SOUTH EAST ESSEX ACADEMY TRUST

Family Leave Policy

Title	Family Leave Policy
Author	Director of People
Owner	Director of People
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1 SCOPE AND PURPOSE

1.1 South East Essex Academy Trust is committed to supporting all employees during important life events, including those related to family responsibilities. This policy outlines the provisions for maternity, paternity, adoption, shared parental leave, neonatal care leave and bereaved partner's paternity leave, in compliance with current UK legislation.

1.2 By bringing together the family leave policies into one amalgamated policy SEEAT seek to maintain a supportive, inclusive and diverse workforce, whilst encouraging our staff to find a work/life balance, which suits them no matter what their role within SEEAT.

2 DEFINITIONS

The definitions in this paragraph apply in this policy.

2.1 **Expected Week of Childbirth** means the week, starting on a Sunday, in which the employee's doctor or midwife expects them to give birth;

2.2 **Qualifying Week** means the fifteenth week before the Expected Week of Childbirth or the week, starting on a Sunday, in which an employee is notified in writing by an adoption agency of having been matched with a child;

2.3 **Intended Start Date** means the date on which the employee would like to start their maternity leave.

2.4 **Ordinary Maternity Leave (OML)** means a period of up to 26 weeks' leave available to all employees who qualify for maternity leave.

2.5 **Additional Maternity Leave (AML)** means a further period of up to 26 weeks' leave immediately following OML.

2.6 **Expected Placement Date** means the date on which an adoption agency expects that it will place a child into an employee's care with a view to adoption.

2.7 **Ordinary Adoption Leave** (OAL) means a period of up to 26 weeks' leave available to all employees who qualify for adoption leave

2.8 **Additional Adoption Leave** (AAL) means a further period of up to 26 weeks' leave immediately following OAL.

2.9 **Partner** means spouse, civil partner or someone (whether of a different sex or the same sex) with whom an employee lives in an enduring family relationship, but who is not their parent, grandparent, sibling, aunt, uncle, niece or nephew;

2.10 **Job** means the nature of the work an employee is employed to do and the capacity and place in which they are so employed.

2.11 **Parent** means one of two people who will share the main responsibility for the child's upbringing (and who may be the mother, the father, or the mother's Partner if not the father).

3 MATERNITY

Notification

3.1 An employee should inform their line manager as soon as possible that they are pregnant. This is important as there may be health and safety considerations.

3.2 Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, an employee must tell their line manager:

- that they are pregnant;
- the Expected Week of Childbirth (EWC); and
- the Intended Start Date.

3.3 An employee must provide a certificate from a doctor or midwife (usually on a MATB1 form) confirming their EWC.

Pregnancy Related Absence

3.4 If an employee is pregnant, they may take reasonable paid time off during working hours for ante-natal care. The employee should try to give the school as much notice as possible of the appointment.

3.5 Periods of pregnancy-related sickness absence shall be paid in accordance with the contract of employment in the same manner as any other sickness absence.

3.6 Periods of pregnancy-related sickness absence from the start of an employee's pregnancy until the end of their maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

3.7 If an employee is absent for a pregnancy-related reason during the four weeks before their Expected Week of Childbirth, the maternity leave will usually start automatically on the day following the first day of absence.

Health and Safety

3.8 SEEAT has a general duty to take care of the health and safety of all employees. The Headteacher, through their delegated authority, is therefore required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

3.9 The Headteacher will provide an employee with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If the Headteacher considers that, as a new or expectant mother, an

employee would be exposed to health hazards in carrying out their normal work they will take such steps as are necessary (for as long as they are necessary) to avoid those risks. This may involve:

- changing an employee's working conditions or hours of work
- offering an employee suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- suspending an employee from duties, which will be on full pay unless they have unreasonably refused suitable alternative work.

Maternity Leave

3.10 The earliest date an employee can start maternity leave is 11 weeks before the Expected Week of Childbirth (unless the child is born prematurely before that date).

3.11 An employee must notify the Headteacher of their Intended Start Date in accordance with this policy. The Headteacher will then request the Trust HR function write to the employee within 28 days to inform them of the date they are expected to return to work if they takes their full entitlement to maternity leave (Expected Return Date).

3.12 An employee can postpone their Intended Start Date by informing the Headteacher in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.

3.13 An employee can bring forward the Intended Start Date by informing the Headteacher at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

3.14 Maternity leave shall start on the earlier of:

3.14.1 the Intended Start Date (if notified to the Head Teacher in accordance with this policy); or

3.14.2 the day after any day on which an employee is absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or

3.14.3 the day after an employee gives birth.

3.14.4 If an employee is absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth, she must let Headteacher know as soon as possible in writing. Maternity leave will be triggered to start the day after the pregnancy related absence starts

3.15 If an employee gives birth before the maternity leave was due to start, she must let the Headteacher know the date of the birth in writing as soon as possible.

3.16 The law prohibits an employee from working during the two weeks following childbirth.

3.17 Shortly before an employee's maternity leave starts the Headteacher will discuss with them the arrangements for covering their work and the opportunities for them to remain in contact, should they wish to do so, during the maternity leave.

Maternity Pay – Statutory Maternity Pay (SMP) & Occupational Maternity Pay (OMP)

3.18 Teachers with more than 1 years' service at the 11th week before the date of their EWC will be entitled to OMP in line with Burgundy Book terms and conditions.

3.18.1 OMP is paid for a continuous period of up to 39 weeks.

3.18.2 For the first four weeks, the teacher will be paid at 100 per cent of salary offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.

3.18.3 Weeks 5-6 are paid at 90 per cent of salary offset against payments made by way of SMP or MA for employees not eligible for SMP

3.18.4 Weeks 7-18 are paid at 50 per cent of salary plus SMP or MA at the current statutory rate without deductions except by the extent to which the combined pay and SMP (or, if not eligible for SMP, maternity allowance and any dependants' allowances) exceeds full pay

3.18.5 The remaining 21 weeks are paid at the current SMP or MA rate, as appropriate.

3.18.6 Up to 13 weeks unpaid maternity leave up to the date of return notified by the teacher.

3.18.7 Teachers who do not return to work for a minimum of 13 weeks' after their maternity may be required to repay any occupational maternity pay which they received during their maternity leave.

3.19 Support staff with more than 1 years' service at the 15th week before the date of their EWC will be entitled to OMP in line with the Trust's pay and conditions

3.19.1 OMP is paid for a continuous period of up to 39 weeks.

3.19.2 For the first six weeks, the employee will be paid SMP based on 90% of an average week's pay.

3.19.3 Weeks 7-18 are paid at 50 per cent of salary plus SMP or MA at the current statutory rate without deductions except by the extent to which the combined pay and SMP (or, if not eligible for SMP, maternity allowance and any dependants' allowances) exceeds full pay

3.19.4 The remaining 21 weeks are paid at the current SMP or MA rate, as appropriate.

3.19.5 Up to 13 weeks unpaid maternity leave up to the date of return notified by the employee.

3.19.6 Support staff who do not return to work for a minimum of 3 months' after their maternity may be required to repay any occupational maternity pay which they received during their maternity leave.

3.20 Teachers with less than 1 years' service at the 11th week before the date of their EWC and support staff with less than 1 years' service at the 15th week before the date of their EWC will be entitled to SMP or MA.

3.20.1 Where applicable SMP payments will be:

Maternity Leave	**Entitlement**
Weeks 1 – 6	SMP based on 90% of an average week's pay
Weeks 7-39	SMP at the current standard rate or 90% of an average week's pay if this is less
Weeks 40-52	Unpaid

3.21 Employees with less than 26 weeks service at the 15th week before the EWC, will not be eligible for SMP, but may qualify for MA from the department for work and pensions or SMP from their previous employer.

3.22 All the terms and conditions of an employee's employment remain in force during Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML), except for the terms relating to normal pay.

Annual Leave

3.23 During OML and AML, annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.

3.24 This entitlement applies to all employees including term time only and teachers. Advice should be sought from the Trust HR function as to the appropriate calculation.

Pensions

3.25 For details of the implication of OML and/or AML on pensions the employee should contact their respective pension fund for advice.

Keeping In Touch (KIT)

3.26 An employee's line manager may make reasonable contact with them from time to time during the maternity leave.

3.27 An employee may work (including attending training) for up to ten days during maternity leave without bringing their maternity leave or SMP to an end. The arrangements, including pay, would be set by agreement with the Headteacher. Employees are not obliged to undertake any such work during maternity leave. In any case, an employee must not work in the two weeks following birth.

Returning to Work

3.28 Once an employee has notified the Headteacher in writing of their Intended Start Date, the Trust HR function shall send them a letter within 28 days to inform them of their Expected Return Date. If an employee's start date has been changed (either because they provided notice to change it, or because maternity leave started early due to illness or premature childbirth) the HR function shall write to the employee within 28 days of the start of maternity leave with a revised Expected Return Date.

3.29 An employee will be expected to return to work on their Expected Return Date unless they tell the Headteacher otherwise. It will help the Headteacher if, during a period of maternity leave, the employee is able to confirm that they will be returning to work as expected.

3.30 Shortly before the employee is due to return to work, the Headteacher should invite them to have a discussion (whether in person or by telephone) about the arrangements for their return. This may cover:

- updating the employee on any changes that have occurred during their absence;
- any training needs the employee might have; and
- any changes to working arrangements (for example if the employee has made a flexible working request;).

3.31 If an employee wishes to return to work earlier than the Expected Return Date, they must give the Headteacher eight weeks' prior notice in writing.

3.32 If not enough notice is given, the Headteacher may postpone the employee's return date until eight weeks after they gave notice, or to the Expected Return Date if sooner.

3.33 If an employee is unable to return to work due to sickness or injury, this will be treated as sickness absence in accordance with the SEEAT Sickness Absence Policy.

3.34 If an employee does not intend to return to work following their maternity leave, they should provide notice of resignation in accordance with the terms of their contract of employment. Wherever possible the amount of maternity leave left to run when an employee gives notice must be at least equal to her contractual notice period, otherwise the school may require them to return to work for the remainder of the notice period.

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Rights When Returning

3.35 An employee is normally entitled to return to work in the same position as they held before commencing OML. An employee's terms of employment shall be the same as they would have been had they not been absent.

3.36 However, if an employee has taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for the school to allow them to return into the same position, SEEAT may offer them another suitable and appropriate job on terms and conditions that are not less favourable.

3.37 In the event of a redundancy situation, an employee on maternity leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

4 SHARED PARENTAL LEAVE

4.1 Shared Parental leave (SPL) is a form of leave that may be available if the employee's child is expected to be born on or adopted after 5 April 2015.

4.2 It gives the employee and their Partner more flexibility in how to share the care of their child in the first year after birth or placement than simply taking maternity, paternity and/or adoption leave. Assuming the employee and their Partner are both eligible, they will be able to choose how to split the available leave between them, and can decide to be off work at the same time or at different times. The employee may be able to take leave in more than one block.

Entitlement To Shared Parental Leave

4.3 The employee is entitled to SPL in relation to the birth or adoption of a child if:

- the employee is the child's mother, and share the main responsibility for the care of the child with the child's father (or their Partner, if the father is not their Partner);
- the employee is the child's father and share the main responsibility for the care of the child with the child's mother; or
- the employee is the mother's Partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- An adoption agency has placed a child with them and/or their Partner for adoption and the employee intends to share the main responsibility for the care of the child with their Partner.

4.4 The following conditions must also be fulfilled:

- the employee must have at least 26 weeks continuous employment with SEEAT by the end of the Qualifying Week, and still be employed by SEEAT in the week before the leave is to be taken;

- the other Parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least the current Lower Earnings Limit; and

- the employee and the other Parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, adoption leave, statutory maternity pay (SMP), statutory adoption leave (SAP) or maternity allowance (MA) periods.

4.5 The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave or parent on adoption leave.

4.6 If the employee is the birth mother they cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

4.7 If the employee is the child's father or the mother's Partner, paternity leave is a separate entitlement from SPL. Paternity Leave and Pay may be taken before or after Shared Parental Leave and Pay, subject to the employee meeting the relevant eligibility and notice requirements.

Opting In To Shared Parental Leave And Pay

4.8 Not less than eight weeks before the date the employee intends their SPL to start, the employee must give the Headteacher a written opt-in notice giving:

- their name and the name of the other Parent;

- if they are the child's mother, the start and end dates of their maternity leave;

- if they are taking adoption leave, the adoption leave start and end dates;

- if they are not taking adoption leave, their Partner's adoption leave start and end dates, or if their Partner is not entitled to adoption leave, the start and end dates of their SAP;

- if they are the child's father or the mother's Partner, the start and end dates of the mother's maternity leave, or if they are not entitled to maternity leave, the start and end dates of any SMP or MA period;

- the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, adoption leave, SAP, SMP or MA period taken or to be taken;

- how many weeks of the available SPL will be allocated to the employee and how many to the other Parent (the employee can change the allocation by giving the Head Teacher a further written notice, and they do not have to use their full allocation);

- if the employee is claiming statutory Shared Parental Pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SAP, SMP or MA period taken or to be taken;

- how many weeks of available ShPP will be allocated to the employee and how much to the other Parent. (The employee can change the allocation by giving the Head Teacher a further written notice, and they do not have to use their full allocation);

- an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but the employee should give as much information as they can about their future intentions; and

- declarations by the employee and the other Parent that they both meet the statutory conditions to enable them to take SPL and ShPP.

Ending Maternity Or Adoption Leave

4.9 If the employee is the child's mother on maternity leave or a parent on adoption leave and want to opt into the SPL scheme, they must give the Head Teacher at least eight weeks' written notice to end their maternity or adoption leave (a curtailment notice) before they can take SPL. The notice must state the date the employee‘s maternity or adoption leave will end.

4.10 The employee can give the notice before or after they give birth, but they cannot end their maternity leave until at least two weeks after birth.

4.11 The employee must also give the Headteacher, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that the other Parent has given their employer an opt-in notice and that the employee has given the necessary declarations in that notice.

4.12 The other Parent may be eligible to take SPL from their employer before the employee’s maternity leave ends, provided they have given the Headteacher their curtailment notice.

4.13 The curtailment notice is binding and cannot usually be revoked. The employee can only revoke a curtailment notice if the maternity or adoption leave has not yet ended and one of the following applies:

- if the employee realises that neither they nor the other Parent are in fact eligible for SPL or ShPP, in which case they can revoke the curtailment notice in writing up to eight weeks after it was given;

- if the employee gave the curtailment notice before giving birth, they can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or

- if the other Parent has died.

4.14 Once the employee has revoked a curtailment notice they will be unable to opt back into the SPL scheme, unless it was revoked in the circumstances above.

Evidence Of Entitlement

4.15 The employee must provide on request:

- A copy of the birth certificate (or if a birth certificate has not yet been obtained, a signed declaration of the child's date and place of birth); and
- The name and address of the other Parent's employer (or a declaration that they have no employer).

Booking Shared Parental Leave Dates

4.16 Having opted into the SPL system the employee will need to give a period of leave notice telling the Head Teacher the start and end dates of their leave. This can be given at the same time as the opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of the employee's leave. The employee must also state in their period of leave notice the dates on which they intend to claim ShPP, if applicable.

4.17 If the employee's period of leave notice gives dates for a single continuous block of SPL they will be entitled to take the leave set out in the notice.

4.18 The employee can give up to three periods of leave notices. This may enable the employee to take up to three separate blocks of SPL.

Procedure For Requesting Split Periods Of Shared Parental Leave

4.19 In general, a period of leave notice should set out a single continuous block of leave. The Headteacher may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. An employee should discuss this option with their manager and HR in good time before formally submitting their period of leave notice. This will give the Headteacher more time to consider the request and hopefully agree a pattern of leave with the employee from the start.

4.20 The employee must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If it is not possible to agree to the employee's request straight away, there will be a two-week discussion period. At the end of that period, the Headteacher will confirm any agreed arrangements in writing. If an agreement is not reached, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in their notice (for example, if the employee requested three separate periods of four weeks each, they will be combined into one 12-week period of leave).

4.21 Alternatively, the employee may:

- choose a new start date (which must be at least eight weeks after their original period of leave notice was given), and tell the Head Teacher within five days of the end of the two-week discussion period; or

- withdraw their period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and the employee may submit a new one if they so choose).

Changing The Dates Or Cancelling Shared Parental Leave

4.22 The employee can cancel a period of leave by notifying the Headteacher in writing at least eight weeks before the start date in the period of leave notice.

4.23 The employee can change the start date for a period of leave, or the length of the leave, by notifying the Headteacher in writing at least eight weeks before the original start date and the new start date.

4.24 The employee does not need to give eight weeks' notice if they are changing the dates of their SPL because their child has been born earlier than the EWC, where they wanted to start their SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify the Headteacher in writing of the change as soon as possible.

4.25 The employee can change the end date for a period of leave by notifying the Headteacher in writing at least eight weeks before the original end date and the new end date.

4.26 The employee can combine split periods of leave into a single continuous period of leave by notifying the Head Teacher in writing at least eight weeks before the start date of the first period.

4.27 The employee can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. The Headteacher will consider any such request as set out in paragraph 12 above.

4.28 A notice to change or cancel a period of leave will count as one of the employee's three period of leave notices, unless:

- the variation is a result of the child being born earlier or later than the EWC;
- an unforeseen delay in the date of placement
- the variation is at the Head Teacher's request; or
- it is agreed otherwise.

Statutory Shared Parental Pay (ShPP)

4.29 ShPP of up to 39 weeks (less any weeks of SMP or SAP claimed by the employee or their Partner) may be available provided the employee has at least 26 weeks' continuous employment with SEEAT at the end of the Qualifying Week and the employee's average earnings are not less than the lower earnings limit set by the

government each year. To qualify for ShPP an employee must also have complied with the notification and information requirements set out within this policy. ShPP is paid at a rate set by the government each year.

Terms And Conditions During Shared Parental Leave

4.30 The employee's terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual Leave

4.31 During SPL, annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.

4.32 This entitlement applies to all employees including term time only and teachers. Advice should be sought from the Trust HR function as to the appropriate calculation.

Pensions

4.33 For details of the implication of SPL on pensions the employee should contact their respective pension fund for advice.

Keeping In Touch (KIT) During Shared Parental Leave

4.34 An employee's line manager may make reasonable contact with them from time to time during their shared parental leave.

4.35 The employee may work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during their SPL. This is in addition to any KIT days that the employee may have taken during maternity leave or adoption leave. The arrangements, including pay, would be set by agreement with the Headteacher. The employee is not obliged to undertake any such work during SPL.

4.36 Shortly before the employee is due to return to work, the Headteacher should invite them to have a discussion (whether in person or by telephone) about the arrangements for their return. This may cover:

- updating the employee on any changes that have occurred during their absence;
- any training needs the employee might have; and
- any changes to working arrangements (for example if the employee has made a flexible working request;).

Returning To Work

4.37 The employee is normally entitled to return to work following SPL to the same job they held before commencing leave. The employee's terms of employment shall be the same as they would have been had they not been absent.

4.38 However, if it is not reasonably practicable to allow them to return into the same position, SEEAT may offer them another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- if the employee's SPL and any maternity or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- if the employee took SPL consecutively with more than four weeks of ordinary Parental leave.

4.39 If the employee wishes to end a period of SPL early, they must give the Headteacher at least eight weeks' prior written notice of the new return date. If the employee has already given three period of leave notices they will not be able to end their SPL early without the Headteacher's agreement.

4.40 If the employee wants to extend their SPL, assuming they still have unused SPL entitlement remaining, they must give the Headteacher a written period of leave notice at least eight weeks before the date they were due to return to work. If the employee has already given three period of leave notices they will not be able to extend their SPL.

5 ADOPTION

Entitlement To Adoption Leave

5.1 Adoption leave is only available if an employee is adopting through a UK adoption agency. It is not available if there is no agency involved, for example, if an employee is formally adopting a stepchild or other relative.

5.2 An employee is entitled to adoption leave if they meets all of the following conditions:

- An adoption agency has given an employee written notice that it has matched him/her with a child for adoption and tells them the Expected Placement Date.
- An employee has notified the agency that they agree to the child being placed with them on the Expected Placement Date.
- An employee's spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave).

5.3 The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' OAL and 26 weeks' AAL.

Notification Of Intention To Take Leave

5.4 An employee must give their line manager notice in writing of:

- the Expected Placement Date; and
- his/her intended start date for adoption leave ('Intended Start Date')

5.5 This notice should be given not more than seven days after the agency notified an employee in writing that it has matched them with a child.

5.6 At least 28 days before an employee's Intended Start Date (or, if this is not possible, as soon as he/she can), they must also provide the Headteacher with:

5.6.1 Matching Certificate from the adoption agency confirming:

- the agency's name and address;
- the date they were notified of the match; and
- the Expected Placement Date.

5.6.2 Written confirmation that they intend to take statutory adoption leave and not statutory paternity leave.

Starting Adoption Leave

5.7 OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later.

5.8 An employee must notify the Headteacher of their Intended Start Date. The HR function will then write to an employee within 28 days to inform them of the date they are expected to return to work if they take the full entitlement to adoption leave (Expected Return Date).

5.9 An employee can postpone their Intended Start Date by informing the Headteacher in writing at least 28 days before the original date or, if that is not possible, as soon as they can.

5.10 An employee can bring forward their Intended Start Date by informing the Headteacher in writing at least 28 days before the new start date or, if that is not possible, as soon as they can.

5.11 Shortly before an employee's adoption leave starts the Headteacher will discuss with them the arrangements for covering their work and the opportunities to remain in contact, should they wish to do so, during the adoption leave.

Adoption Pay – Statutory Adoption Pay (SAP) & Occupational Adoption Pay (OAP)

5.12 Teachers with more than 1 years' service at the 11th week before the date of their EWC will be entitled to OAP in line with Burgundy Book terms and conditions.

5.12.1 OAP is paid for a continuous period of up to 39 weeks.

5.12.2 For the first four weeks, the teacher will be paid at 100 per cent of salary offset against payments made by way of SAP

5.12.3 Weeks 5-6 are paid at 90 per cent of salary offset against payments made by way of SAP

5.12.4 Weeks 7-18 are paid at 50 per cent of salary plus SAP at the current statutory rate without deductions except by the extent to which the combined pay and SAP exceeds full pay

5.12.5 21 weeks are paid at the current SAP

5.12.6 Up to 13 weeks unpaid AAL leave up to the date of return notified by the teacher.

5.12.7 Teachers who do not return to work for a minimum of 13 weeks' after their adoption leave may be required to repay any occupational adoption pay which they received during their leave.

5.13 Support staff with more than 1 years' service at the 15th week before the date of their EWC will be entitled to OAP in line with the Trust's pay and conditions

5.13.1 OAP is paid for a continuous period of up to 39 weeks.

5.13.2 For the first six weeks, the employee will be paid SAP based on 90% of an average week's pay.

5.13.3 Weeks 7-18 are paid at 50 per cent of salary plus SAP at the current statutory rate without deductions except by the extent to which the combined pay and SAP exceeds full pay

5.13.4 21 weeks are paid at the current SAP as appropriate.

5.13.5 Up to 13 weeks unpaid additional adoption leave up to the date of return notified by the employee.

5.13.6 Support staff who do not return to work for a minimum of 3 months' after their adoption leave may be required to repay any occupational adoption pay which they received during their leave.

5.14 Teachers with less than 1 years' service at the 11th week before the date of their EWC and support staff with less than 1 years' service at the 15th week before the date of their EWC will be entitled to SAP.

5.14.1 Where applicable SAP payments will be:

Maternity Leave	**Entitlement**
Weeks 1 – 6	SMP based on 90% of an average week's pay

Weeks 7-39	SMP at the current standard rate or 90% of an average week's pay if this is less
Weeks 40-52	Unpaid

5.15 Employees with less than 26 weeks service at the 15th week before the EWC, will not be eligible for SAP, but may qualify for SAP from their previous employer.

- If an employee leaves employment for any reason (for example, if the resign or is made redundant) they shall still be eligible for SAP if they have already been notified by an agency that they have been matched with a child. In such cases, if an employee's adoption leave has not already begun, SAP shall start to accrue 14 days before the Expected Placement Date the day after their employment ends, whichever is the later.

5.16 All the terms and conditions of an employee's employment remain in force during Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL), except for the terms relating to normal pay.

Terms And Conditions During OAL and AAL

5.17 All the terms and conditions of an employee's employment remain in force during OAL and AAL, except for the terms relating to their normal pay.

Annual Leave

5.18 During OAL and AAL, annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.

5.19 This entitlement applies to all employees including term time only and teachers. Advice should be sought from the Trust HR function as to the appropriate calculation.

Pensions

5.20 For details of the implication of OAL and/or AAL on pensions the employee should contact their respective pension fund for advice.

5.21 This entitlement applies to all employees including term time only and teachers.

Disrupted Adoption

5.22 Adoption leave is disrupted if it has started but:

- An employee is notified that the placement will not take place;
- the child is returned to the adoption agency after placement; or
- the child dies after placement.

5.23 In case of disruption, an employee's entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless an employee's entitlement to leave and/or pay would have ended earlier in the normal course of events.

Keeping In Touch (KIT) During Shared Parental Leave

5.24 An employee's line manager may make reasonable contact with them from time to time during their adoption leave.

5.25 An employee may work (including attending training) on up to ten days during adoption leave without bringing their adoption leave to an end. The arrangements, including pay, would be set by agreement with the Headteacher. The employee is not obliged to undertake any such work during adoption leave.

Expected Return Date

5.26 Once an employee has notified the Headteacher in writing of their Intended Start Date, the HR function send them a letter within 28 days to inform them of the Expected Return Date. If an employee's start date changes the HR function shall write to them within 28 days of the start of adoption leave with a revised Expected Return Date.

5.27 An employee will be expected to be back at work on their Expected Return Date unless they tells the Headteacher otherwise. It will help the Headteacher if, during an employee's adoption leave, they are able to confirm that they will be returning to work as expected.

5.28 Shortly before the employee is due to return to work, the Headteacher should invite them to have a discussion (whether in person or by telephone) about the arrangements for their return. This may cover:

- updating the employee on any changes that have occurred during their absence;
- any training needs the employee might have; and
- any changes to working arrangements (for example if the employee has made a flexible working request;).

Changing A Return Date

5.29 If an employee wishes to return to work earlier than the Expected Return Date, they must give the Headteacher at least eight weeks' notice in writing.

5.30 If an employee does not give enough notice, the Headteacher may postpone their return date until four weeks (or eight weeks as appropriate) after they gave notice, or to the Expected Return Date if sooner.

5.31 If an employee is unable to return to work due to sickness or injury, this will be treated as sickness absence in accordance with the SEEAT Sickness Absence Policy.

Deciding Not To Return

5.32 If an employee does not intend to return to work, or is unsure, it is helpful if they discuss this with the Headteacher as early as possible. If an employee decides not to return they should give notice of resignation in accordance with their contract. Wherever possible, the amount of adoption leave left to run when the employee gives notice must be at least equal to their contractual notice period; otherwise the school may require them to return to work for the remainder of the notice period.

Rights When Returning

5.33 An employee is normally entitled to return to work in the same position as they held before commencing OAL. An employee's terms of employment shall be the same as they would have been had they not been absent.

5.34 However, if an employee has taken any period of AAL or more than four weeks' parental leave, and it is not reasonably practicable for the school to allow them to return into the same position, SEEAT may offer them another suitable and appropriate job on terms and conditions that are not less favourable.

5.35 In the event of a redundancy situation, an employee on adoption leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

6 PATERNITY

Entitlement To Paternity Leave

6.1 Paternity leave is available when a child is born or placed with an employee for adoption.

6.2 Employees are entitled to statutory paternity leave from the first day of employment if they meet the statutory eligibility conditions. Paternity leave is available to an eligible father, spouse, civil partner, Partner, adopter or intended parent in a surrogacy arrangement who is taking the leave to care for the child or support the other parent or adopter.

- There is no minimum length-of-service requirement for statutory paternity leave.
- Eligibility for Statutory Paternity Pay is separate and remains subject to the statutory service, earnings and other qualifying conditions.
- Employees should contact the Trust HR function if they are unsure whether they qualify for statutory pay.
- An employee:
    - is the biological father of the child;
    - has been matched with a child by an adoption agency;

- is the spouse, civil partner or Partner of the child's mother; or
- is the spouse, civil partner or Partner of someone who has been matched with a child by an adoption agency.

- An employee:
  - expects to have main responsibility (with the child's mother, co-adopter or adopter) for the child's upbringing; or
  - is the child's biological father and expects to have some responsibility for the child's upbringing.

- The intended leave is for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

Timing And Length Of Paternity Leave

6.3 An eligible employee may take one or two weeks of paternity leave. Where two weeks are taken, they may be taken consecutively or as two separate one-week blocks.

6.4 Paternity leave cannot start before the child's birth or relevant adoption placement and must be taken within the statutory period:

6.4.1 In birth cases, leave must end within 52 weeks of the child's birth, or within 52 weeks of the first day of the Expected Week of Childbirth if the child is born early.

6.4.2 In adoption cases, leave must end within 52 weeks of the child's placement, or the relevant arrival date for an overseas adoption.

Notification (Birth)

6.5 For a birth, the employee must notify their line manager of the Expected Week of Childbirth at least 15 weeks before the baby is due (or as soon as reasonably practicable where the statutory rules permit later notice). The employee must also give at least 28 days' notice of when they want each period of paternity leave to start and whether they wish to take one or two weeks.

- Notice does not have to be in writing unless SEEAT requests written notice or this is required for Statutory Paternity Pay.
- The employee may identify the start of leave by reference to the birth, a specified number of days after the birth, or another date after the birth.
- If the employee wishes to take the two weeks separately, the required notice should be given for each one-week block.
  - Where notice cannot reasonably be given within the required timescale, the employee should notify the Headteacher and Trust HR function as soon as reasonably practicable.

- The Trust may ask the employee to provide the declarations or information reasonably required by the statutory scheme.

- Employees should contact the Trust HR function for advice on notice requirements where a child is born early or other exceptional circumstances apply.

6.6 Changes to a notified start date should normally be notified at least 28 days before the relevant date, or as soon as reasonably practicable if that is not possible.

6.7 The employee must confirm that the leave is being taken for the statutory purpose of caring for the child or supporting the other parent or adopter.

6.8 SEEAT will not normally require proof of the birth for paternity leave, but may request information or declarations permitted by law for the purpose of establishing entitlement to leave or pay.

Notification (Adoption)

6.9 For a UK adoption, an employee should normally notify the Headteacher within seven days of the employee or their Partner being notified that they have been matched with a child, or as soon as reasonably practicable.

- The employee should provide the date of matching and Expected Placement Date, the amount of leave requested and the intended start date.

- If two separate one-week blocks are requested, the employee must give the required notice for each block; at least 28 days' notice should be given for the second week where required by the statutory scheme.

- Different notice requirements apply to overseas adoptions and surrogacy arrangements. Employees should contact the Trust HR function as early as possible for advice.

    - Paternity leave in a UK adoption may start on the date of placement or an agreed number of days after placement.

    - For an overseas adoption, leave may start on the date the child arrives in England, Scotland or Wales or an agreed number of days afterwards.

    - For surrogacy arrangements, leave may start on the date of birth or a later eligible date.

6.10 The employee must comply with the statutory notice requirements applicable to their circumstances.

6.11 The Trust may require the employee to make the declarations required by the statutory scheme.

6.12 Evidence may be required for Statutory Paternity Pay in adoption cases, in accordance with the statutory rules.

- Employees should provide any evidence requested by the Trust HR function within the applicable statutory timescale.
- Evidence may include a matching certificate or other documentation issued by the adoption agency.
    - For overseas adoptions and surrogacy arrangements, the statutory evidence requirements differ and HR will advise the employee.
    - The Trust will only request information reasonably required to administer statutory or contractual paternity leave and pay.
    - Employees should notify HR promptly of any change to the expected placement, arrival or birth arrangements that affects the leave.

Changing The Dates Of OPL

6.13 An employee who wishes to change a notified period of paternity leave should give at least 28 days' notice of the change where reasonably practicable.

- Where the statutory rules permit a shorter period of notice, or 28 days is not reasonably practicable, the employee should notify the Headteacher and Trust HR function as soon as possible.
- A change may relate to the start date of either one-week block or to whether the employee takes one or two weeks.
- The Trust HR function will confirm any revised leave arrangements with the employee.

6.14 The same principles apply to paternity leave connected with adoption or surrogacy, subject to the statutory notice rules applicable to those arrangements.

- Employees should give as much notice as possible of changes to placement or arrival dates.
- Where a change is outside the employee's control, SEEAT will apply the statutory provisions and act reasonably in considering revised arrangements.
- Employees should contact the Trust HR function if they are uncertain about the notice required.

6.15 Nothing in this section reduces any statutory right to paternity leave or pay.

Paternity Pay – Statutory Paternity Pay (SPP) and SEEAT Occupational Paternity Pay

6.16 Eligible employees taking paternity leave will receive full contractual pay for up to two weeks of paternity leave. This is inclusive of any Statutory Paternity Pay (SPP) to which the employee is entitled.

- Where an employee is eligible for paternity leave but does not qualify for SPP, SEEAT will nevertheless provide full contractual pay for up to two weeks of paternity leave.

- Eligibility for SPP is determined separately under the statutory scheme. The statutory service, earnings, notice and other qualifying conditions continue to apply to SPP.

6.17 Where SPP is payable, it will be offset against SEEAT Occupational Paternity Pay so that total pay does not exceed normal full contractual pay for the relevant period.

6.18 The Trust HR function will confirm the employee's entitlement to statutory and occupational paternity pay.

Terms And Conditions During Paternity Leave

6.19 All the terms and conditions of an employee's employment remain in force during paternity leave, except that pay will be provided in accordance with the Paternity Pay provisions above.

Annual Leave

6.20 During OPL, annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.

6.21 This entitlement applies to all employees including term time only and teachers. Advice should be sought from the Trust HR function as to the appropriate calculation.

Pensions

6.22 For details of the implication of OPL on pensions the employee should contact their respective pension fund for advice.

6.23 This entitlement applies to all employees including term time only and teachers.

Return to Work

6.24 An employee will be expected to return to work on the agreed return date.

6.25 An employee is normally entitled to return to work following either OPL to the same job they held before commencing leave. An employee's terms of employment shall be the same as they would have been had they not been absent.

7 NEONATAL CARE LEAVE AND PAY

7.1 Eligible employees may take up to 12 weeks of Statutory Neonatal Care Leave where a baby born on or after 6 April 2025 enters neonatal care within 28 days of birth and receives at least seven consecutive days of neonatal care. Neonatal Care Leave is a day-one employment right and is additional to other statutory family leave.

7.2 One week of Neonatal Care Leave is available for each qualifying period of seven consecutive full days in neonatal care, up to a maximum of 12 weeks. The leave must be taken within 68 weeks of the child's birth and in accordance with the statutory rules on timing, blocks of leave and notice.

7.3 Statutory Neonatal Care Pay may be available where the employee meets the separate statutory service, earnings and other qualifying conditions. Employees should notify their line manager and the Trust HR function as soon as reasonably practicable so that entitlement, notice and pay can be confirmed.

7.4 SEEAT recognises that neonatal care can be an exceptionally difficult period for families. Managers should handle requests sensitively and maintain reasonable contact with the employee, taking account of the employee's wishes and circumstances.

8 BEREAVED PARTNER'S PATERNITY LEAVE

8.1 Where the mother, main adopter or main intended parent of a child dies on or after 6 April 2026, an eligible employee with the main caring responsibility for the child may take Bereaved Partner's Paternity Leave. This is a day-one statutory right and may provide up to 52 weeks of leave depending on when the death occurs and the child's age or adoption date.

8.2 Bereaved Partner's Paternity Leave is unpaid under the statutory scheme unless SEEAT agrees otherwise under another applicable contractual, compassionate or bereavement provision. Employees should contact the Trust HR function as soon as they are able so that the available leave, any other applicable paid leave and support can be discussed sensitively.

8.3 The statutory notice requirements depend on when leave starts. SEEAT will not require a death certificate or other proof of death for this statutory leave. Employment rights are protected during the leave in accordance with the statutory scheme.

9 FLEXIBLE WORKING

SEEAT will deal with requests by employees to change their working patterns following maternity, paternity, adoption, shared parental, neonatal care or other family leave in accordance with the SEEAT Flexible Working Policy and current statutory requirements. Employees have a statutory right to request flexible working from the first day of employment. Requests will be considered reasonably and may only be refused for a permitted statutory business reason. It is helpful for employees to raise requests as early as possible where they relate to a planned return from family leave.