 What annual leave am I entitled to?

1.21.1 The following does not apply to term-time only staff.

Full year employees

1.21.2 You will accrue annual leave as if you had been at work, even when you are on unpaid maternity leave.

1.21.3 You should endeavour to take your annual leave within in the existing annual leave year, either before or immediately after your maternity leave, or a combination of both wherever possible. This however will be dependent on your maternity leave start and end dates.

1.21.4 You may still carry forward 5 days leave (or pro rata if you are part time) from one leave year to the next with the agreement of your manager.

1.21.5 If you resign whilst on maternity leave, your annual leave will be calculated up to the date of your resignation. If you have taken more annual leave than you were entitled to the appropriate deductions will be made from your final salary. If you are owed any untaken accrued leave this will be paid to you with your final pay.

1.22 Am I entitled to Bank Holidays when I am on maternity leave?

1.22.1 **Full year employees**

1.22.2 Full year employees are entitled to the time off for any Bank Holidays that fall during your maternity leave.

1.22.3 You may either take these before starting maternity leave or upon your return to work. If you take them on your return, the Bank Holidays will be included as part of the maximum 5-day (pro rata) annual leave carried forward from one year to the next.

1.23 Term-time only employees

1.23.1 Term time employees have a statutory entitlement to annual leave and bank holidays during each leave year. This entitlement is incorporated in the pay formula for term time employees; therefore, there is no further entitlement to time off before or after your maternity leave.

Keeping In Touch (KIT) Days

1.26 Will I be able to work whilst on maternity leave?

1.26.1 By prior agreement with your manager/Headteacher, you may attend work up to 10 days' during your maternity leave. These are called Keeping in Touch (KIT) days.

1.26.2 This arrangement applies only to your contracted work for the Trust.

1.27 Will I be paid?

1.27.1 You will be paid your contractual hourly rate of pay for actual hours worked on a KIT Day, less any maternity pay received on that day. This may differ from your normal daily rate of pay.

1.28 Do I have to work full days?

1.28.1 Work on any day during your maternity leave period will count as one whole KIT Day, irrespective of the number of hours you have worked, up to a maximum of 10 days.

1.28.2 During any KIT days you can work less than your normal contracted daily hours.

1.28.3 The pay you receive for any KIT days will be for the number of hours worked on that day.

1.29 What type of work will I be able to do?

1.29.1 This will be agreed between you and your manager. KIT days can be used for any activity ordinarily classed as work under your contract of employment e.g. staff meetings, training, mandatory training, PPA.

1.30 What if I don't want to work any KIT days?

1.30.1 Returning to work after maternity leave can be daunting. KIT days are a useful way to become familiar with any changes that have happened during your leave, undertake training, meet new staff, and practice new family routines. However, should you not want to take up this opportunity it is not compulsory to do so.

1.30.2 KIT days need to be approved, and content agreed with your line manager/Headteacher.

1.30.3 Your line manager/Headteacher shall not insist on KIT days being worked, nor can a request be refused unreasonably.

1.31 Will I be able to claim my KIT days back and extend my Maternity Leave?

1.31.1 No, once you have agreed to work a KIT Day, that day cannot be taken back later to extend maternity leave or added to any annual leave entitlements.

1.31.2 Unused KIT days cannot be claimed either.

1.32 How will I know how many KIT days I have left?

1.32.1 Any record of KIT days taken will be held locally within your school, however you may wish to keep your own record to ensure you don't exceed 10 KIT days. From April 2025, KIT days will be recorded within the Trust's Arbor platform where you can access your attendance record.

1.33 What if I work part-time?

1.33.1 The arrangements for part time employees are the same as full time employees, however, it is reasonable for your normal working arrangements to be taken into consideration when deciding when KIT days may be worked.

1.34 I've been maintaining contact with my manager, does this count towards my KIT days?

1.34.1 No, contact with your manager does not fall within the definition of work and therefore will not count towards your 10 KIT days.

Returning to Work

1.4 When do I return to work?

1.4.1 Prior to starting your maternity leave, you will receive a letter informing you of the expected date of your return to work. This will normally be one year after the start of your maternity leave.

1.4.2 You are asked to liaise with your manager regarding your actual return date so that payroll can be notified to restart your contractual pay.

1.41 What if I change my mind about my return date?

1.41.1 If you decide to return earlier than the date you stated on your letter, then you must write to your manager providing at least 8 weeks' notice of the date you are going to return.

1.41.2 If you change your mind again, you must give a further 8 weeks written notice. Should you provide less than 8 weeks' notice, your request may be declined.

1.41.3 If you are due to return to work following maternity leave and you are pregnant once more, your subsequent maternity pay entitlement will be assessed based on your service and earnings in the preceding 15 weeks before the next baby's EWC date.

1.42 What is the earliest date I can return?

1.42.1 The earliest date you can return from maternity leave is two weeks from the date your baby is born.

1.43 Will I return to the same job when I return?

1.43.1 You will usually return to work in the same job, at the same place of work and on the same terms and conditions before your maternity leave. The exceptions are where there has been organisational change that has impacted your role whilst you were on maternity leave or where you have requested a change to your terms and conditions e.g. a flexible working request that has been approved.

1.43.2 In the event that any school or Trust forthcoming organisational change impacts your role or your terms and conditions, you will be consulted in accordance with the Protection from Redundancy (Pregnancy and Family Leave) Act 2023.

1.44 What if there is a staffing restructure whilst I'm on Maternity Leave?

1.44.1 If there are restructure proposals that affect your area of work, your manager will invite you to any staff consultation meetings, as if you were at work and you will receive the same information as other impacted staff. See section 1.43.2.

1.45 Can I apply for other jobs within the Trust whilst I'm on Maternity Leave?

1.45.1 You can apply for other jobs within the Trust whilst you are on maternity leave and if you are successful, you can commence the job upon your return from maternity leave.

1.46 Is there any help available to make my return to work easier?

1.46.1 You can speak to your manager about the content of a return-to-work programme prior to your return. This may cover any changes to your team and any changes to systems and procedures during your leave. If appropriate, refresher training and/or arrangements for any handovers can be discussed with your line manager during these conversations.

1.46.2 It is recommended that using up to 10 KIT days will provide you with the time to support your return to work. See section 1.31.

1.47 What if I'm unfit to return after my Maternity Leave ends?

1.47.1 If you are not fit to return to work following maternity leave, you should report your absence to your line manager in line with the Trusts Sickness Absence Policy and submit 'fit notes' in the usual way.

1.47.2 You will receive sick pay rather than maternity pay in accordance with your terms and conditions of employment.

1.47.3 If you believe your sickness absence is related to pregnancy or childbirth, for example, post-natal depression you should make your manager aware of this.

1.48 What if I decide not to return to work once my baby is born or return to work for fewer than 13 weeks?

1.48.1 If you decide not to return to work following the birth of your baby, you should tell your manager and submit your notice in the usual way.

1.48.2 If you had received OMP, you will be required to repay this sum from the start of the 7th week of maternity leave.

1.48.3 If you return to work and change your mind about returning, you will need to work 13 weeks (including notice period) prior to leaving to avoid having to repay OMP for the remaining of the 13 weeks that have not been worked.

1.48.4 If you were working part-time prior to maternity leave, you are required to complete the equivalent of 13 weeks service basis upon your part-time contracted hours. Should you not complete the equivalent of 13

weeks service you will be required to repay all OMP paid to you from the start of the 7th week of maternity leave.

1.48.5 Were you to move to part-time work, or a different part-time working pattern, upon your return to work, you can complete the equivalent of 13-week service on your new part-time basis prior to leaving.

Flexible Working

1.5 What if I return to work but want to amend my working hours/pattern?

1.5.1 Should you decide that following your maternity leave you would like to make a permanent change to your working hours/days/pattern, then you can submit a request a statutory 'Flexible Working Request'. Your school/manager can access and send you the Trust procedure and form for this.

1.51 Are there any facilities for breast feeding mothers?

1.51.1 If you are breast feeding your baby and need to express when you return to work, you should discuss with your line manager/ Headteacher before your return. A risk assessment will be completed to make sure there are no risks for you.

1.51.2 Arrangements will be made to provide a suitable place for you to express milk and a fridge to store it in.

1.51.3 The school will also provide a place for you to rest if necessary.

Section 2 – Adoption Leave and Surrogacy Adoption

Statutory adoption leave is to support parents to preparing for adoption or to care for a newly placed adoptive child.

2.0 Who is eligible for adoption leave?

2.0.1 You have the right to adoption leave from the first day of your employment, however adoption pay is subject to qualifying criteria.

2.0.2 To be eligible for adoption leave, you must:

- be an employee of St Francis Catholic Multi Academy Trust or one of it's schools.
- tell your line manager/ Headteacher of your intention to take adoption leave, providing the required notice, see section 2.1
- provide evidence of this see link: proof that that you're adopting or fostering to adopt.

- Have more than 26 weeks continuous service by the end of the week in which you are notified of the match (the matching week)

2.0.3 You must also, have been matched with a child through an adoption agency in the United Kingdon (UK). You're not entitled to take adoption leave for a private adoption. This is where no adoption agency is involved, for example if you're adopting a relative or stepchild.

2.0.4 Eligible employees can take up to 52 weeks Statutory Adoption Leave.

2.1 <u>When do I need to inform my line manager/Headteacher?</u>

2.1.1 At the very latest, you must inform your school within 7 days of either:
- being matched with a child for adoption.
- your adoption placement being confirmed, or if you're fostering a child permanently and becoming their legal parent ('fostering to adopt').

2.1.2 You should provide this notice in writing as soon as possible, but no more than seven days after the day you are matched with a child, unless this is not reasonably practicable. This information should include the date the child will be placed with you and the date you wish your adoption leave to start.

2.1.3 You are required to provide at least 28 days' notice of the date you want your Statutory Adoption Pay (SAP) to start, unless this is not reasonably practicable.

2.2 <u>If you are adopting as part of a couple</u>

2.2.1 This section applies to couples where either one or both adopters are employed by the Trust.

2.2.2 Only one of you can get adoption leave and pay. You and your partner should decide who will be the 'Main Adopter' and apply for adoption leave and pay. For any employees that are to be the 'Secondary Adopter' the statutory provisions for Paternity Leave and pay will apply.

2.2.3 You may also be eligible to use Shared Parental Leave and pay to take time off, subject to qualifying criteria. You and/or your partner can apply for this leave and the provisions can be found within the Shared Parental Leave and Pay section, 5 on page 21/22.

2.3 <u>If you are adopting as a single parent</u>

2.3.1 The provisions set out in the Maternity Leave and Maternity Pay section 1, page 4 will apply.

2.4 <u>Commencement of Adoption Leave and unforeseen ending of placement</u>

2.4.1 You can choose to start your leave from the date of the child's placement or from a fixed date which can be up to 14 days before the expected date of placement.

2.4.2 If the date of placement changes, you should give the appropriate notice to change the start date of the adoption leave, where reasonably practicable.

2.4.3 If the placement ends during the period of adoption leave, adoption leave can continue up to a further 8 weeks, unless your entitlement to leave and/or pay would have ended earlier in the normal course of events.

2.4.4 Circumstances in which the placement may end are:

- if the employee has commenced adoption leave and is subsequently notified by the adoption agency that the placement will not be made.
- the child is returned to the adoption agency.
- the child dies.

2.4.5 In the case of an unforeseen ending of placement, the employee should give immediate notice of their return to work, to comply with the notice periods

SURROGACY

2.5.1 For surrogacy, statutory arrangements enable employees to receive adoption pay (if they meet criteria including giving correct notice of the birth and verified proof of adoption/ surrogacy).

2.5.2 If you are not eligible for adoption pay, you will be entitled to unpaid parental leave upon becoming a parent, providing that:

- You intend to apply for a parental order when the child is living with you (where one parent is genetically related) or adopt the child (where there is no genetic relationship).
- You meet the qualifying conditions outlined in Section 7, page 27.

2.5.3 The father of a child born through surrogacy arrangements (provided he is registered as the father) and fulfils eligibility criteria, can take paternity leave. See section 3, page 18.

2.5.4 Female employees acting as the surrogate are entitled to maternity leave, maternity pay and OMP subject to eligibility criteria and relevant provisions as any other pregnant employee.

Section 3 – Pension Contributions & Trade Union Subscriptions

3.24 <u>What happens to my Teachers/Local Government Pension Scheme contributions?</u>

For Teaching staff:

3.24.1 You will pay pension contributions at your usual rate on all maternity pay you receive. The contribution is based on the pay you were getting just before unpaid maternity leave.

3.24.2 Your pension contributions will increase if a pay award or increment is applied to your salary during your maternity leave.

3.24.3Further information is available on the Teachers Pensions website.

Teachers' Pensions (teacherspensions.co.uk)

For Support Staff:

3.24.4 Your pension contributions will be determined on the actual pay received in the month you are paid and annualised to determine the pension banding. In most cases this will reduce the pension banding.

3.24.5 If you take unpaid maternity leave, you can choose whether to pay pension contributions during this time. To do this visit SYPA myPension - Home (sypensions.org.uk) for further information.

3.25 What about my Trade Union subscription?

3.25.1 If you are a member of a trade union and usually have your subscriptions deducted from your pay, the deductions will continue whilst you continue to be paid.

3.25.2 Whilst on nil pay, (AML) union deductions will cease. Please contact your union directly for further information.

3.25.3 It is your responsibility to inform your union about any unpaid maternity leave, so that their records can be updated, otherwise your membership may lapse. Your union may require notice for this, please check directly with your union.

3.25.4 You will remain a member of the Trade Union throughout your maternity leave, however once you return to work you should make sure that union payments recommence, should you wish them to do so, otherwise your membership may stop.

Section 4 – Neonatal Care Leave (NCL) & Statutory Neonatal Care Pay* (SNCP)

4.0 What constitutes Neonatal care?

4.0.1Neonatal care is available for qualifying employees whose child is born on or after 6 April 2025. It includes:

- Medical care in a hospital

- Medical care received elsewhere following a baby's discharge from hospital provided it under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals; or
- Palliative or end of life care.

4.0.2The baby must need neonatal care in hospital up to the age of 28 days and be continuous, for at least seven days.

4.1 Who is eligible for Neonatal Care Leave (NCL)?

4.1.1 All employees can access Neonatal Care Leave (NCL) from their first day of employment. To qualify for NCL, you must be:

- The child's parent, intended parent (under a surrogacy arrangement), or the partner of the child's mother at the time of birth.
- The child's adopter or prospective adopter (or their partner), including cases of international adoption.

Additionally, you must have or expect to have responsibility for the child's upbringing and must take the leave to care for the child.

4.2 How much NCL am I entitled to?

4.2.1 The duration of NCL depends on the length of time the baby needs neonatal care although it is capped at 12 weeks. Parents can take one week of leave for each week the baby receives uninterrupted neonatal care, starting the day after the care begins.

4.2.2 NCL must be taken within 68 weeks of the baby's birth or adoption at birth. In most cases, it will be added to the end of your family-related leave, such as maternity or paternity leave, to compensate for the time the baby spent receiving neonatal care (capped at 12 weeks).

4.2.3 There are slightly different rules that apply which depend on when a parent takes NCL. These are known as tier 1 and tier 2:

- **Tier 1**: If NCL is taken while the baby is receiving care (and up to a week post-discharge), it is classified as a tier 1 period. An employee can take tier 1 leave in non-continuous blocks of at least one week at a time.
- **Tier 2**: All other leave falls within the tier 2 period and must be taken in one continuous block.

4.3 Who is eligible for Statutory Neonatal Care Pay (SNCP)?

4.3.1 The right to receive SNCP requires a minimum of 26 weeks continuous service with the Trust/ your school and earnings meeting the lower earnings limit currently an average of at least £125 a week (with effect from 6 April 2024/5) link: SNCP

4.3.2 SNCP will be paid at the same rate as other family-related statutory payments (£187.18 from 6 April 2025) or 90% of earnings if lower.

4.3.3 If you do not meet the eligibility criteria for SNCP, any successful application for NCL will be classed as unpaid leave.

4.4 Informing your line manager/Headteacher

4.4.1 The trust understands that for any employees to consider an application for NCL and SNCP they will undoubtedly be going through an emotional and worrying time. In order for your application for NCL and SNCP to be granted, you should provide your manager or Headteacher with any medical evidence you have in support of your application.

4.4.2 Any requests for supplementary information made by your manager or Headteacher will be done so sensitively and with the upmost consideration to support you in ensuring that your application is successful.

4.4.3 During the tier 1 period, you will need to give notice to your line manager/Headteacher before the start of each week of leave. We would encourage you to submit any notice in writing, however this can be verbal if circumstances mean providing written notice is not feasible.

4.4.4 During the tier 2 period, you must provide written notice 15 days before you wish to take a single week of leave or 28 days advance notice if you want to take two or more consecutive weeks.

4.6 How much will I be paid?

4.6.1 Should you meet the eligibility criteria for SNCP, you would be paid the minimum statutory rate a week or 90% of your average earnings, whichever is lower, for every week the child is in neonatal care.

Section 5 – Paternity Leave & Paternity Pay

Statutory paternity leave and paternity pay are available to the child's father (or 'Secondary Adopter') or the spouse or partner of the child's mother. The provisions apply whether the employee's service is full time or part time (irrespective of the number of hours), or is permanent or temporary, subject to the conditions of the scheme being met.

5.0 How do I qualify?

5.0.1 To qualify for paternity leave, you should:

- Be the child's father (or 'Secondary Adopter') or the spouse or partner of the child's mother.
- Have, or expect to have, responsibility for the child's care.

- Have been continuously employed for at least 26 weeks ending with the 15th week before the EWC; or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas).
- Give reasonable notice and evidence to the school of your intention to take statutory paternity leave.

5.1 <u>When do I need to tell my employer?</u>

5.1.1 To take statutory paternity leave, you must inform your line manager/Headteacher that:

- Your partner is having a baby.
- You are the child's father, or you are married to, the civil partner or partner of the mother or birth parent. This includes same sex couples.
- You are planning to take paternity leave.
- The expected week of childbirth.

You must provide this information before the end of the 'qualifying week'.

5.1.2 To work out the qualifying week, use a calendar to count back 15 weeks from the week the baby is due. The qualifying week starts on a Sunday and ends on a Saturday.

5.2 <u>How much leave can I take?</u>

5.2.1 Employees eligible for statutory paternity leave have the right to choose to take either two consecutive weeks' leave together, or two separate blocks of one week.

5.2.2 This leave cannot be taken in single days.

5.2.3 Paternity leave cannot be taken before the birth (or placement) of the child and must be taken in the first 52 weeks after birth (or placement).

5.3 <u>How much pay will I be entitled to?</u>

5.3.1 For the specific Paternity Pay entitlements relevant to your school/LEA, please review the appendix at the end of this document.

5.4 <u>I don't qualify for statutory paternity pay, what can I do?</u>

5.4.1 If you don't qualify for statutory paternity leave, you should speak with your line manager/Headteacher to discuss whether any alternative, authorised leave of absence can be taken.

5.5 <u>What if my baby is born early or prematurely</u>?

5.5.1 In the case that your baby is born early, or prematurely (more than 3 weeks before the date they were expected to be born), you can take your paternity leave from the date the baby is born and this must be taken in the first 52 weeks after birth (or placement).

5.5.2 To change the dates of your planned paternity leave to accommodate an early or premature birth, you should provide your line manager/Headteacher with as much notice as is reasonably practical.

5.6 <u>What if my baby is born late?</u>

5.6.1 If your baby is born late, you must inform your line manager/Headteacher the new date you are starting paternity leave as soon as you can.

5.6.2 If you would like to take time off before the birth, you should discuss this with your line manager/Headteacher whether any alternative, authorised leave of absence can be taken e.g. unpaid/annual leave (52 week support staff).

Section 6 – Baby Loss, Still Birth & Bereavement

6.0 What if I suffer a miscarriage or still birth?

6.0.1 In the sad event that your baby is stillborn, or dies shortly after birth, after a pregnancy of 24 weeks or more, you will be entitled to your full maternity leave and pay, should you wish to take it.

6.0.2 Any absence due to a miscarriage prior to 24 weeks of pregnancy will be treated as sickness absence provided it is covered by a doctor's certificate.

6.1 What if my partner suffers a miscarriage or still birth?

6.1.1 In the sad event that your baby is stillborn, or dies shortly after birth, after a pregnancy of 24 weeks or more, you will be entitled to your paternity leave and paternity pay.

6.1.2 You can take your paternity leave:

- At the time it was planned for – if you had already booked the leave before the baby died.
- Within 8 weeks of the baby's death – if you had not already booked paternity leave.

6.1.3 Any absence due to a miscarriage prior to 24 weeks of pregnancy will be treated as sickness absence provided it is covered by a doctor's certificate.

Signposting and resources

Statutory Parental Bereavement Pay and Leave: What you can get - GOV.UK (www.gov.uk)

Baby loss information and support | Tommy's (tommys.org)

The Miscarriage Association:Pregnancy Loss Information & Support

Education Support, supporting teachers and education staff

Section 7 - Shared Parental Leave (SPL)

7.0 What is shared parental leave?

7.0.1 Working couples are entitled to a period of leave from work following the birth of their child. SPL can replace traditional maternity or paternity leave and up to 50 weeks of leave can be taken between a couple during the child's first year. A couple can also share an allocation of 37 weeks of pay.

7.1 Are education staff eligible for shared parental leave?

7.1.1 Birth parents, adoptive parents, partners with caring responsibilities for the baby/child and parents using a surrogate qualify for SPL.

7.1.2 You or your partner must qualify for maternity pay and/or leave, adoption pay and/or leave or maternity allowance. You must also:

- have at least 26 weeks' continuous service at the end of the 15th week before the expected week of childbirth (or the date you are matched with your child).
- Remain employed by the same school/Trust during SPL.

7.1.3 For the 66 weeks before the week the baby is due (or matched with you), your partner must:

- Have been working for at least 26 weeks (these do not have to be in a row).
- Have earned at a minimum amount during 13 of the 66 weeks (add up the highest paying weeks - these do not need to be in a row). See see link for current rates: Shared Parental Leave and Pay: Eligibility for birth parents - GOV.UK

7.1.4 Your partner does not have to be working at the date of birth or when you start SPL.

7.2 How much leave and pay will I get?

7.2.1 You are entitled to up to 50 weeks of SPL and 37 weeks of statutory shared parental pay (SPL). This will replace any statutory maternity or paternity pay and leave.

7.2.2 **Statutory shared parental pay** (SPL) is paid at the lower rate of SMP* or 90% of your average weekly earnings, whichever is lower.

Statutory maternity pay (SMP) is paid at the same rate except the first 6 weeks – this is paid at 90 per cent of your earnings (with no maximum).

For example, someone earning £200 a week, taking SMP, will be paid 90% of their salary per week for the first 6 weeks of maternity leave, then £187.18* for the remainder of their maternity leave.

If they switched to SPL, they would still be paid £187.18* a week (for up to 37 weeks).

Most parents will take SMP for at least the first 6 weeks of parenthood, switching to SPL when the rate reduces.

*as at 6 April 2025, see link for current rates: Maternity pay and leave: Pay - GOV.UK

7.3 When can I start Shared Parental leave?

7.3.1 Following a birth or adoption, the mother or person claiming adoption must take a compulsory two weeks of maternity or adoption leave.

7.3.2 To start SPL and SPL, the parent receiving maternity or adoption leave must end this by either returning to work or giving binding notice (i.e. this cannot be changed) of this end date.

7.3.3 You can start SPL and SPL while on maternity leave if you have given your school/Trust binding notice.

7.4 How should I notify my school/the Trust?

7.4.1 You must give your employer at least eight weeks of notice, in writing, of your decision to end maternity leave/pay and take up SPL and/or SPL.

The date you inform the school/Trust is binding and cannot be changed.

For SHPL forms, please contact Payroll by e-mailing hrpmaternity@rotherham.gov.uk

Further information can be found on the ACAS website: Planning leave - Shared parental leave and pay - Acas

7.5 Do I have to take my leave in one go?

7.5.1 You can book up to three separate periods of SPL - it does not have to be continuous. If your partner is also eligible, you can take up to three periods of leave each. You can take leave at different times or both at the same time.

7.5.2 For example, you can take six straight weeks of SPL (a continuous period) or a discontinuous block for example, three separate weeks at work and another three separate weeks of SPL.

7.6 Can my request be refused?

7.6.1 Your employer cannot refuse a request for a continuous block but can refuse a request for a discontinuous block. A discontinuous block automatically becomes continuous unless you withdraw the request.

7.6.2 You must tell your employer about your plans for leave when you apply. You can change these plans later, by providing eight weeks' notice.

Section 8 – Parental Leave

8.0.1 The right to parental leave offers qualifying parents the right to take a period of unpaid time off work to look after a child or to arrange care for the child. Parents can also use it to spend more time with their children.

Link: Unpaid parental leave: Overview - GOV.UK

8.0.2 The term 'Parents' includes birth mothers, fathers, adoptive parents (including step-parents) and those who are responsible for the day-to-day care of a child.

8.0.3 Your employment rights are protected including future pay increments, pay rises, and accrued leave (52-week support staff only).

8.0.4 All eligible employees are entitled to a total of 18 weeks'* leave for each qualifying child up to the age of 18. The child must have lived with you for 4 weeks or more at the date of death.

Eligible parents are those that are responsible for the day-to-day care of the child up to their death.

8.0.5 Parental leave is for each child, therefore if an employee has twins, the leave is doubled.

8.0.6 Employees can take a maximum of 4 weeks* per year per child, which can be taken in blocks or multiples of one week (except in the case of parents of children with disabilities who can take leave in blocks or multiples of one day).

**A week means your contract weekly hours/days.*

8.1 <u>Who is eligible for Parental Leave?</u>

8.1.1 Parents of children up to age 18 may have the right to parental leave. To qualify, employees must:

- Have one year's continuous service.
- Be named on the child's birth or adoption certificate, or they have or expect to have parental responsibility.

8.1.2 If the employee is separated from the spouse or partner and don't live with their child (or children) they maintain the right to parental leave if they keep formal parental responsibility for the child (or children).

8.1.3 Foster parents (unless they have secured parental responsibility through the courts) do not have the right to parental leave but may be able to request a flexible working pattern (see Flexible Working Policy for further guidance).

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

8.2 <u>How should I notify my School/ Trust?</u>

8.2.1 If you wish to request a period of Parental Leave, you must give your line manager/Headteacher at least 21 days' notice. This request should be put in writing, stating the dates on which the leave is to begin and end.

8.2.2 Your School/Trust can ask for evidence to confirm that you are the parent or the person legally responsible for the child; relevant evidence may be identified within the child's birth certificate or adoption papers for example.

8.2.3 The School/Trust can postpone the leave for up to six months where services provided by the school/Trust would be disrupted if the leave was taken at the time requested, but it cannot be postponed so that the leave ends after the child's 18th birthday.

8.2.4 The School/Trust will notify you of the decision, including the reason for postponement and alternative dates (up to 6 months ahead) during which the Parental Leave can be taken within 7 days of the original request.

8.2.5 An employee may elect to take a period of Parental Leave from the date of childbirth or from the date of adoption, in which case the School/Trust cannot delay the date of the leave. The employee must give 21 days' notice before the EWC, or 21 days before the week in which adoption placement is to occur.

8.2.6 If a mother wishes to take a period of Parental Leave immediately following her Maternity leave, she should also ensure that she submits this request to the School/Trust with at least 21 days' notice.

STATUTORY PARENTAL BEREAVEMENT LEAVE

8.3 **Statutory Parental Bereavement Leave (SPBL)**

8.3.1 Statutory Parental Bereavement Leave (SPBL) can be taken by employees of the School/Trust in the sad event that their child dies under the age of 18 or is stillborn after 24 weeks' pregnancy.

8.3.2 There is no qualifying length of service to access SPBL (from day one of employment with the Trust).

8.3.3 Eligible parents can take up to a maximum of 2 Weeks SPBL. If more than 1 child dies (i.e. multiples or siblings), eligible parents are entitled to 2 weeks SPBL for each child.

8.3.4 SPBL can be taken at any time in the 56 weeks following the child's death.

8.4 Giving notice to take SPBL

8.4.1 Eligible employees must inform their school/Trust of their intention to take SPBL.

8.4.2 To give notice, the employee must tell the Trust when they want the leave to start, whether they want to take 1 or 2 weeks leave and the date their child died.

8.4.3 If the request for leave is within 8 weeks (56 days) of their child dying, an employee can start their leave as soon as they give notice.

8.4.4 An employee must tell the school/Trust before they start their leave. This can be on the first day of leave as long it's before they're due to start work. For example, if they have started work and give notice to start their leave straight away, SPBL will start the following day.

8.4.5 If leave will be taken more than 8 weeks (56 days) since their child died, the employee must give the school/Trust 1 week's notice to take the leave.

8.4.6 If an employee wishes to cancel their leave, any cancelled leave can be taken later by giving noticeagain

8.5 Statutory Parental Bereavement Pay

8.5.1 Statutory Parental Bereavement Pay (SPBP) can be claimed by employees of the School/Trust in the sad event that their child dies under the age of 18 or is stillborn after 24 weeks' pregnancy.

8.5.2 To be eligible for SPBP, eligible parents must:

- have been employed at the school/Trust for at least 26 weeks on the Saturday before the child's death.
- earn on average at least with effect from 1 April 2025, £125 per week gross (before tax) over an 8-week period.

8.5.3 Eligible employees will receive either the statutory minimum payment (can be found here) or 90% of their average weekly earnings, whichever is lower.

8.5.4 To claim SPBP, eligible employees must inform their school/Trust of their intention to receive SPBP. A request must be submitted in writing and confirm the following:

- their name.
- their entitlement to Statutory Parental Bereavement Pay.
- the start and end dates of the leave they want to claim the pay for.
- the date of their child's death.

8.6 How does Parental Bereavement Leave work with other types of family leave?

8.5.1 If you are taking another type of statutory leave e.g. maternity or paternity leave when the child dies or stillbirth happens, your Parental Bereavement Leave must start after the other leave has ended but does not have to be immediately after this. This includes statutory leave for another child.

8.5.2 If your Parental Bereavement Leave is interrupted by the start of another type of statutory leave you can take your remaining entitlement to Parental Bereavement leave after that other leave has ended.

8.5.3 Your remaining Parental Bereavement Leave must still be taken within 56 weeks of the date of the death or stillbirth.

8.5.4Parental Bereavement Leave can be taken in between blocks of Shared Parental Leave. See Section 5, page 21.

Section 9 – Carers Leave

9.0 Who is eligible for Carers Leave?

9.0.1 To be eligible for carers leave you must:

- be an employee of the Trust, and
- have a recognised dependent who requires long-term care.

9.0.2 A dependent is recognised as one of the following people:

- your husband, wife, civil partner or partner.
- your child.
- your parent.
- a person who lives in your household that is not a tenant, lodger or employee.
- a person that relies on you for care, such as an elderly neighbour.

9.0.3 The Trust recognises that there may be circumstances where an employee might need to care for more than one dependent at any one time. In these circumstances, you can only take a total of one working week's Carers Leave, (contractual week) however you can use that week for more than one dependent.

9.0.4 Statutory Carers leave is unpaid.

9.1 What constitutes long term care?

9.1.1 A dependant has a long-term care need if they have any of the following:

- a disability as defined under the Equality Act 2010.
- an illness or injury that is likely to need care for at least 3 months.
- a care need related to old age.

9.2 What can I use Carers Leave for?

9.2.1 Below are examples of circumstances in which you could use Carers Leave:

- taking your disabled child to a hospital appointment.
- moving your parent who has dementia into a care home.
- accompanying a housebound dependant on errands/day trip.

9.2.2 This list is not exhaustive. If you have circumstances that are not listed above but perceive they fit the criteria for Carers Leave, you should contact your line manager/Headteacher for further guidance.

9.3 How much leave can I take?

9.3.1 You can take up to 1 week of unpaid Carer's Leave every 12 months. You can choose to take the leave as either:

- half days.
- full days.
- a whole week.

9.3.2 The minimum amount of leave an employee can take in any one request for Carers Leave is for half a day.

9.3.3 All teaching and support staff are entitled to a period of unpaid Carers Leave that is equal to their usual working week. For example, if you work 3 days a week, you can take up to 3 days of Carers Leave.

9.4 What if I'm employed part-time or on a variable hour's contract?

9.4.1 If you are employed on a part time or variable hours contract, the school/Trust will use the below calculation to determine how much unpaid Carers Leave you can take:

- total hours worked in the previous 12 months (including holiday or family leave) divided by either 52 weeks, or the number of weeks you have worked (if you have been employed for less than 1 year), or are contracted to work per calendar year.

9.5 How much notice should I provide?

9.5.1 Prior to taking Carer's Leave, you must provide written notice to your line manager/Headteacher. We encourage you to provide as much notice as is practically possible so that cover can be arranged.

9.5.2 The minimum notice you must give is dependent on the amount of leave you are requesting to take. This is set out in the table below:

Number of days requested	Minimum notice required
Half day to 1 day	3 days
1.5 to 2 days	4 days
2.5 to 3 days	6 days

3.5 to 4 days	8 days
4.5 to 5 days	10 days

9.5.3 Any application made without the require notice may be declined.

Section 10 – Maternity & Paternity Pay Entitlements

Please contact Payroll for your maternity and paternity pay entitlement on hrpmaternity@rotherham.gov.uk

Section 11 – Appendices

Appendix 1 – Conducting a Risk Assessment for New/Expectant Mothers - A Guide for Headteachers