

Family Leave: Maternity, Adoption, Carers, Paternity, Parental and Shared Parental Leave Procedure

DOCUMENT CONTROL

Document Title	CET Family Leave Procedures	
Version Number	005	
Status	Approved	
Publication Date	June 2026	
Policy Owner/Author	Head of Human Resources	
Review Date	June 2029 or sooner in light of any legislative requirements	
Approved/Ratified by	Organisation Development Committee	Date: 08 June 2026

Please note that a record of the changes made to the original issue of this document can be found at Schedule 1 after any Appendices to the Policy/Procedure.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 2 of 32

CONTENTS

1. Introduction
2. Scope
3. Commitment
4. Types of Leave and Pay
5. General Principles
 - 5.1 Abbreviations
 - 5.2 Fair Treatment
 - 5.3 Statutory Leave and Pay
 - 5.4 Occupational Pay
 - 5.5 Pay and Pension
 - 5.6 Annual Leave and Bank Holidays
 - 5.7 Antenatal Care and Adoption Support
 - 5.8 Working During Maternity, Adoption or Shared Parental Leave
6. Process/Checklist and Actions
7. Maternity Leave and Pay
8. Adoption Leave and Pay
9. Maternity Support Leave and Pay
10. Paternity Leave and Pay
11. Shared Parental Leave and Pay
12. Parental Leave
13. Carers Leave
14. Neonatal Leave and Pay
15. Bereaved Parent's Paternity Leave
16. Returning to Work from Family Leave
17. Childcare Vouchers
18. Fraudulent Claims
19. Sources of Support

APPENDIX 1 - Green Book Guidance (Support)

- Maternity Summary of Entitlements
- Maternity/Adoption Leave and Annual/Bank Holiday Leave
- Adoption Summary of Entitlements

APPENDIX 2 - Burgundy Book Guidance (Teachers)

- Maternity Summary of Entitlements
- Subsequent Obligation on the Teacher
- Maternity/Adoption Leave and Annual/Bank Holiday Leave
- Adoption - Summary of Entitlements

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 3 of 32

1. INTRODUCTION

The purpose of this scheme is to bring together information on the various family leave entitlements available to expectant mothers, parents, adopters, and those who support them. These entitlements support and provide an opportunity for parents/adopters to be flexible in the way they choose to manage their work life balance.

This scheme sets out the statutory provisions for the different types of family leave together with the entitlements under the relevant terms and conditions of employment.

2. SCOPE

This scheme applies to all permanent and fixed term employees covered by Green book, Burgundy book and Grey book. Statutory entitlements apply only to employees unless explicitly stated.

3. COMMITMENT

Employees should be supported to combine the development of their career with family responsibilities and are encouraged to return to work following any family leave. Provision is made for flexible working arrangements where possible.

Planning prior to and communication during family leave are important to make the process as smooth as possible for the both the employee and employer.

4. TYPES OF LEAVE AND PAY

Sections 5 and 6 provide general information relevant to the different types of family leave and should be referred to in conjunction with the section for the relevant type of family leave.

Where statutory provisions exceed contractual terms (including Green Book or Burgundy Book), statutory provisions will apply

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 4 of 32

The different kinds of leave and pay available are as follows:

Type of Leave	Who the Leave applies to	See relevant section for further information
Maternity Leave and Pay	Pregnant employees and those who have just given birth.	7
Adoption Leave and Pay	- The Child's adopter (if a couple are adopting jointly only one of them is entitled to adoption leave); - Employees who are adopting as the intended parents in a surrogacy arrangement, where they are applying for a parental order.	8
Maternity Support Leave and Pay	For employees nominated by the mother/adopter as the primary provider of support at or around the time of birth/placement.	9
Paternity Leave and Pay	Fathers (biological or adopted) or partners including civil partners.	10
Shared Parental Leave	Parents, adopters, partners, including civil partners, or those with main caring responsibilities, where the mother/adopter has curtailed (ended) their maternity or adoption leave early.	11
Parental Leave	Parents, adopters, partners, including civil partners or those with parental responsibilities.	12
Carers Leave	Employees who are unpaid carers to a dependent with a long-term care need.	13
Neonatal Leave and Pay	Parents whose babies are admitted to neonatal care within 28 days of birth.	14
Bereaved Partners paternity Leave	The partner of the mother or primary adopter can take up to 52 weeks unpaid leave if they die within the first year of the child's birth or adoption	15

5. GENERAL PRINCIPLES

Eligibility for all types of family leave are subject to an employee following the relevant notification requirements applicable to the type of leave being requested, in some instances there will also be a service eligibility requirement. See the individual section referred to above for the type of leave for further details.

There is only one period of leave and pay for each instance of pregnancy or adoption regardless of the number of children born or placed for adoption.

Employees considering taking any type of family leave are encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their entitlement, to talk about their plans and to enable the Trust to support the individual. It also provides the opportunity to discuss any potential workplace changes that may occur during the family leave period and any plans the employee has for their return, especially if they are considering requesting a change to their working arrangements.

Before an employee's family leave begins, the Trust will discuss the arrangements for them to keep in touch during their leave. The Trust reserves the right in any event to maintain reasonable contact with the employee from time to time during their family leave. This may be to discuss the employee's plans

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 5 of 32

to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

5.1 ABBREVIATIONS

Abbreviations used in this procedure are as follows:

EWC	Expected week of childbirth
OML	Ordinary Maternity Leave
AML	Additional Maternity Leave
SMP	Statutory Maternity Pay
OMP	Occupational Maternity Pay
MA	Maternity Allowance
OAL	Ordinary Adoption Leave
AAL	Additional Adoption Leave
SAL	Statutory Adoption Pay
OAP	Occupational Adoption Pay
SPL	Statutory Paternity Leave
SPP	Statutory Paternity Pay
ShPL	Shared Parental Leave
ShPP	Shared Parental Pay
KIT Day	Keeping in Touch Day
SPLIT Day	Shared Parental in Touch Day
BBPL	Bereaved Partners Paternity Leave

5.2 FAIR TREATMENT

- 5.2.1 Employees will not be dismissed or subjected to unfavourable treatment for taking, or requesting to take, family leave.
- 5.2.2 Throughout the leave period an employee's terms and conditions are protected. Employees are entitled to any pay rises and improvements in terms and conditions given during their leave.
- 5.2.3 All periods of leave are counted as continuous service for the purposes of the sickness scheme and annual leave entitlement. Throughout the leave period employees continue to accrue holiday entitlement (see section 5.6).
- 5.2.4 With effect from 6 April 2024, those employees on/commencing maternity leave have protection from redundancy for the entire pregnancy and for 18 months from the Child's date of birth. For adopters, the protection from redundancy is for the 18 months from the date the adoption placement starts (or from the date the child enters Great Britain in the case of overseas adoptions). For those employees taking shared parental leave (provided the parent has taken at least six consecutive weeks of leave) the protection is 18 months from the child's birth. With Neonatal care leave, as long as the employee has taken at least 6 consecutive weeks of neonatal leave, the protection is for:
- 18 months from birth for birth parents and intended parents in a surrogacy

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 6 of 32

- 18 months from the day the child is placed for adoption
- 18 months from the day the child enters Great Britain for overseas adoptions.

5.3 STATUTORY LEAVE AND PAY

- 5.3.1 All pregnant employees, adopters and partners are entitled to the statutory levels of leave and pay for Ordinary Maternity Leave (OML) and Statutory Maternity Pay (SMP), Ordinary Adoption Leave (OAL), and Statutory Adoption Pay (SAP), Paternity Leave and Pay (SPP). Service specific terms and conditions can be found at Appendix 1 for Green Book employees (support staff in schools) or Appendix 2 for Burgundy Book employees (teaching staff).
- 5.3.2 Employees who are entitled to OML/OAL are also entitled to take a further 26 weeks Additional Maternity/Adoption Leave (AML/AAL). This must immediately follow the 26 weeks ordinary leave, without a break.
- 5.3.3 All periods of leave and pay are proportional for part-time employees.

5.4 OCCUPATIONAL PAY

- 5.4.1 In addition to statutory pay, employees who meet the qualifying criteria will receive the relevant occupational pay as set out within their terms and conditions of employment. Total payments will not exceed the employee's normal pay.
- 5.4.2 Service specific terms and conditions can be found at Appendix 1 for Green Book employees (support staff in schools) or Appendix 2 for Burgundy Book employees (teaching staff).

5.5 PAY AND PENSION

- 5.5.1 All Statutory and Occupational Pay is subject to deductions (tax, NI, pension etc.) in the same way that an employee's normal pay would be.
- 5.5.2 Employees will continue to be members of the pension scheme and the employee's pension contributions will continue to be deducted according to the total amount of pay received. If an employee takes unpaid leave, they have the option of paying pension contributions for this period so that it will count in full for pension purposes.

For pension's advice contact:

Local Government Pension Scheme (LGPS) contact

Local Pensions Partnership Administration (LPPA)

[Members • Local Pensions Partnership Administration](#)

[LPPA Member contact form](#) | [Get in touch with your pension queries](#)

Tel: 0300 323 0260

TPS - Teachers Pensions at 11b Lingfield Point, Darlington, DL1 1AX

[Member enquiries](#) | [Contact Us](#) | [Teachers' Pensions](#)

Tel: 0345 6066 166

5.6 ANNUAL LEAVE AND BANK HOLIDAYS

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 7 of 32

- 5.6.1 Service specific terms and conditions can be found at Appendix 1 for Green Book employees (support staff in schools) or Appendix 2 for Burgundy Book employees (teaching staff).
- 5.6.2 Employees continue to accrue both statutory and contractual holiday entitlement during any period of OML, AML, OAL, AAL and ShPL, regardless of whether the period is paid or unpaid.
- 5.6.3 Trust HR are able to provide a calculation of the annual leave / bank holiday entitlements based on an employee's specific annual leave year and family leave periods.
- 5.6.4 Line managers should discuss all options available to the employee with them at the earliest opportunity. Any agreement made regarding outstanding leave entitlement will be dependent on business need at the time and may result in a change to the originally agreed return to work from family leave date.
- 5.6.5 An employee who requests family leave should be advised to take any outstanding leave entitlement accrued before commencing their family leave. This also applies to any outstanding flexi time/TOIL accrued where this is applicable.
- 5.6.6 Where it is not possible to take the outstanding leave before the commencement of family leave, the employee can carry the leave forward and take it on their return to work after their family leave period ends.
- 5.6.7 No part of any family leave period can be treated as annual leave or bank holiday entitlement.
- 5.6.8 It is not possible for a payment to be made in lieu for untaken annual leave instead of taking leave during the leave year. The only exception being where the employment ends.
- 5.6.9 Outstanding leave carried forward or leave accrued during the family leave period should be taken after the family leave period ends. This gives the employee a number of options when considering using up any outstanding leave, these include:
- bringing forward the official return from family leave date by the number of outstanding leave days, this would mean the employee regains full pay whilst being on leave up until their original official return to work date.
 - keep the previously agreed return to work date from family leave then take all carried over/accrued leave entitlement in one block, so that they are paid in full from their previously agreed return to work date to their actual return to work.
 - keep the original return to work date and allow the employee to retain any leave carried forward/accrued and take the remaining entitlement as they wish, following agreement with the line manager.
- 5.6.10 Where an employee's new leave year is due to commence shortly after the agreed return to work date, consideration should be given to using up any carried over/accrued leave prior to the commencement of the new leave year. Under the Working Time Regulations annual leave/bank holiday entitlement should be taken in the leave year in which it accrues if possible. In circumstances where timescales do not allow leave to be taken, leave entitlement may be carried forward. Existing terms on annual leave only allow employees to carry forward a maximum of 5 days leave into the following leave year; however, this may be waived in these circumstances.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 8 of 32

5.6.11 If an employee decides not to return to work and resigns, they are entitled to annual leave pro-rata for the months that they have been employed.

5.6.12 For teachers and term-time support staff, annual leave/bank holiday entitlement will be offset by any period of school closure that occurs in the leave year in question i.e. both before and after the family leave period. Should an employee curtail their Maternity/Adoption Leave or end any block of Shared Parental Leave to return to work during a school closure period, any leave accrued during any period of family leave will be offset during those closure periods.

5.7 ANTENATAL CARE AND ADOPTION SUPPORT

5.7.1 Employees are entitled to reasonable time off, with pay, to attend ante-natal or other medical appointments in connection with their pregnancy. Partners are also entitled to time off work to attend 2 antenatal appointments. This time off is unpaid and is for a maximum of 6.5 hours for each appointment.

5.7.2 Employees who are adopting are entitled to take time off to attend adoption appointments. An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

5.7.3 Employees are requested to bear in mind the requirements of their post, where possible, when arranging appointments.

5.8 WORKING DURING MATERNITY, ADOPTION OR SHARED PARENTAL LEAVE (KEEPING IN TOUCH DAYS AND SHARED PARENTAL LEAVE IN TOUCH DAYS)

5.8.1 An employee on Maternity or Adoption Leave may work up to 10 'keeping in touch' (KIT) days without the period of leave coming to an end (nor would working a KIT day extend statutory or occupational pay or leave).

5.8.2 An employee on Shared Parental Leave may work up to 20 'shared parental leave in touch' (SPLIT) days. This is in addition to maternity/adoption KIT days.

5.8.3 Employees are not obliged to work KIT/SPLIT days, nor is their employer obliged to offer them. KIT/SPLIT days are optional and can only take place by agreement between both parties (i.e. neither party can insist that a KIT/SPLIT activity takes place). Contact or meetings between the manager and employee as part of general reasonable contact would not be classified as a KIT/SPLIT day.

5.8.4 Employees and managers/headteachers can agree KIT/SPLIT days for the employee to attend work for a number of reasons, for example, to take part in learning and development, attend a course or attend a team event or meeting.

5.8.5 An employee's pay will be 'topped up' to their normal full pay for any hours that they work on a KIT/SPLIT day (pay will be inclusive of any SMP, OMP, SAP, OAP, ShPP or OShPP that they are receiving). Attending work for part of a day will count as a full day in terms of the 10/20

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 9 of 32

days maximum (dependent on the type of leave, see 5.8.1 and 5.8.2 above), although pay will only be paid for actual hours worked.

6. PROCESS/CHECKLIST AND ACTIONS

Action	Responsibility
1. An employee intending to take family leave should notify their manager/headteacher within the required timescale.	Employee
2. Arrange meeting with employee to discuss leave arrangements and to conduct a risk assessment in the case of a pregnant employee (see 7.3). In the case of requests for discontinuous periods of ShPL, the manager/Headteacher will need to consider if this is suitable for business needs. If it isn't an alternative may require negotiation.	Manager/Headteacher
3. Complete relevant notification forms and submit these along with relevant evidence/certifications e.g. MATB1 or Adoption Matching Certificate, to their line manager and: askhr@cumbriaeducationtrust.org	Employee
4. Confirm entitlement to leave, start, and end dates, and entitlement to pay.	Trust HR
5. Maintain reasonable contact throughout the period of leave, which may include KIT/SPLIT days (see section 5.8).	Manager/Headteacher and employee
6. Return on the date indicated or provide relevant notice of a change to this date (see section 15).	Employee
7. Complete an application form for any requested change to working arrangements on return (see the Trust's Flexible Working Policy for further information).	Employee
8. Respond to any requests in the required timeframe ensuring that the Trust HR team are kept up-to-date with any changes.	Manager

Where a Manager/Headteacher is unsure of any aspect of this procedure they should seek advice from CET Trust HR by raising a ticket on ASKHR

7. MATERNITY LEAVE AND PAY

Service specific terms and conditions can be found at Appendix 1 for Green Book employees (support staff in schools) or Appendix 2 for Burgundy Book employees (teaching staff).

To apply for maternity leave, employees should utilise the relevant form:

- Support staff- [FORM - SUPPORT - Maternity Leave Application .docx](#)
- Teaching staff- [FORM - TEACHING - Maternity Leave Application .docx](#)

7.1 QUALIFYING CRITERIA, LENGTH OF LEAVE AND NOTIFICATION TIMEFRAMES

- 7.1.1 To take maternity leave you must be an employee, meet the qualifying criteria and have given the appropriate notice to the Trust.
- 7.1.2 Employees must notify the Trust of their pregnancy and their intention to take maternity leave no later than the 15th week before the expected week of childbirth (EWC). Employees must also provide their maternity certificate (MATB1) which is issued by a Doctor or Midwife approximately 14-20 weeks before the EWC.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 10 of 32

- 7.1.3 The Trust must be notified of the date the employee intends to start maternity leave at least 28 days in advance in order to qualify for SMP (where eligible).
- 7.1.4 An employee can choose when to start their maternity leave at any time from 11 weeks before the EWC up to the actual date of birth of the child.
- 7.1.5 The start date for maternity leave can be changed as long as at least 28 days' notice is provided of either the original or new start date, whichever is the earliest i.e. where the employee wishes the start of leave date to be earlier than originally intended, they should provide 28 days' notice prior to the new start date; where an employee wishes the start of leave to be later than originally planned, they should provide 28 days' notice of the original start of leave date.
- 7.1.6 The maximum length of statutory maternity leave is 52 weeks. The Trust will assume that you intend to take the full 52 weeks leave unless you provide notice that you wish to return earlier. Employees can choose to take less than 52 weeks but must take a minimum of 2 weeks from the date of birth of the baby. This is called the 'compulsory maternity leave period.'
- 7.1.7 Maternity leave can only be taken in a single block. Should an employee choose to curtail their maternity leave in order to take ShPL (see section 11), maternity leave cannot later be reinstated.

7.2 MATERNITY ALLOWANCE

- 7.2.1 If an employee does not qualify for SMP, they may be entitled to MA. This is a statutory benefit and the amount a person receives will depend on their earnings. If an employee does not qualify for SMP, they will receive a MA1 form which will explain why SMP cannot be paid. It is the employee's responsibility to complete and submit their application for MA via the MA1 form provided.

7.3 HEALTH AND SAFETY RISK

- 7.3.1 A Risk Assessment should be carried out to identify any potential risks to pregnant employees and the relevant protective measures put in place. Line Managers/Headteachers should refer to the Trust's Health and Safety provider, making reference to; 'Managing New & Expectant Mothers.' If an employee feels that they or their baby are still at risk from the work that they do, then they should bring it to the attention of their manager without delay.
- 7.3.2 In some circumstances, an employee can be placed on paid maternity suspension if their continued attendance at work would be detrimental to their own or their baby's health. This would only be done as a last resort if no other suitable alternative work were available.
- 7.3.3 An employee who is prevented from attending work because of contact with infectious disease will be entitled to receive normal pay. The period of absence will not count towards sick pay entitlements and absence triggers. Advice can be sought from the central HR Team.

7.4 TRIGGER POINTS

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 11 of 32

- 7.4.1 In the case of an employee giving birth early (i.e. before they have commenced leave), maternity leave and pay will be triggered from the day following the birth. The employee should contact their line manager/headteacher as soon as is reasonably possible to advise of the revised birth date.
- 7.4.2 Maternity leave and pay will also be triggered if an employee is absent with pregnancy-related sickness during the 4 weeks leading up to the EWC. Employees should notify their manager as soon as possible if they are absent either wholly or partly because of their pregnancy, confirming the date that their absence began.

8. ADOPTION LEAVE AND PAY

Service specific terms and conditions can be found at Appendix 1 for Green Book employees (support staff in schools) or Appendix 2 for Burgundy Book employees (teaching staff).

To apply for adoption leave, employees should utilise the relevant form:

- Support staff- [FORM - SUPPORT - Adoption Leave Notification .docx](#)
- Teaching staff- [FORM - TEACHING - Adoption Leave Notification.docx](#)

8.1 QUALIFYING CRITERIA, LENGTH OF LEAVE AND NOTIFICATION TIMEFRAMES

- 8.1.1 To take adoption leave you must be an employee, meet the qualifying criteria and have given the appropriate notice to the Trust. If a couple are adopting jointly, only one of them are entitled to adoption leave.
- 8.1.2 To qualify for adoption leave, an employee must be the child's adopter (or Fostering for Adoption or becoming a legal guardian) and be newly matched with the child by an adoption agency and they must have notified the adoption agency that they have agreed for the child to be placed with them on the date of placement. Entitlements to adoption leave and pay do not apply to private adoptions where no adoption agency is involved i.e. not to stepparents who are adopting their partner's children.
- 8.1.3 Employees must notify the Trust of the adoption and their intention to take adoption leave within 7 days of being either matched with a child for adoption or the adoption placement being confirmed. Employees must also provide confirmation of the placement (i.e. a matching certificate, written notification from the adoption agency or, for overseas adoptions, an 'official notification' from the relevant UK authority).
- 8.1.4 The Trust must be notified of the date the employee intends to start adoption leave at least 28 days in advance in order to qualify for SAP (where eligible).
- 8.1.5 An employee can choose when to start their adoption leave at any time from 14 days before the date the child is expected to be placed with them up to the date the child's placement begins. In the case of overseas adoptions, the earliest the adoption leave can start is the date the child enters Great Britain and the latest is 28 days after the child enters Great Britain.
- 8.1.6 The start date for adoption leave can be changed. If an employee wishes to delay the start of adoption leave, they must notify the Trust 28 days before the original intended start date. If an employee wants to start adoption leave earlier than planned, they must notify the Trust 28 days before the date they want to change it to.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 12 of 32

8.1.7 The maximum length of statutory adoption leave is 52 weeks. The Trust will assume that you intend to take the full 52 weeks leave unless you provide notice that you wish to return earlier. For an earlier return to work date, the employee should provide the Trust with at least 8 weeks' notice.

8.1.8 Adoption leave can only be taken in a single block. Should an employee choose to curtail their adoption leave in order to take ShPL (see section 11), adoption leave cannot later be reinstated.

8.2 DISRUPTION TO ADOPTION

8.2.1 In circumstances where the placement of the child has ended after an employee has started adoption leave, the employee will no longer be entitled to the full adoption leave. However, the employee is entitled to 8 weeks leave from the date the placement ends (so long as this does not extend beyond the original end of their statutory leave). The employee should notify the Trust of the date the placement ended as soon as possible and provide at least 21 days' notice where this results in a change to the return-to-work date.

9. MATERNITY SUPPORT LEAVE AND PAY

To apply for maternity support leave, employees should utilise the relevant form: [FORM - ALL STAFF - Maternity Support & Paternity Leave Application .docx](#)

9.1 QUALIFYING CRITERIA AND NOTIFICATION TIMEFRAMES

9.1.1 To take maternity support leave you must be an employee, meet the qualifying criteria and have given the appropriate notice to the Trust. There is no minimum service entitlement requirement to be eligible for maternity support leave.

9.1.2 Employees must notify the Trust of the intended dates of leave and include written notification from the expectant mother/adoption that they are the nominated carer (see 9.1.4) no later than the 6th week before the EWC, or placement in the case of adoption, or as soon as is reasonably possible.

9.1.3 Employees must also provide a copy of the mother's maternity certificate (MATB1) which is issued by a Doctor or Midwife approximately 14-20 weeks before the EWC, or the matching certificate/written confirmation from the adoption agency.

9.1.4 A nominated carer is the person nominated by a mother/adoption as the primary provider of support at or around the time of birth/placement. It is anticipated that in most cases this will be the spouse or partner, however, the role may otherwise be fulfilled by a relative of someone who has a caring relationship with the mother/adoption and/or the child. The mother/adoption can only have 1 nominated carer. Where maternity support leave is taken by a spouse/partner, any paternity leave and pay is offset against this. For example:

- A spouse/partner may take one week of maternity support leave at full pay followed by a further week of paternity leave and pay (subject to eligibility as outlined at section 10);
- If the nominated carer is not entitled to paternity leave, they may take one week of maternity support leave at full pay.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 13 of 32

9.2 LENGTH OF LEAVE AND RATE OF PAY

- 9.2.1 Employees are entitled to 5 days paid maternity support leave at their normal rate of pay (pro rata for part-time employees). The leave must be taken in a block of 5 days at or around the time the child is born/starts their placement.

10. PATERNITY LEAVE AND PAY

To apply for paternity leave, employees should utilise the relevant form: [FORM - ALL STAFF - Maternity Support & Paternity Leave Application .docx](#). Please note that the same form can be used to apply for both maternity support leave and paternity leave.

10.1 QUALIFYING CRITERIA AND NOTIFICATION TIMEFRAMES

- 10.1.1 To take paternity leave you must be an employee, and have given the appropriate notice to the Trust.
- 10.1.2 With effect from 6 April 2026 there is a day one right for an employee to take paternity leave. The employee must also be married to or be the partner (see 10.1.3 below) of the child's mother/adopter and confirm that they expect to have responsibility for the upbringing of the child (other than the responsibility of the primary mother/adopter).
- 10.1.3 For paternity leave, a partner is a person who lives with the child's mother/adopter (whether the same or a different sex) and the child in an enduring family relationship but is not a relative of the mother/adopter i.e. a parent, grandparent, sibling, aunt, uncle, etc.
- 10.1.4 The Trust must be notified of the date the employee intends to start paternity leave at least 28 days in advance.

10.2 LENGTH OF LEAVE AND RATE OF PAY

- 10.2.1 Entitlement to Statutory Paternity leave is 1 or 2 weeks and must be taken in week blocks. Paternity leave is offset by any maternity support leave (see section 9) that is taken i.e. an employee taking 1 week of maternity support leave can then only take 1 week of paternity leave.
- 10.2.2 Paternity leave cannot be taken earlier than the date of birth/start of placement and must end within 52 weeks of the date of birth/start of placement.
- 10.2.3 Paternity leave is paid at the current rate of SPP (or 90% of your earnings if this is less than SPP). To qualify for SPP, the employee's average earnings in the 8 weeks up to either the 15th week before the EWC, or the week in which the adopter is notified of being matched with the child, must be equal to or above the Lower Earnings Limit (see [Paternity pay and leave: Eligibility - GOV.UK](#) for further information). To qualify for Paternity pay the qualifying service of 26 weeks at the 15th week before childbirth is still required. Partners may now also take paternity leave and pay after shared parental leave and pay.

11. SHARED PARENTAL LEAVE AND PAY

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 14 of 32

ShPL is designed to give eligible parents more flexibility to choose how to share the care of their child during the first year of birth or adoption. Parents are able to share a pot of leave and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. To apply for ShPL, employees must utilise the relevant form:

- Maternity- [FORM - ShPL \(Maternity\) .docx](#)
- Adoption- [FORM - ShPL \(Adoption\).docx](#)

11.1 ELIGIBILITY FOR LEAVE

11.1.1 ShPL can be used by two people who both share the main responsibility for the care of the child at the time of the birth/placement, these are:

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

11.1.2 For either to qualify, the mother/adopter must:

- be entitled to either maternity/adoption leave, or statutory maternity/adoption pay or to maternity allowance;
- have curtailed or given notice to reduce, their maternity/adoption leave (to less than 52 weeks), or their pay/allowance (to less than 39 weeks where they were not entitled to maternity/adoption leave);
- share the main responsibility for caring for the child with the named partner at the time of the birth/placement for adoption.

11.1.3 For an employee to be eligible to take ShPL they must pass the 'continuity of employment test' (see 11.1.4). In turn, the other parent (as per 11.1.1) must meet the 'employment and earnings test' (see 11.1.5). The employee must notify the Trust of their entitlement and provide evidence as required.

11.1.4 Continuity of employment test: the employee must have worked for the Trust for at least 26 weeks at the end of the 15th week before their child is due/the adoption match date and is still employed at the start of each period of ShPL.

11.1.5 Employment and earnings test: the parent must have worked for at least 26 of 66 weeks before the expected birth/adoption match date and earned at least a specified average amount (further details can be found at: [Shared Parental Leave and Pay: Eligibility for birth parents - GOV.UK](#) or [Shared Parental Leave and Pay: Eligibility for adopters or parents using a surrogate - GOV.UK](#)) in any 13 of the 66 weeks.

11.1.6 Where both parents satisfy these tests, they can choose how to share the leave. However, a family can still use ShPL even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take ShPL, but they could still pass the employment and earnings test allowing the other parent to qualify.

11.1.7 The employee must correctly notify the Trust of their entitlement and provide evidence as required (see 11.3 and 11.4).

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 15 of 32

11.2 LEAVE ENTITLEMENT

11.2.1 Eligible parents can take up to 50 weeks of ShPL during the first year after the birth/adoption of their child. The birth parent or primary adopter can take up to 52 weeks of statutory maternity or adoption leave. They must take a minimum of 2 weeks' leave after the birth or adoption leaving up to 50 weeks of leave that can be shared. How much ShPL is available depends on how much:

- Maternity leave the birth parent has taken
- Adoption leave the primary adopter has taken.

11.2.2 A mother/adopter must reduce their maternity/adoption leave by returning to work before the full 52 weeks have been taken (or reduce their maternity/adoption pay/allowance to less than 39 weeks where they were not eligible for maternity/adoption leave) or provide notice to curtail their leave/pay at a specific future date in order to create an entitlement to ShPL.

11.2.3 The mother/adopter can take ShPL after they have taken 2 weeks of maternity/adoption leave. The other parent can take ShPL immediately following the birth/placement of the child (subject to the mother/adopter giving notice to curtail their maternity/adoption entitlement) but may first choose to exhaust any paternity leave entitlements as this cannot be taken after they have taken any ShPL. This allows parents to take leave at the same time should they wish to.

11.2.4 Any period of ShPL must end within 1 year of the birth/placement of the child. Any SPL not taken by the first birthday, or first anniversary of placement for adoption, is lost.

11.3 NOTIFICATION REQUIREMENTS

11.3.1 An employee entitled and intending to take ShPL must give the Trust notification of their entitlement and their intention to take ShPL at least 8 weeks before they can take a period of ShPL.

11.3.2 Part of the eligibility criteria requires the employee to provide the Trust with specific information and declarations. Employees must therefore ensure they use the correct forms and complete these in full to satisfy the notification requirements:

- Maternity- [FORM - ShPL \(Maternity\) .docx](#)
- Adoption- [FORM - ShPL \(Adoption\).docx](#)

11.4 REQUESTING FURTHER EVIDENCE OF ELIGIBILITY

11.4.1 The Trust may, within 14 days of the ShPL entitlement notification being given, request:

- The name and business address of the partners employer (where the employees' partner is no longer employed or is self-employed their contact details must be given instead).
- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the date and place of the birth).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 16 of 32

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

11.5 DISCUSSIONS REGARDING SHARED PARENTAL LEAVE

- 11.5.1 The line manager may, upon receiving a notification of entitlement to take ShPL, seek to arrange a formal discussion with the employee to talk about their intentions and how they currently expect to use their ShPL entitlement.
- 11.5.2 Upon receiving a leave booking notice the line manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employees notice booking leave, a meeting may not be necessary.
- 11.5.3 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is requested for discontinuous leave, the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Trust, and what the outcome may be if no agreement is reached.

11.6 BOOKING SHARED PARENTAL LEAVE

- 11.6.1 In addition to notifying the employer of entitlements to ShPL/ShPP, an employee must also give at least 8 weeks' notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to ShPL. Notice should be given using the relevant form (see 11.3.2 above).
- 11.6.2 An eligible employee has the right to submit up to **three** notices to:
- a) take continuous leave- a full block of time off work (see 11.7), or;
 - b) take discontinuous leave- where blocks of time off work are mixed with time back at work (see 11.8) or;
 - c) change the dates of any booked leave.
- 11.6.3 ShPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of ShPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of ShPL, the next period of ShPL can start on any day of the week.
- 11.6.4 ShPL generally commences on the employees chosen start date specified in their leave booking notice, or in any subsequent variation notice.

11.7 CONTINUOUS LEAVE NOTIFICATIONS

- 11.7.1 A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 17 of 32

11.7.2 An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of ShPL available to them (specified in the notice entitlement) and the employer has been given at least eight weeks' notice.

11.7.3 An employee may submit up to three separate notifications for continuous periods of leave. To avoid confusion when making a change between continuous and discontinuous leave, we recommend that each request for a block of continuous leave is submitted on a separate notice.

Example: A teacher curtails her maternity leave at the end of the autumn term and returns to work on full pay during the Christmas break; she sends three booking notices to her employer that she intends to take shared parental leave:

Block 1: 6 weeks in the first half of the spring term from January to mid-February, returning to work on full pay during the spring half term.

Block 2: 4 weeks in the second half of the spring term from February to mid-March, returning to work on full pay during Easter.

Block 3: 6 weeks in the first half of the summer term from April to the end of May, returning to work on full pay during the May half term, then returning to work permanently.

11.8 DISCONTINUOUS LEAVE NOTIFICATIONS

11.8.1 A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of ShPL and work every other week for a period of three months).

11.8.2 Where there is concern over accommodating the notification, the Trust or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Trust (see 11.5).

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

11.9 RESPONDING TO A SHARED PARENTAL LEAVE NOTIFICATION

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

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

11.9.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Trust against any adverse impact to the business. Each

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 18 of 32

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

- 11.9.4 If a discontinuous leave pattern is refused, then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block, the employee has until he 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date, then the leave will begin on the first leave date requested in the original notification. This will be confirmed in the letter refusing the booking request.

11.10 VARIATIONS TO ARRANGED SHARED PARENTAL LEAVE

- 11.10.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Trust in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 11.10.2 Any variation or cancellation notification made by an employee, including notice to return to work early, will usually count as a new notification reducing the employees right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the Trust requesting it to be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Trust.

11.11 STATUTORY SHARED PARENTAL PAY (ShPP)

- 11.11.1 Eligible employees will be entitled to claim up to 37 weeks ShPP, less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay that has already been claimed by either partner.
- 11.11.2 ShPP can be claimed following the birth or placement of the child, but not at the same time as the compulsory two weeks of leave following the birth or placement of the child. ShPP is paid at a rate set by the government each year. The current amount can be found at: <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>
- 11.11.3 ShPP may be payable during some or all of ShPL, depending on the length and timing of the leave.
- 11.11.4 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
 - the employee must intend to care for the child during the week in which ShPP is payable;
 - the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 19 of 32

date are not less than the lower earnings limit in force for national insurance contributions;

- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification in accordance with the rules set out below.

11.11.5 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP (employees must use the forms referred to at 11.3.2). To avoid duplication, **if possible, this should be included as part of the notice of entitlement to take ShPL.**

11.12 OCCUPATIONAL SHARED PARENTAL LEAVE PAY (OShPP)

11.12.1 In addition to the ShPP entitlement the Trust offer an OShPP, this is an amount equivalent to 6 weeks of full pay, spread over a period agreed with the manager (where the pay + ShPP does not exceed normal full pay) e.g.

- weeks (50% of weekly pay)
- 20 weeks (30% of weekly pay)
- 33 weeks (approx. 18% weekly pay)
- Receive the amount as a lump sum on returning to work (this will be subject to a deduction for 6 weeks' ShPP already received)

11.12.2 To be entitled to OShPP the employee must have:

- a minimum of 1 year's continuous service by the 11th week before their expected week of childbirth.
- declared in writing that they are returning to work, and they complete at least 3 months service on their return. If not, the employee may be required to repay some or the entire amount.

11.12.3 The maximum entitlement to OcShPP will only apply where either parent has not already received SMP, OMP, MA, SAP, or OAP in respect of the child. Where such pay (excluding pay during the compulsory two week maternity/adoption leave period) has been received by either parent, the maximum joint entitlement will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent or notified as intending to be taken by either parent.

11.12.4 Agency workers who are entitled to statutory maternity pay or statutory paternity pay are not eligible for shared parental leave, but their employed partner may be. Agency workers and or/their partners may be entitled to statutory shared parental pay.

12 PARENTAL LEAVE (UNPAID)

12.1 Parental leave (statutory provision) is a right to take unpaid time off work to look after the welfare of a child for whom the employee has parental responsibility. The Trust can request proof of parental responsibility (e.g. a full birth certificate or adoption papers).

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 20 of 32

- 12.2 With effect from 6 April 2026 there is no qualifying period required in order to take parental leave. To be eligible they must be employed by the Trust and must be named on the child's birth or adoption certificate or, confirm that they expect to have responsibility for the upbringing of the child.
- 12.3 Parental leave applies up to the child's 18th birthday.
- 12.4 Eligible full-time employees have an entitlement of 18 weeks per child. These 18 weeks apply up to the child's 18th birthday. The entitlement for part-time employees is proportionate.
- 12.5 21 days' notice is required when requesting parental leave.
- 12.6 The limit on how much parental leave each parent can take in any one year is 4 weeks for each child. This leave can be taken in the following ways:
- As a whole week block (e.g. 1 or 2 weeks)
 - As a number of shorter periods, minimum of three hours
 - In patterns which provide part time or reduced working hours
- 12.7 In respect of a child that has been awarded disability living allowance or personal independence payment, the leave may be taken one day at a time or in blocks or multiples of one day.
- 12.8 There may be occasions where the Trust may need to postpone parental leave as a result of a 'significant reason.' Where this may be necessary, managers should seek advice from HR to ensure the correct process is followed.
- 12.9 Parental leave requests cannot be postponed where the leave is immediately following maternity or adoption leave.

13. CARERS LEAVE

- 13.1 The Carers Leave Act 2023, that came into force on 6 April 2024, makes provisions for one week's unpaid leave (equal to an individual's usual working week) within a 12-month period for employees (who are unpaid carers) to arrange care for a dependent with a long term care need.
- 13.2 The definition of an unpaid carer is someone who manages both paid work and unpaid caring responsibilities: it does not include individuals who are employed as a paid professional carer or whose caring role relates solely to a child/children who have no long-term illness or disability.
- 13.3 The purpose of the leave is to care for or to arrange care for a dependent or someone living in the same house. The leave does not have to be taken consecutively and can be taken in half days.
- 13.4 There is no qualifying period: this is a day one employment right.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 21 of 32

14. NEONATAL LEAVE AND PAY

- 14.1 With effect from 6 April 2025, the Neonatal (leave and Pay) Act 2023 comes into force. This provides up to 12 weeks' extra leave in addition to maternity/paternity, which can be taken in blocks of one week. The entitlement for leave is a day one right.
- 14.2 This is applicable for babies born on or after 6 April 2025 who spend seven or more continuous days in neonatal care.
- 14.3 The new law covers parents whose babies are admitted to neonatal care within the first 28 days after birth. The leave must be taken in the first 68 weeks of the baby's birth.
- 14.4 Neonatal care pay is paid at the statutory rate of pay to those parents with 26 weeks' service. Where the statutory pay week begins in a tier 1 the notice period is within 28 days of the first day pay is being claimed for. In tier 2 the notice is 15 days prior to the first day of leave being taken.
- 14.5 Tier, one refers to the period during which the child receives neonatal care or during the week following the end of neonatal care. In tier 1, neonatal leave cannot be taken for the first week that a child is in neonatal care. It can be taken as consecutive or non-consecutive weeks.
- 14.6 Tier two is any leave taken outside the tier 1 period and is not as flexible.
- 14.7 Neonatal leave is in addition to other types of family leave but cannot be taken at the same time as another type of family leave.

15. BEREAVED PARTNER'S PATERNITY LEAVE (BBPL)

Employees may be entitled to Bereaved Partner's Paternity Leave under the Bereaved Partner's Paternity Leave Regulations 2026 where the child's mother, primary adopter, or primary intended parent dies within the first year of the child's birth or placement.

- This is a day-one right available to employees with responsibility for the upbringing of the child.
- Eligible employees may take up to 52 weeks' leave, which must normally be taken in a single continuous block within 52 weeks of the child's birth or placement.
- This leave is unpaid, unless otherwise determined by the Trust.
- The leave may be taken before or after other statutory family leave.
- Employees' terms and conditions (except remuneration) are protected during the leave period, including rights to return to work and protection from detriment, redundancy and dismissal.
- Notice and evidence requirements will apply in accordance with the Regulations.

If the death of the child occurs less than 14 days before the end of the 52 weeks, the partner can still take 14 days leave. It must be taken in one block.

Reasonable contact/KIT-style days may be agreed in line with statutory provisions during the leave. Protections regarding return to work, redundancy, detriment and unfair dismissal mirror other family leave.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 22 of 32

16. RETURNING TO WORK FOLLOWING FAMILY LEAVE

- 16.1 Employees should return to work on the date indicated in the letter they receive. If an employee wishes to return earlier than this, they will need to provide notice of their intention to return as follows:
- If returning from OML or OAL, at least 7 days' notice;
 - If returning from AML or AAL, at least 21 days' notice;
 - If returning from ShPL, at least 8 weeks' notice (this will count as one of the three notifications to book and/or vary leave, if 3 notifications have already been used, the Trust does not have to accept the notice to return early).
- 16.2 If an employee does not provide the appropriate notice, their return may be postponed by up to 7 or 21 days (although not beyond the end of the original family leave end date).
- 16.3 If an employee is unable to return to work as planned due to sickness or injury, the Trust's normal arrangements for sickness absence will apply.
- 16.4 The earliest point that an employee can return from maternity leave is 2 weeks after the birth of their baby.
- 16.5 Parental leave can be taken immediately following maternity, adoption, paternity, or shared parental leave. Where the employee then returns to work, for a period of at least three months, they will not be required to refund money from any occupational maternity, adoption, or shared parental paid leave.
- 16.6 Where an employee has received occupational pay for maternity, adoption, paternity, or shared parental leave and does not return to work, they will be required to repay in full the additional pay they received.
- 16.7 Where employees return to work but leave the employment within three months, their employer will recover the additional half pay proportionally.
- 16.8 Employees have the right to return to their job, on the same terms and conditions of employment as if they had not been absent, if they take:
- Ordinary maternity or ordinary adoption leave
 - Ordinary paternity leave
 - Shared Parental Leave (where the total aggregated leave including any OML, OAL or OPL, amounts to 26 weeks or less)
 - Parental leave of four weeks or less
 - Bereaved partner paternity leave
- 16.9 Employees who take AML, AAL, SPL (which amounts to an aggregated total of more than 26 weeks leave including any OML, OAL or OPL) or more than four weeks of parental leave, have the right to return to the same job or a similar job (which is suitable and appropriate and on terms and conditions no less favourable), if it's not possible for them to return to their job due to restructure proposals.
- 16.10 Serious consideration will be given to all requests for a change in working arrangements and requests will be accommodated where possible. An employee who wishes to change their

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 23 of 32

working arrangements (e.g. number of hours worked, the times worked, the place of work) should raise this as soon as possible before their return from any kind of family leave. Those staff considering such a request should refer to the Trust's Flexible Working Policy.

- 16.11 If a redundancy situation arises while an employee is on family leave, they have the same rights to consultation as their colleagues. They also have the right to be offered any suitable alternative job if they're selected for redundancy - even if other colleagues are more suitable for the role (see section 5.2.4 above).

17. CHILDCARE VOUCHERS

Please note that the information below is only applicable to employees who joined a childcare voucher scheme on or before 4 October 2018. The scheme has now been replaced by the Government's Tax-Free Childcare Scheme.

- 17.1 Employees who are in receipt of childcare vouchers under a salary sacrifice scheme are entitled to continue to receive them during the whole of their family leave period. However, it should be noted that because the statutory maternity pay (SMP) calculation is based on the amount of salary received during the qualifying period, and the amount of salary sacrificed on childcare vouchers is not included in this calculation, the amount of SMP due to be paid will be reduced.
- 17.2 This means that between the 12th and 16th week of pregnancy employees who are in the childcare voucher scheme need to calculate and consider whether they will be better off:
- staying in a salary sacrifice scheme and receiving (a) lower Statutory Maternity Pay and (b) continuing to receive childcare vouchers for up to 52 weeks, or
 - leaving the salary sacrifice scheme prior to the start of the qualifying period for Statutory Maternity Pay in order to receive higher SMP. In this case they may qualify for the childcare element of Working Tax Credit.
- 17.3 Employees should consider this at the earliest opportunity. This will allow them to decide whether they wish to continue to receive childcare vouchers, and if they do whether they wish to reduce the amount they currently receive. To ensure changes are made prior to the qualifying week, Trust HR must be informed of any amendments or cancellations no later than the 17th week of pregnancy.

18. FRAUDULENT CLAIMS

The Trust can, where there is a suspicion that a fraudulent information may have been provided or where the Trust has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with our usual investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

19. SOURCES OF SUPPORT

- 19.1 Other resources that are available to managers in supporting employees in relation to their pregnancy are:

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 24 of 32

- Managing New and Expectant Mothers.
- Occupational health service referral (via Manager).

19.2 Employees may also contact their Trade Union Representatives for further information and support.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 25 of 32

APPENDIX 1 – GREEN BOOK GUIDANCE

Employees who take 39 weeks maternity or adoption leave to coincide with the period of SMP or SAP should be aware that this automatically takes them into the Additional Leave period.

Maternity – Summary of Entitlements

Benefit	Amount of Entitlement	Qualifying Conditions
Ordinary Maternity Leave (OML) & Additional Maternity Leave (AML)	• OML is 26 weeks. • AML is a further 26 weeks leave to be taken immediately after OML.	• No minimum length of service requirement. • Subject to the conditions outlined at sections 7.1.1 to 7.1.2 and completion of the relevant application form (see section 7).
Statutory Maternity Pay (SMP)	• 39 weeks' pay as follows: • 6 weeks at 90% of weekly earnings – often referred to as 'Higher-rate' SMP. • 33 weeks Statutory Maternity Pay (*SMP), (or 90% of weekly earnings if this is less than the SMP amount) – often referred to as 'Lower-rate' SMP. • If an employee does not qualify for SMP they may qualify for Maternity Allowance instead (see 7.2).	• Employee needs a minimum of 26 weeks continuous service by the 15th week before their Expected Week of Childbirth (EWC). • Earnings in the 8 weeks up to the 15th week before the EWC must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, the employee should have paid National Insurance on their earnings for those 8 weeks). • Employee must still be pregnant and employed at the 11th week before their EWC.
Occupational Maternity Pay (Trust Scheme)	• In addition to the SMP entitlement: An amount equivalent to 6 weeks of full pay, spread over a period agreed with the manager (where the pay + SMP does not exceed normal full pay) e.g. • 12 weeks (50% of weekly pay) + SMP • 20 weeks (30% of weekly pay) + SMP • 33 weeks (approx. 18% of weekly pay) + SMP Or	• Employee must have a minimum of 1 YEAR'S continuous service by the 11th week before their EWC. • The further 6 weeks full pay amount is only payable if the employee has declared in writing that they are returning to work and they complete at least 3 months' service on their return. If not, the employee may be required to repay some or the entire amount. • If the employee is not returning to work, they will receive the SMP entitlement outlined above. • If the employee is unsure if they are returning <u>or</u> are employed on a fixed term basis and their contract includes a pre-defined end date (which occurs during their period of maternity leave), it is recommended that they defer the

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 26 of 32

	Receive the amount as a lump sum on returning to work (NB: this will be subject to a deduction for 6 weeks' SMP already received)	payment of their 6 weeks full pay amount until they have decided whether or not they intend to return (or in the case of those employed for a fixed term; their contract is reviewed and extended, enabling them to return for the period specified). • Within 28 days employees will receive a letter from Trust HR confirming their maternity pay.
--	--	---

*SMP is reviewed annually by the government

ANNUAL/BANK HOLIDAY LEAVE

- An employee's contract of employment will outline their entitlement to annual leave.
- Term-time only employees have a leave year which will be specified in their contract of employment. They are required to take their annual leave during school closure periods; however no specific time within these 13 weeks is allocated as annual leave. School closure periods can be said to be either annual leave or non-working time. The amount of annual leave/bank holiday that they are entitled to is set out in the contract itself and specified in the calculation of the employee's pay.
- If, on a term-time only employee's return from family leave, there are insufficient school closure periods to accommodate the employee's outstanding annual leave/bank holiday entitlement the employee must be allowed to take any remaining leave during term time. Where there is not enough time on the employee's return before the end of their annual leave year for them to take their remaining annual leave/bank holiday entitlement, they must be allowed to carry over their annual leave/bank holiday to the next leave year. An employee can be required to take this during the remaining periods of school closure after the employee's annual leave entitlement for that leave year has been accommodated. The employee should receive pay for the annual leave/bank holiday carried over.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 27 of 32

Adoption – Summary of Entitlements

Benefit	Amount of Entitlement	Qualifying Conditions
Ordinary Adoption Leave (OAL) & Additional Adoption Leave (AAL)	- OAL is 26 weeks - AAL is a further 26 weeks leave to be taken immediately after OAL	- No minimum length of service requirement. - Subject to the conditions outlined at sections 8.1.1 to 8.1.3 and completion of the relevant application form (see section 8).
Statutory Adoption Pay	39 weeks Statutory Adoption Pay (SAP) (or 90% of your weekly earnings if this is less than the SAP amount) - If you do not qualify for SAP, you may qualify for other benefits instead. Refer to the main document for further information.	- You must have a minimum of 26 weeks continuous service by the week in which you are notified of being matched with the child. - Your average earnings in the 8 weeks up to the week in which you are notified of being matched with the child must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, you should have paid National Insurance on your earnings in those 8 weeks). - Subject to the conditions outlined at sections 8.1.1 to 8.1.4 and completion of the relevant application form (see section 8).
Occupational Adoption Pay (OAP)	- In addition to your SAP entitlement: For the first 6 weeks, your SAP will be 'topped up' to equal 90% of your weekly earnings. A further amount equivalent to 6 weeks of full pay, spread over a period agreed with your manager (where the pay + SAP does not exceed your normal full pay) e.g. 12 weeks at 50% of pay + SAP 20 weeks at 30% of pay + SAP - Receive the amount in full on returning to work	- You need a minimum of 1 year's continuous service by the week in which you are notified of being matched with the child. - The 'top up' pay and further 6 weeks full pay amount are only payable if you have declared in writing that you are returning to work and you complete at least 3 months service on your return. If not, you may have to repay some or all of the amount. - If you are not returning to work, you will receive the SAP entitlement (39 weeks SAP (or 90% if this is less than the SAP amount)). - If the employee is unsure if they are returning <u>or</u> are employed on a fixed term basis and their contract includes a pre-defined end date (which occurs during their period of adoption leave) it is recommended that they defer the payment of their "top up pay" & 6 weeks full pay amount until they have decided whether or not they intend to return (or in the case of those employed for a fixed term, their contract is reviewed and extended enabling them to return for the period specified).

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 28 of 32

APPENDIX 2 – BURGUNDY BOOK GUIDANCE

Employees who take 39 weeks maternity or adoption leave to coincide with the period of SMP or SAP should be aware that this automatically takes them into the Additional Leave period.

Maternity – Summary of Entitlements

Qualifying Service	Amount of unpaid/paid leave
Not less than 1 year's continuous teaching service with 1 or more LEAs at the beginning of the 11 th week before the expected week of childbirth with the intention of returning after the birth	52 weeks maternity leave 39 weeks statutory maternity pay (SMP)** (6 weeks at 90%, 33 weeks flat rate SMP) 18 weeks occupational maternity pay (OMP)* (4 weeks at full pay- inclusive of SMP, 2 weeks at 90% of full pay- inclusive of SMP and 12 weeks at ½ pay + flat rate SMP) Remaining 13 weeks unpaid <i>* OMP + SMP must not exceed your normal full pay</i>
Not less than 1 year's continuous teaching service with 1 or more LEAs at the beginning of the 11 th week before the expected week of childbirth with the intention of NOT to return after the birth	52 weeks maternity leave 39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP) 6 weeks occupational maternity pay (OMP)* (4 weeks at full pay- inclusive of SMP, 2 weeks at 90% of full pay- inclusive of SMP) Remaining 13 weeks unpaid <i>* OMP + SMP must not exceed your normal full pay</i>
Less than 1 year's continuous teaching service with 1 or more LEAs but 26 weeks continuous service at the 15 th week before the expected week of childbirth with the intention of returning to work after the birth	52 weeks maternity leave 39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP) Remaining 13 weeks unpaid
Minimum of 26 weeks continuous service with 1 or more LEAs at the 15 th week before the expected week of childbirth with the intention of NOT returning to work after the birth	52 weeks maternity leave 39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP) Remaining 13 weeks unpaid
Less than 26 weeks continuous service with 1 or more LEAs at the 15 th week before the expected week of childbirth regardless of whether you intend to return to work or not	52 weeks unpaid maternity leave, maternity allowance may be payable by the DWP (qualifying conditions apply)

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 29 of 32

*SMP/SAP is reviewed annually by the government. Average earnings in the 8 weeks up to the 15th week before the EWC, or in the 8 weeks up to the week in which you are notified of being matched with the child in the case of adoption, must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, the employee should have paid National Insurance on their earnings for those 8 weeks).

SUBSEQUENT OBLIGATIONS ON THE TEACHER

1. Should you qualify for OMP you have an obligation to return to work for at least 13 weeks (including periods of school closure) in order to retain your OMP.
2. Where your Line Manager agrees, a full-time Teacher may return to work on a part-time basis which equates to 13 weeks of full-time service. Similarly, a part-time Teacher may return to work on a different part-time basis for a period which equates to 13 weeks part-time service relating to her previous contract.

Staff can access the OMP retention and repayment calculator in order to estimate the length of time they are obligated to return, if considering a reduction in their working hours or estimate any repayment should they make the decision not to return to work, following maternity leave.

ANNUAL/BANK HOLIDAY LEAVE

3. Teachers do not have a contractual entitlement to paid annual leave or a specified annual leave year; however, they are entitled to 24 days' statutory annual leave under the Working Time Regulations (WTR).
4. As an employee has 24 days leave under the WTR, the accrual of leave is not affected by what stage of family leave an employee is at or whether they are receiving pay.
5. A teacher should be advised prior to commencing their family leave that they have a statutory entitlement to 24 days annual leave and that this should be taken either before or after the family leave period during school closure periods. On their return from family leave, a teacher must be allowed to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate their leave in that leave year;
6. Where the return from family leave is so close to the end of the leave year that there is not enough time to take all of their annual leave entitlement, a teacher must be allowed to carry over any balance of their leave to the following leave year. A teacher can be required to take this during the remaining periods of school closure after the 24 days' annual leave for that leave year has been accommodated.

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 30 of 32

Adoption – Summary and Entitlements

Qualifying Service	Amount of unpaid/paid leave
Not less than 1 year's continuous teaching service with 1 or more LEAs by the week in which you are notified of being matched with the child with the intention of returning after the birth.	52 weeks adoption leave 39 weeks statutory adoption pay (SAP)** (6 weeks at 90%, 33 weeks flat rate SAP) 18 weeks occupational adoption pay (OAP)* (4 weeks at full pay- inclusive of SAP, 2 weeks at 90% of full pay- inclusive of SAP, 12 weeks at ½ pay + flat rate SAP) Remaining 13 weeks unpaid. <i>* OAP + SAP must not exceed your normal full pay</i>
Not less than 1 year's continuous teaching service with 1 or more LEAs by the week in which you are notified of being matched with the child, with the intention of NOT to return after the birth.	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP) 6 weeks occupational adoption pay (OAP)* (4 weeks at full pay- inclusive of SAP, 2 weeks at 90% of full pay- inclusive of SAP) Remaining 13 weeks unpaid. <i>* OAP + SAP must not exceed your normal full pay</i>
Less than 1 year's continuous teaching service with 1 or more LEAs but 26 weeks continuous service by the week in which you are notified of being matched with the child, with the intention of returning to work after the birth.	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP) Remaining 13 weeks unpaid
Minimum of 26 weeks continuous service with 1 or more LEAs by the week in which you are notified of being matched with the child with the intention of NOT returning to work after the birth	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP) Remaining 13 weeks unpaid
Less than 26 weeks continuous service with 1 or more LEAs by the week in which you are notified of being matched with the child regardless of whether you intend to return to work or not	52 weeks unpaid adoption leave, adoption allowance may be payable by the DWP (qualifying conditions apply).

SCHEDULE 1

DOCUMENT CONTROL – RECORD OF CHANGES

Version Number:	Publication Date:	Nature of, and Reason for, Change(s)
001	January 2022	Implementation of Policy across Trust consistent with Local Authority Policy.
002	January 2023	Reviewed and no changes required.
003	June 2024	Updated to reflect legislative changes.
004	June 2025	Updated to reflect legislative changes and reviewed to be more user-friendly.
005	June 2026	Updated to reflect new / amended legislation. Removal of qualifying periods for paternity leave (26 weeks) and parental (1 year)

Version	Publication Date	Document Title	Document Owner	Page Number
005	June 2026	Family Leave Procedures	Head of Human Resources	Page 32 of 32