

INSPIRE

INCLUDE

INTEGRITY

EXCEED

## Family Leave Policy (including Maternity, Paternity, Adoption, Shared Parental Leave & Neonatal Care Leave)

|  |   |
|--|---|
| Author/Owner   | Human Resources   |
| Version  | 1 – New Policy, replaces previous Maternity, Paternity, Adoption and Shared Parental Leave Policy |
| Responsible Directors' Board   | Finance and Operations Committee  |
| Date Approved/Reviewed   | May 2025  |
| Next Review Date   | September 2025  |
| Academy to implement without Amendment, using appendix when required |   |



**Exceed Learning Partnership**  
• EVERY CHILD • EVERY CHANCE • EVERY DAY •

## Summary of Changes from Previous Version

| Version | Date     | Author    | Summary of Updates  |
|---------|----------|-----------|---|
| V1      | May 2025 | A Hibbitt | <p>New Policy, that replaces previous Maternity, Paternity, Adoption and Shared Parental Leave Policy</p> <p>Includes new Neonatal section from page 60 following release of new guidance</p> |
|         |          |           |   |

## ***Table of Contents***

---

|   |           |
|---|-----------|
| <b>Section 1: Maternity</b>                             | <b>3</b>  |
| Maternity Forms   | 8         |
| Part A – Working out your eligibility for leave and pay | 9         |
| Part B – Maternity leave                                | 10        |
| Part C – Returning to work early/late                   | 13        |
| <b>Section 2: Paternity</b>                             | <b>14</b> |
| Paternity Form  | 16        |
| <b>Section 3: Adoption</b>                              | <b>17</b> |
| Adoption Forms  | 22        |
| Part A – Working out your eligibility for leave and pay | 22        |
| Part B – Adoption leave                                 | 24        |
| Part C – Returning to work early/late                   | 26        |
| <b>Section 4: Other Important Information</b>           | <b>27</b> |
| <b>Section 5: Shared Parental Leave</b>                 | <b>32</b> |
| SPL Form 1  | 41        |
| SPL Form 2  | 42        |
| SPL Form 3  | 45        |
| SPL Form 4  | 46        |
| <b>Section 6: Neonatal Care (Leave and Pay)</b>         | <b>50</b> |
| NCL Form 1  | 60        |
| NCL Form 2  | 62        |
| NCL Form 3  | 64        |

## INTRODUCTION

This document outlines entitlement to maternity, paternity, adoption, shared parental leave, and neonatal care leave for school employees. Part-time or job-sharing employees who satisfy the qualifying conditions will have the same entitlements.

For the purposes of the policy and for ease of understanding, the terms Parent A and Parent B will be used.

‘Parent A’ will be used to refer to the mother/birthing parent/main adopter/main intended parent (where employees are having a baby through a surrogacy arrangement)/parent who has taken maternity/adoption leave.

‘Parent B’ will be used to refer to the father or, where not the father, the spouse/civil partner/partner/same-sex/gender non-conforming partner of Parent A/secondary adopter/secondary parent in an intended surrogacy where they have main responsibility for the care of a child with the other parent (Parent A).

## SCOPE

This procedure applies to all employees employed by the Trust.

## **SECTION 1: MATERNITY**

### PURPOSE

This policy and procedure applies to pregnant employees, fathers to be, same-sex/gender non-conforming partners and nominated carers who are employees of the Trust.

### ROLES AND RESPONSIBILITIES

#### **By the Employee**

On becoming pregnant, an employee should notify their line manager as soon as possible. This is important as there are health and safety considerations for the employee and the school.

At least 28 days before the start of maternity leave, or as soon as reasonably practicable afterwards, a pregnant employee must notify the school by completing the Maternity Leave Plan (**FORM 1 MATERNITY**):

- That they are pregnant,
- Of their expected week of childbirth (including a MATB1, or any other confirmation of EWC which is signed by a registered midwife or general practitioner). This confirmation cannot be issued more than 20 weeks before the week in which the baby is due.
- Of the date on which they intend to start their maternity leave. This should be in writing and the date notified cannot be earlier than the beginning of the 11<sup>th</sup> week before the expected week of childbirth.

A pregnant employee will be able to change their mind about when they want to start their leave providing, they tell their manager at least 28 days in advance (unless this is not reasonably practicable). If childbirth occurs early the employee must notify their manager that they have given birth.

## By the Employee's Manager

A manager must respond to a pregnant employee's notification of their leave plans, in writing, within 28 days. This should state the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave.

## PRINCIPLES

### **MATERNITY PAY AND LEAVE ENTITLEMENTS**

All pregnant employees irrespective of length of service and hours worked are entitled to a 26-week period of Ordinary Maternity Leave and to a 26-week period of Additional Maternity Leave. Entitlement to Occupational Maternity Pay, as well as Statutory Maternity Pay and Maternity Allowance, is dependent on a range of conditions which are explained more fully in this guide.

The school has two maternity schemes for employees:

**Scheme A** - applies to employees with less than one year's continuous service with the school by the beginning of the 11<sup>th</sup> week before the expected week of childbirth.

#### **Entitlements:**

- 26 weeks' Ordinary Maternity Leave (OML)
- 26 weeks' Additional Maternity leave (AML)
- Statutory Maternity Pay – where service conditions apply
  - 6 weeks at 9/10ths of average earnings, then
  - 33 weeks at standard SMP entitlement

**Scheme B** – applies to employees with at least one year's continuous service with the school by the beginning of the 11th week before the expected week of childbirth

#### **Entitlements:**

- 26 weeks' Ordinary Maternity Leave (OML)
- 26 weeks' Additional Maternity leave (AML)
- Occupational Maternity Pay

#### **For Teachers:**

- 4 weeks at full salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay).
- 2 weeks at 9/10ths of a weeks' salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay)

#### **For Support staff:**

- 6 weeks at 9/10ths of a weeks' salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay)

#### **Then for All staff:**

- If employees have declared their intention to return to duty they may have **\*12 weeks at half salary** plus lower rate SMP to the extent that combined pay, and allowances do not exceed full pay. Employees have some discretion about how this will be paid to them during this period, and they

should discuss this with the Academy Business Manager (Deputy CEO for Trust Central Team), who will inform payroll.

The options are:

- 12 weeks at half pay, or
- 6 weeks' full pay, or
- 20 weeks at 3 / 10<sup>th</sup> of normal pay, or
- Paid in full to you at the end of their maternity leave

Employees will receive a further 21 weeks at standard rate SMP (a maximum of 39 weeks SMP is payable)

**\*\*To retain the 12 weeks at half pay element** of occupational maternity pay employees must return to school employment for at least 13 weeks (including periods of school closure).

### **What Will Automatically Trigger the Start of Maternity Leave?**

- A pregnant employee's maternity leave will start automatically if:
  - They give birth before their maternity leave starts,
  - If an employee is absent from work wholly or partially due to a pregnancy-related illness in the 4 weeks before their expected week of childbirth, the maternity leave will commence on the following calendar day automatically, regardless of when the employee has intended to start their maternity leave.
    - The expected week of childbirth runs from the Sunday before the due date and is typically found on the MAT B1 certificate issued to the employee by a midwife or doctor.

### **What is the Maternity Pay Period?**

This is the period of 39 weeks after the employee starts their maternity leave, which cannot be earlier than the 11<sup>th</sup> week before the expected week of childbirth. In circumstances where a pregnant employee gives birth before they have started their maternity leave, maternity pay will start the day following birth. This also applies to pregnant employees who are absent with a pregnancy-related sickness if it is within 4 weeks of the expected date of confinement.

### **Who Qualifies for Statutory Maternity Pay?**

To be eligible an employee must:

- be pregnant and have reached, or given birth before reaching, the start of the 11<sup>th</sup> week before the expected week of childbirth.
- have been continuously employed by the school for at least 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth (this is called the qualifying week). An employee must have been employed with the school for this length of time; previous unbroken continuous service with another school will not count for this purpose.
- provide medical evidence of the date their baby is due.
- have average weekly earnings for the 8-week period ending with the qualifying week, of not less than the lower earnings limit for NI contributions.
- have stopped working for the school to start their maternity leave.



Providing an employee qualifies they are entitled to receive Statutory Maternity Pay even if they are not returning to work after they have given birth.

If an employee is not entitled to Statutory Maternity Pay, they may be eligible to claim Maternity Allowance from the Department for Work and Pensions. Any claim should be made as soon as possible otherwise the employee may lose some of their benefit. They will need to be issued with a completed SMP1 form confirming that they are not entitled to Statutory Maternity Pay. Further information on Maternity Allowance is available from the Department for Work and Pensions.

### **Who Qualifies for Occupational Maternity Pay?**

To be eligible for Occupational Maternity Pay an employee must:

have at least one year's continuous service with the school by the beginning of the 11<sup>th</sup> week before the expected week of childbirth.

have indicated that they intend to return to the school at the end of their period of maternity leave. This must be for at least 13 weeks after maternity leave. If they do not, they will have to repay the 6 weeks full-pay element of their maternity pay (but not the SMP).

### **What Contractual Benefits Are Protected During Maternity Leave?**

#### **Ordinary Maternity Leave**

An employee's terms and conditions of employment are protected throughout the Ordinary Maternity Leave period except for terms relating to the payment of wages or salary. Instead, they are only entitled to Statutory Maternity Pay (apart from 'Keeping in Touch Days'). Additionally, they are entitled to return to the job in which they were employed before their absence on terms and conditions not less favourable than those which would have applied if they had not been absent and with their seniority, pension and similar rights as they would have been if they had not taken maternity leave. There is one exception to the right to return to their old job and this is where a redundancy situation has arisen during their absence. In such circumstances an employee is entitled to be offered a suitable alternative post not less favourable to them.

#### **Additional Maternity Leave**

An employee's contract continues throughout the period of Additional Maternity Leave. They are entitled to return to the job in which they were employed before their absence or, if that is not reasonably practicable, to another job on terms and conditions not less favourable than those which would have applied if they had not been absent, and with their seniority, pension and similar rights as they would have been if they had not taken maternity leave.

#### **Returning to Work After Maternity Leave**

An employee returning to work at the end of their period of additional maternity leave, is not required to give notice of their return. They can simply turn up to work on the first working day after their maternity leave has ended. This date should have been provided to them by their manager at the time they gave notification of their intention to take maternity leave.

While they are under no obligation to do so, it would assist their manager if they confirm as soon as convenient during their maternity leave that they will be returning to work as expected.

If an employee wishes to return to work earlier, they must provide 21 days' notice to the school. If they fail to provide sufficient notice their return can be postponed so that such notice is provided. The postponement cannot go beyond the end of their maternity leave period.

If due to sickness an employee is unable to return at the end of their maternity leave or on the date they notified if they intended to return early, the normal sickness provisions apply. If they comply with the normal sickness rules they will receive Statutory Sick Pay, plus if eligible, Occupational Sick Pay.

If an employee no longer wishes to return to work, they will need to submit their resignation in writing. Normal contractual notice periods are applicable.

### **What If an Employee Works Under More Than One Contract?**

If an employee has two or more separate contracts with the school, they may have two (or more) entitlements to Statutory Maternity Pay. This will depend on whether national insurance contributions are paid separately or aggregated.

### **What If a Child Is Stillborn or Dies?**

An employee is still entitled to 52 weeks of Statutory Maternity leave and 39 weeks of Statutory Maternity pay if they have a stillbirth after 24 weeks of pregnancy. Parent B (the birth father, partner of the birthing parent, or non-primary adopter) is also entitled to up to 2 weeks paternity leave and pay. Employees are also entitled to 2 weeks paid parental bereavement leave which is detailed in the Leave of Absence policy. This can be taken after their statutory maternity/adoption or paternity leave.

Employees who have informed their employer that they are pregnant are entitled to enhanced protection from redundancy as per Protection from Redundancy (Pregnancy and Family Leave) Act 2023.

For employees who have sadly miscarried before or during their 24<sup>th</sup> week of pregnancy, there is no entitlement to maternity leave or parental bereavement leave. However, the enhanced protection from redundancy continues for 2 weeks following the end of the pregnancy in instances where there is no statutory leave entitlement.

### **What Is the Relationship Between Statutory Maternity Pay and Statutory Sick Pay During the Maternity Pay Period?**

Statutory Maternity Pay is payable throughout the 39-week Maternity Pay Period. If an employee notified the school that they were returning to work during this period and then was unable to do so due to illness they would be paid Statutory Maternity Pay during their absence not Statutory Sick Pay. If they were unable to return to work at the end of the 39-week maternity leave period due to illness they would be entitled to Statutory Sick Pay. If eligible, this would be made up to full pay with Occupational Sick Pay.

### **Shared Parental Leave**

Shared Parental Leave is a way for parents to share statutory leave and pay on the birth of a child or adoption placement. Please refer to the Shared Parental Leave section of the Policy for further information.



## MATERNITY FORMS (PARENT A)

### EMPLOYEES' MATERNITY LEAVE PLAN

You should complete this form together with your line manager.

#### Telling the Trust, you are pregnant

You can tell your line manager you are pregnant as soon as you want to. This can be before you have decided when to start maternity leave, and before you give your line manager this form. You will need to tell your line manager if you want to take paid time off for antenatal appointments. The latest date you can inform your line manager of their pregnancy is the 15th week before your expected week of childbirth (the qualifying week). Form MATB1, which you will receive from your midwife or doctor will tell you the date their baby is due. Your qualifying week can then be worked out. Your line manager can help you with this.

Your line manager needs to make health and safety checks (e.g., about DSE, manual lifting, etc.) when they know you are pregnant in order to protect you and their baby, so the earlier you feel able to tell their department, the sooner these checks can be made.

#### Telling the Trust when you want to take maternity leave

You must tell your line manager by the 15th week before your expected week of childbirth the date on which you want to start your maternity leave and begin to receive maternity pay. You should therefore give this completed form to your line manager at the latest during the 15th week before your expected week of childbirth.

If you then wish to change the date on which you want to start your maternity leave you must give your line manager 28 days' notice of the new date.

#### How to use the plan

The plan is in 3 parts: notes to help you complete it are given in the right-hand column of the form.

**Part A** will help you to work out whether you qualify for the school's maternity leave scheme. You will find it helpful to have a calendar or diary handy when you are filling out the form.

**Part B** should be used to set out when you would like to begin your maternity leave and to indicate when your expected date of return to work will be.

**Part C** should be used if you decide to return to work before the end of your planned maternity leave.

## PART A – WORKING OUT YOUR ELIGIBILITY FOR LEAVE AND PAY

|   |   |
|---|---|
| <b>TO THE LINE MANAGER</b><br><br>I am giving you this form to let you know that I am pregnant and to notify you of when I want to start my maternity leave and to begin receiving maternity pay (if eligible).   |   |
| <b>Personal Details</b><br><br>1. Name: .....<br><br>Department: .....<br><br>.....   | Line manager's name:<br><br>.....<br><br>.....  |
| <b>Guidance Notes</b>   |   |
| <b>When the baby is expected</b><br><br>2. My baby is due in the week beginning: Sunday ..... (date of expected week of childbirth)   | <b>Expected week of childbirth</b><br>The expected week of childbirth is the week, beginning Sunday, in which it is expected you will have their baby. This is the date on your MATB1 form that your doctor or midwife will give you. |
| 3. A certificate (MATB1) confirming this:<br>Tick relevant box<br>a) Has been given to you already <input type="checkbox"/><br>b) Is enclosed with this form <input type="checkbox"/><br>c) Will be given to you as soon as possible <input type="checkbox"/>   | <b>Certificate</b><br>Your doctor or midwife will give you a MATB1 form which will give you the expected week of childbirth. You must give this to your line manager at least 28 days before you wish to start your leave.            |
| <b>Qualifying for the School's maternity scheme</b><br>Filling in this section of the form will enable you and your line manager to see if you qualify for the school maternity scheme and statutory maternity pay.   |   |
| 4. The 15th week before my expected week of childbirth (the date given in Question 2) is the week beginning:<br><br>Sunday .....  | This date is important for working out how much maternity leave you qualify for.  |
| 5. On this date I will have worked for the school continuously for at least 26 weeks<br><br>Yes <input type="checkbox"/> tick box (go to part B) or<br><br>No <input type="checkbox"/> tick box (see box below)   | Your length of employment usually runs from the first day you started work with the school to the present day. If there are any gaps in your employment consult your line manager.  |
| If you have ticked 'No' above, then you do not qualify for the Maternity Scheme or Statutory Maternity Pay from the school. However, you are still entitled to 52 weeks' unpaid leave. In addition, you may still be able to claim Maternity Allowance. Your line manager will advise you on this. You still need to complete part B of this form.  |   |
| <b>IMPORTANT:</b> please note that if your contract of employment is due to terminate during your maternity leave, your entitlement to benefits under the school's contractual schemes will end on the contract end date. However, you will continue to be paid any remaining statutory maternity pay to which you are eligible. Your contract of employment will not automatically be extended because you are on maternity leave. |   |

## PART B – MATERNITY LEAVE

|   | Guidance Notes   |
|---|--|
| <p><b>Starting maternity leave</b></p> <p>6. I intend to start my maternity leave on:</p> <p>.....(date)</p> <p>(NB this can be any day of the week)</p>  | <p><b>Start date</b></p> <p>It is your decision when you start your maternity leave, except that you cannot start it earlier than the 11th week before your expected week of childbirth. You should notify your line manager of your intended start date by the 15th week before the expected week of childbirth. If you wish to change this date you must give your line manager at least 28 days' notice of when you want to start your maternity leave.</p> <p>If you are absent from work for a pregnancy-related reason in the 4 weeks before your expected week of childbirth, or if you give birth before the date you intended to start maternity leave, your maternity leave will start automatically.</p>  |
| <p><b>Returning after maternity leave</b></p> <p>7. My maternity leave entitlement will finish on:</p> <p>..... (date)</p>  | <p><b>End of maternity leave</b></p> <p>This may be at the end of the 52nd week from when you start your maternity leave. For example, if you started your maternity leave on a Wednesday, the last day will be Tuesday 52 weeks later. Your line manager will help you calculate this date.</p>   |
| <p>8. Return date: complete either <b>A</b> or <b>B</b> below.</p> <p><b>A.</b> I would like to take my full 52 weeks entitlement, and I am due back to work on:</p> <p>.....(date)</p> <p><b>B.</b> I have already decided not to take my full 52 weeks entitlement and will return to work on:</p> <p>.....(date)</p> <p><b>8.1.</b> I have declared my intention to return, and I would like my additional occupational maternity pay to be paid as:</p> <p>*Please tick to indicate</p> <p>- 12 weeks at half pay <input type="checkbox"/></p> <p>- 6 weeks' full pay <input type="checkbox"/></p> <p>- 20 weeks at 3 / 10<sup>th</sup> of normal pay <input type="checkbox"/></p> <p>- Paid in full to you at the end of my maternity leave <input type="checkbox"/></p> | <p>The school scheme offers –</p> <p><b>For Teachers:</b></p> <ul style="list-style-type: none"> <li>4 weeks at full salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay).</li> <li>2 weeks at 9/10ths of a weeks' salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay)</li> </ul> <p><b>For Support staff:</b></p> <ul style="list-style-type: none"> <li>6 weeks at 9/10ths of a weeks' salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay)</li> </ul> <p><b>For All staff:</b></p> <ul style="list-style-type: none"> <li>If you have declared your intention to return to duty you may have *12 weeks at half pay plus lower rate SMP to the extent that combined pay, and allowances do not exceed full pay. You have some discretion about how this will be paid to you during this period, and you should discuss this with the Academy Business Manager</li> </ul> <p>*The payment options are:</p> <ul style="list-style-type: none"> <li>12 weeks at half pay, or</li> <li>6 weeks at full pay, or</li> <li>20 weeks at 3 / 10<sup>th</sup> of normal pay, or</li> <li>Paid in full to you at the end of your maternity leave</li> </ul> <ul style="list-style-type: none"> <li>A further 21 weeks at standard rate SMP (a maximum of 39 weeks SMP is payable)</li> </ul> |

|  |  |
|--|--|
|  | <p>*To retain the 12 weeks at half pay element of occupational maternity pay you must return to school employment for at least 13 weeks (including periods of school closure).</p> <p>If you have ticked 'yes' in section 5, you will be entitled to the above. Even if you are not entitled to this pay, you can still take up to 52 weeks unpaid leave. It is your decision how much of this leave you wish to take.</p> <p>You may already know that you wish to take all or only some of your leave entitlement and should state your current wish by completing either 8A or 8B as appropriate.</p>   |
| <p>I understand that if I want to change this date, I must give you 21 days' notice of the date on which I want to return.</p>   | <p><b>Changing your mind:</b> If you change your mind about the date that you want to return to work you must give your line manager at least 21 days' notice before your intended return date. You can use Part C of this form for this purpose.</p>  |
| <p><b>9. Contact during maternity leave</b></p> <p>I would like to be told about changes happening at work during my maternity leave</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>If yes, I would prefer to be contacted by:<br/>       ..... (e.g., email, phone, etc.)</p> <p>If you do not mind how the school contacts you, please tick here <input type="checkbox"/></p> | <p>You and your department may make reasonable contact during your maternity leave. Keeping in touch with work in this way can help to make it easier when it is time to return as you will be aware of what has been going on in your department.</p> <p>Even if you choose not to be told about changes happening at work during your maternity leave, your line manager will still contact you about any matters relating to your employment.</p>   |
| <p><b>10. Keeping in Touch (KIT) days</b></p> <p>Would you like the opportunity to work, attend a particular event or take up a training opportunity during your maternity leave?</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>If so, you can agree with your employer to consider up to a maximum of 10 paid days' work on KIT days during your maternity leave.</p>         | <p>As well as staying in contact with your employer during your maternity leave, if you and your employer both agree, you can undertake up to 10 days' work during your maternity leave. These are known as Keeping in Touch (KIT) days. They are not limited to your usual job and could be used for training or other events. This work can only take place by agreement between both the employer and the employee. The employer may not require an employee to work during their maternity leave, and you cannot be penalised for refusing to take up a KIT day. Similarly, an employee does not have a right to work KIT days if the employer doesn't agree to them. If you and your department agree that you will work some KIT days, then you should agree in advance including what you will be doing and how you will be paid.</p> |

**Maternity plan signature page**

You have now completed all the parts of the form necessary before starting your maternity leave. You should now sign the form and give it to your line manager. Don't forget to keep a copy of it for yourself.

**IMPORTANT NOTICE**
**In signing this form, you confirm that:**

- Your attention has been drawn to the right of the school to reclaim the whole or part of the non-statutory element of maternity pay if you fail to return to work after your maternity leave and continue in employment for at least 13 weeks following your return.
- You understand that if your contract of employment is due to terminate during your maternity leave, your entitlement to benefits under the school's contractual schemes will end on the contract end date. However, you will continue to be paid any remaining statutory maternity pay to which you are eligible. Your contract of employment will not automatically be extended because you are on maternity leave.

**Signed (employee):**
**Signed (line manager):**
**Full Name:**
**Date Signed:**
**Date Signed:**

## PART C – RETURNING TO WORK EARLY/LATE

You will be expected back at the end of your maternity leave, on the date that you have specified in part 8 of the maternity leave plan.

If you want to return earlier or later than this date (the maximum entitlement is 52 weeks) you must give your line manager at least 21 days' notice of this change.

If you do not give 21 days' notice your line manager is entitled to postpone your return until 21 days' notice has expired.

**To Line Manager:**

**School/Department:**

|  |  |
|--|--|
| <p><b>Changing your notified return to work date</b></p> <p>I would like to change my return-to-work date, and now intend to return to work on:</p> <p>.....(date)</p> | <p><b>Guidance notes</b></p> <p><b>Complete this section only if you want to return to work early.</b></p> <p>Compulsory maternity leave.<br/>The law requires that all women take 2 weeks maternity leave immediately after the birth of their baby. Your line manager cannot let you return before your compulsory maternity leave period is up.</p> |
|--|--|

**You should sign the form now and send it to your line manager. Don't forget to keep a copy of it for yourself.**

**You should talk to your department in good time if you want to try to agree a different working pattern to the one you worked before your maternity leave and you will need to refer to the Flexible Working Policy.**

**Signed:**

**Full Name:**

**Date:**



## **SECTION 2: PATERNITY**

### **Statutory Ordinary Paternity Leave**

Paternity Leave can be taken as either 2 consecutive weeks or 2 separate blocks of 1 week of leave following the birth/adoption of a child. To be eligible employees will need to have worked continuously for the school for 26 weeks leading into the qualifying week (15<sup>th</sup> week before EWC). For 2 of those days' employees will receive an additional payment, which is the equivalent to 2 days at full salary less Statutory Paternity Pay.

The statutory position is that the employee can take either 2 weeks together or one week at one period in time and the second week at a later period as long as the full leave is taken within 52 weeks of the actual date of birth or placement of an adopted child.

Employees will also need be able to declare that:

- they are
  - the baby's biological father, or
  - married to Parent A, or
  - living with Parent A in an enduring family relationship, but are not an immediate relative,
  - adopting the child, and
- they will be responsible for the child's upbringing, and
- they will take time off work to support Parent A or care for the child.

Statutory Paternity Pay (SPP) is paid at the standard rate of Statutory Maternity Pay applicable in the year in which the leave starts or 90% of average weekly earnings if this is less. The 2025 rate for this is £187.18. Employees who have average weekly earnings below the lower earnings limit (£125 in 2025) will not qualify for Statutory Paternity Pay. They may, however, be able to get Income Support while on paternity leave.

### **What are the notification requirements to apply for Ordinary Paternity Leave?**

Employees who qualify for paid paternity leave will need to inform their manager, in writing, **(See Paternity Form (Parent B) - Paternity Leave Request Form)** of their intention to take paternity leave no later than 28 days before the baby is expected (unless this is not reasonably practicable). This must be in writing and state:

- the week the baby is due (Expected Week of Childbirth),
- that they wish to take 1/2 weeks' leave (it must be taken in a 1-week block),
- when they want their leave to start (employees can change their mind about the date on which they want their leave to start providing they tell their manager at least 28 days in advance).
- a declaration that they are in an enduring relationship with Parent A, will be responsible for the child's upbringing and will be taking time off to support Parent A or care for the child.

### **When Can Ordinary Paternity Leave Start?**

Leave can start on any day of the week on or following the child's birth but must be completed within 52 weeks of the actual birth/placement of the child.

Only one period of leave can be taken whether or not more than one child is born as the result of the same pregnancy.

### **What contractual benefits are preserved during Ordinary Paternity Leave?**

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to the payment of wages or salary, throughout their paternity leave. They will also be entitled to return to the same job following ordinary paternity leave.

### **Shared Parental Leave**

Shared Parental Leave is a way for parents to share statutory leave and pay on the birth of a child or adoption placement. Please refer to Section 5: Shared Parental Leave in the Policy for further information.

### **Administration of Statutory Paternity Leave and Pay**

The school can reclaim a proportion of statutory paternity pay and it is essential that the Academy Business Manager/ Deputy CEO for Trust Central Team is advised when an employee is going to take paternity leave. A copy of birth certificate needs to be provided along with the requested leave date. It is essential to confirm when this period of leave actually commences as this may vary depending on if the baby is early or late.

## PATERNITY FORM (PARENT B)

Please forward this form to your manager no later than 28 days before the baby is due OR 7 days of the adopter receiving notice of the match.

### Personal Details

Job Title:

Forename:

Surname:

School/Department:

Email:

### Paternity Leave and Pay

| The baby is due/the child is due to be placed on:                                     |   |   |
|---|---|---|
| Leave Requested on the following dates:   | From:   | To:   |
|   | From:   | To:   |
| Length of Service with the School at Qualifying Week*                                 | Paternity Leave and Pay   | Indicate how many weeks leave you wish to take        |
| <input type="checkbox"/> 26 weeks or more and I earn at least £125 a week (2025 rate) | 1 or 2 weeks - <a href="#">Statutory Paternity Pay (SPP)</a> or 90% of average weekly earnings if this is less (2 days paid at full pay inclusive of Statutory Paternity Pay) | 1 <input type="checkbox"/> 2 <input type="checkbox"/> |
| <input type="checkbox"/> less than 26 weeks   | Not eligible for Paternity leave and pay  |   |

**\*Qualifying Week:** 15 weeks before the baby is due OR the week in which the primary adopter (the person who is taking Statutory Adoption Leave and Pay) are notified of an approved match for adoption OR if adopting from overseas the week in which the child enters the UK or when you want your pay to start

### Declaration

I am the baby's biological father OR the spouse or partner of the mother/birthing parent or adopter OR the adoptive parent OR the intended parent (if you're having a baby through a surrogacy arrangement)

I have responsibility for the child's upbringing and am taking time off work to care for the child or support Parent A.

Signature:

Date:

### Confirmation by Line Manager

I confirm I have discussed the employee's plans and arrangements for leave, including ensuring cover for while they are on leave.

Signature:

Date:

Print Name:

Position:

## **SECTION 3: ADOPTION**

Paid adoption leave is available to employees who adopt, including those who are the intended parents in a surrogacy arrangement. However, it is available only to one member of a couple who adopt jointly. Where the partner of an employee who is adopting also works for the school, they might be entitled to paid paternity leave. Where a couple are adopting jointly, they must decide who will take adoption leave and (where the other member of the couple is entitled) who will take paternity leave.

An employee wishing to take adoption leave should apply to the Academy Business Manager/Deputy CEO for Trust Central team in writing within 7 days of being notified by their adoption agency that they have been matched with a child for adoption. As soon as practicably possible the employee must complete the Adoption Leave Plan (**ADOPTION PLAN FORMS (PARENT A)**).

A child for the purposes of these guidelines is a young person under the age of 18.

The school has 4 adoption schemes for Employees:

**Scheme 1** – applies to an employee with less than 26 weeks’ continuous service with the school at the end of the week which they are notified of being matched for adoption.

### **Entitlements:**

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 Weeks Additional Adoption Leave (AAL)
- Employees with less than 26 weeks service at the end of the week in which they are notified of being matched with a child for adoption are not entitled to Statutory Adoption Pay.

**Scheme 2** - applies to an Employee with less than one year’s continuous service with the school but at least 26 weeks service at the end of the week in which they are notified of being matched with a child for adoption:

### **Entitlements:**

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL)
- **Adoption Pay**
  - 6 weeks at 9/10<sup>th</sup> of average earnings, then
  - 12 weeks at half pay or Statutory Adoption Pay (SAP) whichever is the greater, and
  - 21 weeks’ Statutory Adoption Pay (SAP)

Employees who do not return to school employment for a period of at least 13 weeks at the end of their adoption leave will be required to pay any monies paid to them in excess of their statutory entitlement to adoption pay under this Scheme.

**Scheme 3** - applies to an Employee with at least one year’s continuous service with the school at the end of the week in which they are notified of being matched with a child for adoption:

### **Entitlements:**

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL)
- **Adoption Pay**
  - 6 weeks at 9/10<sup>th</sup> of average earnings, **then either**

- 33 weeks at the standard rate of Statutory Adoption Pay (SAP) entitlement plus the equivalent of 6 weeks full pay (the payment of which to be agreed with the employee) if declared intention to return to work, **or**
- 33 weeks at the standard rate of SAP entitlement if declared intention not to return to work

Note: The distribution of the payment should be agreed with the Employee.

Employees who do not return to school employment for a period of at least 13 weeks at the end of their adoption leave will be required to repay any monies paid to them, in excess of their statutory entitlement to adoption pay, under this Scheme.

If an Employee declares they is not returning to work at the end of their period of adoption leave they are entitled to receive:

- 9/10ths of a weeks' pay for the first 6 weeks of absence (this is offset against any entitlement to Statutory Adoption Pay during this period),

**thereafter,**

- 33 weeks Statutory Adoption Pay at the lower rate.

**Scheme 4** - applies to an Employee earning less than the National Insurance lower earnings limit:

Employees with at least 26 weeks service with the school at the end of the week in which they are notified of being matched with a child for adoption who earn less than the National Insurance lower earnings limit are not entitled to Statutory Adoption Pay. They are, however, entitled to Occupational Adoption Pay as follows:

**Entitlements:**

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL) – where service conditions apply
- **Occupational Adoption Pay**
  - 6 weeks at 9/10ths of average earnings, then
  - 20 weeks at half pay

Employees who do not return to employment at the school for a period of at least 13 weeks at the end of their adoption leave will be required to repay all monies in excess of their statutory entitlement to adoption pay, under this Scheme.

**Eligibility for Adoption Leave**

An Employee must have been notified that they have been matched with a child for adoption by an approved adoption agency.

Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child.

In the case of adoption of children from overseas the adopters should receive a letter from the Commission for Social Care Inspection or the Department of Health confirming that adoption is taking place. These documents will be deemed to be the confirmation for the purposes of these guidelines.

## **Adoption Leave**

All Employees are entitled to a 26-week period of Ordinary Adoption Leave. They are entitled to a 26-week period of Additional Adoption Leave irrespective of length of service and hours worked. Additional Adoption Leave (AAL) starts on the first day following the end of Ordinary Adoption Leave (OAL).

Leave can start on any day of the week, either:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a fixed date which can be up to 14 days before the expected date of placement.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

During the adoption planning process, the employee is entitled "reasonable paid time off" to attend up to 5 adoption placement meetings and the partner (second adopter) to 2 "unpaid adoption placement meetings". Time is capped at 6.5 hours per meeting.

This should be used for social work assessments and for any training provided for the adoptive parent. Any additional time required should be managed through flexitime, unpaid time off or annual leave. (A pro-rata entitlement applies to part-time and job-share employees.)

## **Delayed Placements**

If the employee's placement is delayed, for whatever reason, and they have already begun their adoption leave, they will not be able to stop their leave and start it again at a later date, unless it becomes a disrupted placement. Employees should therefore make sure that the placement will go ahead on the agreed date if they intend to start their adoption leave before the actual date of placement.

## **Disrupted Placements**

Where, after starting their leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the employee will not be entitled to the full adoption leave period. In this case adoption leave will end 8 weeks after the end of the week in which the disruption occurred. (There is no extension of adoption leave if disruption occurs with fewer than 8 weeks to go.)

When disruption occurs during the period when the employee is receiving occupational adoption pay, they will be entitled to receive occupational adoption pay to the end of the week in which they were notified of the disruption. Employees entitled to statutory adoption pay will continue to receive SAP for the remainder of the 8-week period (if applicable).

If an employee's adoption leave has been cut short due to disruption of the placement, the employee must still give 28 days' notice to return early. The manager, however, has the discretion to agree a mutually acceptable earlier return date where 28 days' notice has not been given.



## **What are the Notification Requirements?**

### **By the Employee**

An employee wishing to take adoption leave should apply to their manager in writing within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They will need to inform their manager:

- when the child is expected to be placed with them;
- provide their manager with the Matching Certificate completed by the adoption agency as evidence of their entitlement to Statutory Adoption Leave and Pay.
- when they want their adoption leave to start. (They can change their mind on this by giving their manager at least 28 days' notice, in writing, in advance of the change of plan, unless this is not reasonably practicable.)

### **By the Employees Manager**

A manager must respond to an employee's request, in writing, within 28 days confirming the date of leave and the expected date of return from adoption leave if the full entitlement to adoption leave is taken.

## **Payment during Adoption Leave**

### **Who qualifies for Statutory Adoption Pay?**

To be eligible an employee must:

- have been matched with a child for adoption
- have indicated, in the case of a joint adoption and that they are requesting adoption pay not statutory paternity pay
- provide a Matching Certificate which has been completed, stamped and signed by the appropriate Adoption Agency
- have been continuously employed at the school for at least 26 weeks by the end of the week in which they are notified of being matched with a child for adoption
- have average weekly earnings of not less than the lower earnings limit for National Insurance contributions
- have stopped working for the school to start adoption leave

### **Who Qualifies for Occupational Adoption Pay?**

To be eligible an employee must:

- have been matched with a child for adoption
- have indicated, in the case of a joint adoption that they are requesting adoption pay not statutory paternity pay
- provide a Matching Certificate which has been completed, stamped and signed by the appropriate Adoption Agency.
- have been continuously employed at the school for at least 26 weeks by the end of the week in which they are notified of being matched with a child for adoption

- have indicated that they intend to return to the school at the end of their period of Adoption leave
- have stopped working for the school to start adoption leave

## **What Contractual Benefits are Protected During Adoption Leave?**

### **Ordinary Adoption Leave**

An employee's terms and conditions of employment are protected throughout the Ordinary Adoption Leave period except for terms relating to the payment of wages or salary. Instead, they are only entitled to Statutory Adoption Pay (apart from 'Keeping in Touch Days'). Additionally, they are entitled to return to the job in which they were employed before their absence on terms and conditions not less favourable than those which would have applied if they had not been absent and with their seniority, pension and similar rights as they would have been if they had not taken adoption leave. There is one exception to the right to return to their old job and this is where a redundancy situation has arisen during their absence. In such circumstances an employee is entitled to be offered a suitable alternative post, not less favourable to them, where one exists.

### **Additional Adoption Leave**

An employee's contract continues throughout the period of Additional Adoption Leave. They are entitled to return to the job in which they were employed before their absence or, if that is not reasonably practicable, to another job on terms and conditions not less favourable than those which would have applied if they had not been absent, and with their seniority, pension and similar rights as they would have been if they had not taken adoption leave.

### **Returning to Work After Adoption Leave**

An employee returning to work at the end of their period of adoption leave, either OAL or AAL, is not required to give notice of their return. They can simply turn up to work on the first working day after their adoption leave has ended. Their manager will have provided this date to them at the time they gave notification of their intention to take adoption leave.

If an employee wishes to return to work earlier, they must provide 21 days' notice if they are entitled to Additional Adoption Leave

If they fail to provide sufficient notice their return can be postponed so that such notice is provided. The postponement cannot go beyond the end of their adoption leave period.

If due to sickness an employee is unable to return at the end of their adoption leave, or on the date they notified if they intended to return early, the normal sickness provisions apply. If they comply with the normal sickness rules they will receive Statutory Sick Pay, plus if eligible, Occupational Sick Pay.

If an employee no longer wishes to return to work, they will need to submit their resignation in writing.

## ADOPTION PLAN FORMS (PARENT A)

### PART A – WORKING OUT YOUR ELIGIBILITY FOR ADOPTION LEAVE AND PAY

|  |  |
|--|--|
| <b>TO THE LINE MANAGER</b><br>I am giving you this form to let you know that I am being matched for adoption and to notify you of when I want to start my adoption leave and to begin receiving adoption pay (if eligible).  |  |
| <b>1. Personal Details</b><br><br>Name: .....<br><br>Department: .....   | Line manager's name:<br>.....<br>.....   |
| <b>Guidance Notes</b>  |  |
| <b>2. When the child is expected</b><br><br>My child is expected to be placed with me on:<br><br>Date .....  | <b>Expected week of adoption</b><br>An employee wishing to take adoption leave should apply to their manager in writing within 7 days of being notified by their adoption agency that they have been matched with a child for adoption |
| <b>3. A Matching certificate confirming this:</b><br><br>Tick relevant box<br><br>a) Has been given to you already <input type="checkbox"/><br><br>b) Is enclosed with this form <input type="checkbox"/><br><br>c) Will be given to you as soon as possible <input type="checkbox"/>  | <b>Certificate</b><br>An employee provides their manager with the Matching Certificate completed by the adoption agency as evidence of their entitlement to Statutory Adoption Leave and Pay.  |
| <b>Qualifying for the School's adoption scheme</b><br>Filling in this section of the form will enable you and your line manager to see if you qualify for the school adoption scheme and adoption pay  |  |
| <b>4.</b> I have been matched for Adoption by an approved adoption agency on date:<br><br>.....  |  |
| <b>5.</b> On this date I will have worked for the school continuously for at least 26 weeks<br><br>Yes <input type="checkbox"/> tick box (go to part B) or<br><br>No <input type="checkbox"/> tick box (see box below)<br>In the case of a joint adoption, I am requesting adoption pay not statutory paternity pay <input type="checkbox"/> | Your length of employment usually runs from the first day you started work with the school to the present day. If there are any gaps in your employment consult your line manager.   |
| If you have ticked 'No' above then you do not qualify for the Statutory Adoption Pay from the school. However, you are still entitled to 26 weeks' Ordinary Adoption leave and 26 weeks Additional Adoption Leave. You still need to complete part B of this form.   |  |

IMPORTANT: please note that if your contract of employment is due to terminate during your Adoption leave, your entitlement to benefits under the school's contractual schemes will end on the contract end date. However, you will continue to be paid any remaining statutory Adoption pay to which you are eligible. Your contract of employment will not automatically be extended because you are on Adoption leave.

| The employee is entitled to scheme (indicate which one applies):  |   |
|---|---|
| <p><b>Scheme 1</b> – applies to an employee with less than 26 weeks' continuous service with the school at the end of the week which they are notified of being matched for adoption.</p> <p><b>Entitlements:</b></p> <ul style="list-style-type: none"> <li>• 26 weeks Ordinary Adoption Leave (OAL)</li> <li>• 26 Weeks Additional Adoption Leave (AAL)</li> <li>• Employees with less than 26 weeks service at the end of the week in which they are notified of being matched with a child for adoption are not entitled to Statutory Adoption Pay.</li> </ul>  | <p>Scheme 1</p> <p><input type="checkbox"/></p> |
| <p><b>Scheme 2</b> - applies to an employee with less than one year's continuous service but at least 26 weeks service at the end of the week in which they are notified of being matched with a child for adoption:</p> <p><b>Entitlements:</b></p> <ul style="list-style-type: none"> <li>• 26 weeks Ordinary Adoption Leave (OAL)</li> <li>• 26 weeks Additional Adoption Leave (AAL)</li> <li>• <b>Adoption Pay</b> <ul style="list-style-type: none"> <li>○ 6 weeks at 9/10<sup>th</sup> of average earnings, then</li> <li>○ 12 weeks at half pay or Statutory Adoption Pay (SAP) whichever is the greater, and</li> <li>○ 21 weeks' Statutory Adoption Pay (SAP)</li> </ul> </li> </ul>  | <p>Scheme 2</p> <p><input type="checkbox"/></p> |
| <p><b>Scheme 3</b> - applies to an employee with at least one year's continuous service at the end of the week in which they are notified of being matched with a child for adoption:</p> <p><b>Entitlements:</b></p> <ul style="list-style-type: none"> <li>• 26 weeks Ordinary Adoption Leave (OAL)</li> <li>• 26 weeks Additional Adoption Leave (AAL)</li> <li>• <b>Adoption Pay</b> <ul style="list-style-type: none"> <li>○ 6 weeks at 9/10<sup>th</sup> of average earnings, <b>then either</b></li> <li>○ 33 weeks at the standard rate of Statutory Adoption Pay (SAP) entitlement plus the equivalent of 6 weeks full pay (the payment of which to be agreed with the employee) if declared intention to return to work, <b>or</b></li> <li>○ 33 weeks at the standard rate of SAP entitlement if declared intention not to return to work</li> </ul> </li> </ul> | <p>Scheme 3</p> <p><input type="checkbox"/></p> |
| <p><b>Scheme 4</b> - applies to an employee earning less than the National Insurance lower earnings limit: Employees with at least 26 weeks service at the end of the week in which they are notified of being matched with a child for adoption who earn less than the National Insurance lower earnings limit are not entitled to Statutory Adoption Pay. They are, however, entitled to Occupational Adoption Pay as follows:</p> <p><b>Entitlements:</b></p> <ul style="list-style-type: none"> <li>• 26 weeks Ordinary Adoption Leave (OAL)</li> <li>• 26 weeks Additional Adoption Leave (AAL) – where service conditions apply</li> <li>• <b>Occupational Adoption Pay</b> <ul style="list-style-type: none"> <li>○ 6 weeks at 9/10ths of average earnings, then</li> <li>○ 20 weeks at half pay</li> </ul> </li> </ul>  | <p>Scheme 4</p> <p><input type="checkbox"/></p> |

## PART B – ADOPTION LEAVE

|  | Guidance Notes  |
|--|---|
| <b>Starting Adoption leave</b><br><b>6.</b> I intend to start my Adoption leave on:<br><br>.....(date)<br><br>I understand that if I want to change this date, I must give you 28 days' notice of the date on which I want the leave to start  | <b>Start date</b><br>Leave can start on any day of the week, either: <ul style="list-style-type: none"> <li>from the date of the child's placement (whether this is earlier or later than expected), or</li> <li>from a fixed date which can be up to 14 days before the expected date of placement.</li> </ul>   |
| <b>Returning after Adoption leave</b><br><b>7.</b> My adoption leave entitlement will finish on:<br><br>.....(date)  | <b>End of Adoption leave</b><br>This <u>may be</u> at the end of the 52nd week from when you start your Adoption leave. For example, if you started your Adoption leave on a Wednesday, the last day will be Tuesday 52 weeks later. Your line manager will help you calculate this date.   |
| <b>8.</b> Return date: complete either <b>A, B, or C</b> below.<br><br><b>A.</b> I would like to take my full 52 weeks entitlement, and I am due back to work on:<br><br>.....(date)<br><br><b>B.</b> I have already decided not to take my full 52 weeks entitlement and will return to work on:<br><br>.....(date)<br><br><b>C.</b> I have already decided that I will not be returning to work <input type="checkbox"/> |   |
| <b>Return to work Date</b><br>I understand that if I want to change this date, I must give you 21 days' notice of the date on which I want to return.  | <b>Changing your mind:</b><br>If you change your mind about the date that you want to return to work you must give your line manager 21 days' notice.<br><br>You can use Part C of this form for this purpose.  |
| <b>9. Contact during Adoption leave</b><br>I would like to be told about changes happening at work during my Adoption leave<br>YES <input type="checkbox"/><br>NO <input type="checkbox"/><br>If yes, I would prefer to be contacted by:<br>..... (e.g. email, phone, etc)<br>If you do not mind how the school contacts you, please tick here <input type="checkbox"/>  | You and your department may make reasonable contact during your Adoption leave. Keeping in touch with work in this way can help to make it easier when it is time to return as you will be aware of what has been going on in your department.<br>Even if you choose not to be told about changes happening at work during your Adoption leave, your line manager will still contact you about any matters relating to your employment. |

|   |   |
|---|---|
| <p><b>10. Keeping in Touch (KIT) days</b></p> <p>Would you like the opportunity to work, attend a particular event or take up a training opportunity during your Adoption leave?</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>If so, you can agree with your department to consider up to a maximum of 10 paid days' work on KIT days during your Adoption leave.</p>  | <p>As well as staying in contact with your department during your Adoption leave, if you and your department both agree, you can undertake up to 10 paid days' work during your Adoption leave. These are known as Keeping in Touch (KIT) days. They are not limited to your usual job and could be used for training or other events.</p> <p>This work can only take place by agreement between both the department and the employee. A department may not require an employee to work during their Adoption Leave, and you cannot be penalised for refusing to take up a KIT Day. Similarly, an employee does not have a right to work KIT days if the department doesn't agree to them. If you and your department agree that you will work some KIT days, then you should agree in advance including what you will be doing and how you will be paid.</p> |
| <p><b>Adoption plan signature page</b></p> <p>You have now completed all the parts of the form necessary before starting your adoption leave. You should now sign the form and give it to your line manager. Don't forget to keep a copy of it for yourself.</p>  |   |
| <p><b>IMPORTANT NOTICE</b></p> <p><b>In signing this form, you confirm that:</b></p> <ul style="list-style-type: none"> <li>Your attention has been drawn to the right of the Trust to reclaim the whole or part of the non-statutory element of Adoption pay if you fail to return to work after your Adoption leave and continue in employment for at least 13 weeks following your return.</li> <li>You understand that if your contract of employment is due to terminate during your Adoption leave, your entitlement to benefits under the school's contractual schemes will end on the contract end date. However, you will continue to be paid any remaining statutory Adoption pay to which you are eligible. Your contract of employment will not automatically be extended because you are on Adoption leave.</li> </ul> |   |

**Signed (employee):**

**Signed (line manager):**

**Full Name:**

**Date Signed:**

**Date Signed:**



## PART C – RETURNING TO WORK EARLY/LATE

You will be expected back at the end of your Adoption leave, on the date that you have specified in the Adoption leave plan.

If you want to return earlier or later than this date (the maximum entitlement being 52 weeks) you must give your line manager at least 21 days' notice of this change.

If you do not give 21 days' notice your line manager is entitled to postpone your return until 21 days' notice has expired.

**To Line Manager:**

**School/Department:**

|   |  |
|---|--|
| <p><b>Changing your notified return to work date</b><br/>         I would like to change my return-to-work date,<br/>         and now intend to return to work on:<br/>         .....(date)</p> | <p><b>Guidance notes</b><br/> <b>Complete this section only if you want to return to work early.</b></p> |
|---|--|

**You should sign the form now and send it to your line manager. Don't forget to keep a copy of it for yourself.**

**You should talk to your department in good time if you want to try to agree a different working pattern to the one you worked before your adoption leave.**

**Signed:**

**Full Name:**

**Date:**

## **SECTION 4: OTHER IMPORTANT INFORMATION**

### **Fertility Treatment**

Employees may apply under the special leave provisions for reasonable time off to undergo fertility treatment. This is at the school's discretion.

### **Time Off for Ante-Natal Care**

A pregnant employee and/or the father-to-be, partner or nominated carer have the right to reasonable time off without loss of pay to attend ante-natal appointments. Employees can be asked to produce an appointment card or other evidence of the appointments having been made.

Ante-natal care can include not only medical examinations but also relaxation and parentcraft classes. However, where possible, the employee should make every effort to arrange these appointments out of working hours. Where appointments are being taken in the working day, the employee should try and take as little time out of work as possible and, in most scenarios, a "reasonable amount of time" for the appointment will be considered to be the travel time to and from the appointment, and the average length of the appointment.

Where a manager considers that the amount of paid time off is becoming unreasonable, they will discuss this with their HR provider to seek advice. It may be decided that further appointments will be authorised but unpaid. If this decision is made, the member of staff will be informed.

### **Accrual of Annual Leave during Maternity and Adoption Leave**

The period of time an employee is absent on maternity or adoption leave is taken into account when calculating their annual leave entitlement for the leave year(s) in which maternity or adoption leave falls. In order to ensure that an employee does not forfeit their accrued annual leave employees must be made aware of how much leave they will have accrued by the time they return to work. Carry-over of annual leave can be considered by line managers taking account of service needs.

In order to ensure that you do not forfeit any accrued annual leave you must discuss with their manager how much leave you will have accrued by the time you return to work.

Where the employee returns to work just before or after the end of the leave year in which they went on maternity or adoption leave they should be advised to consider:

- taking their leave entitlement prior to the start of maternity or adoption leave, or
- request and take their leave at the end of the leave year in which they go on maternity or adoption leave.

Any maternity or adoption leave taken up to 26 weeks after the birth/adoption of the child and coincides with a bank holiday or public holiday employees will also be entitled to a day in lieu for that period. Lieu days for bank holidays are not accrued after 26 weeks of the birth of the baby (which is in line with the 26-week period of ordinary maternity/adoption leave).

### **Maintaining Contact during Maternity and Adoption Leave**

It is important that contact is maintained with an employee whilst they are on maternity or adoption leave. Employees should be kept informed of developments and changes within the department and organisation. Contacting employees whilst on maternity or adoption leave by phone occasionally during their leave may

also help them feel less isolated from work and, may make it easier for them to return after a lengthy absence. Arrangements should be agreed with the employee before maternity or adoption leave commences.

### Keeping in Touch Days

Employees can agree with their manager to work for up to 10 days during their statutory maternity or adoption leave period without bringing the period of maternity or adoption leave to an end and without the loss of a week's statutory maternity or adoption pay as a result of carrying out that work. This must be a mutual agreement between the employee and the manager. For these purposes, 'work' may include training or any other activity undertaken to assist the employee in keeping in touch with workplace, such as attending training courses, appraisals or team meetings. It should be made clear that this is entirely voluntary, and any refusal will be considered reasonable in the circumstances. Working for part of a day will count as one day's work for the purpose of the 10-day calculation. An employee should not be invited to attend work during the 2-week period following the date of birth. This is the period known as Compulsory Maternity Leave which employees are prohibited from working.

Keeping in Touch Days will be paid at the hourly contractual rate and will be paid in the month that they are worked, as processed by the school's payroll provider unless the employee has requested that these are paid in a lump sum at the end of the maternity leave. A MAT 6 form will need to be completed at the end of the maternity period and sent to the Academy Business Manager.

### Parental Leave

The parental leave provisions of the Employment Rights Act 1996 and the Maternity and Parental Leave Regulations give all employees, regardless of gender with one year's service a right to take unpaid leave to care for their children.

Employees taking maternity or adoption leave can choose whether to take unpaid parental leave immediately following maternity or adoption leave or later. Parental leave is an additional right to teachers' maternity and adoption rights under the Burgundy Book.

18 weeks' unpaid leave per child can be taken in total. Employees may take a maximum of 4 weeks' parental leave per child in any year of entitlement, starting from the first date of entitlement. Parents of disabled children, i.e., children who are entitled to disability living allowance, may take parental leave in multiples of weeks or days. Other parents must take their parental leave in blocks or multiples of a week. Parental leave can be taken any time up to the youngest child's 18th birthday.

Employees can take up to 4 weeks parental leave to coincide with the end of adoption or maternity leave.

This leave is unpaid, employees must refer to the Trust Leave of Absence Policy if they wish to request to take Parental Leave. Employees will need to give **21 days' notice** to their headteacher/line manager of their intentions.

The employer cannot refuse a request for Parental Leave but does have the right to postpone a period of Parental Leave if taking this leave will cause disruption to the business. If postponing the leave, the employer must consult with the employee over the date to which they wish to postpone the leave and must provide written notice of the postponement at least 7 days before the Parental Leave was intended to commence, stating the reason for the postponement and the new suggested beginning and end dates for the period of Parental Leave.

The new period of Parental Leave being suggested by the employer should not be any shorter than the original request, nor should the leave be split into separate blocks if this was not part of the original request.

If a period of Parental Leave has been postponed once, this cannot be postponed again.

Parental Leave cannot be postponed to after the child's 18<sup>th</sup> birthday.

### **Shared Parental Leave**

Employees may be able to get Shared Parental Leave (SPL), and Statutory Shared Parental Pay (ShPP) if you've had a baby or adopted a child. Shared Parental Leave is separate to Parental Leave.

Employees can [start SPL](#) if they're [eligible](#) and they or their partner end their maternity or adoption leave or pay early. The remaining leave will be available as SPL. The remaining pay may be available as ShPP.

Employees can take SPL in up to 3 separate [blocks](#). They can also share the leave with their partner if they're also eligible. Parents can choose how much of the SPL each of them will take. (See Section 5: Shared Parental Leave)

### **Unfair Dismissal**

It is automatically unfair to dismiss an employee on pregnancy-related grounds, irrespective of their length of service.

Additionally, dismissal on pregnancy-related grounds will also constitute discrimination under the Sex Discrimination Act. There is no qualifying period for bringing a claim of sex discrimination and, importantly if successful, there is no limit on the amount of compensation. Equally, if the employee suffers a detriment (short of dismissal) as a result of their sex they could bring a discrimination claim.

An employee will be entitled to a written statement (whether requested or not) giving details of the reasons for their dismissal.

### **Flexible Working Arrangements**

Employees, who are thinking about changing their work pattern, should speak to their manager as early as possible in order to explore what opportunities are available.

Employees who wish to apply for a flexible working arrangement should be encouraged to discuss this before they go on maternity/adoption leave. This will enable their manager to consider the application, and if agreed, to try to ensure that the necessary arrangements are in place when they return.

There is no right to a request for Flexible Working being [automatically approved](#) if made following a period of Maternity/Adoption Leave.

Further information is available in the Trust Flexible Working Policy.

### **Health, Safety and Welfare**

There are a number of statutory obligations with regard to the health and safety of; pregnant employees, employees who have given birth within the last 6 months or who are breastfeeding. Managers are required to make a suitable and sufficient assessment of the health and safety risks to which their employees are exposed at work. In the case of women and employees of child-bearing age the assessment must take account of any risks to new or expectant mothers/birthing parents and their children.

Preventative action, identified as a result of the risk assessment process, will need to be carried out when an employee has given notification that they are pregnant or a new mother or birthing parent. This may include a review of first-aid facilities to ensure, wherever possible, that rest and recovery facilities are available, if required. If they are still going to be exposed to a risk that could affect their health and safety, there are a number of steps to be taken:

- firstly, temporary adjustment to working conditions or hours of work,
- if not reasonable to do so or if the risk cannot be avoided, suitable alternative work should be offered (the terms and conditions must not be less favourable than their existing ones),
- if no alternative work is available, they should be suspended from work, on full pay, for as long as necessary to protect their safety or health or that of their child,
- if the offer of suitable alternative work is unreasonably refused then they should be given unpaid leave of absence.

All measures taken must continue for as long as the risk exists. It is good practice, although not a legal requirement, to consider the following aspects of pregnancy which can affect an employee's work and consider whether alternative arrangements need to be made.

| <b>Aspect of Pregnancy</b>           | <b>Work Affected</b>   |
|--------------------------------------|--|
| <b>Morning sickness</b>              | Early shift work<br>Exposure to nauseating smells                          |
| <b>Backache</b>                      | Standing/manual handling/posture   |
| <b>Varicose veins</b>                | Standing / sitting   |
| <b>Haemorrhoids</b>                  | Working in hot conditions  |
| <b>Frequent visits to the toilet</b> | Difficulty in leaving job/site of work                                     |
| <b>Increasing size</b>               | Use of protective clothing<br>Working in confined areas<br>Manual handling |
| <b>Tiredness</b>                     | Overtime<br>Evening work   |
| <b>Balance</b>                       | Problems of working on slippery, wet surfaces                              |
| <b>Comfort</b>                       | Problems of working in tightly fitting workspaces                          |

Some pregnant employees may be concerned about radiation from display screen equipment. Research shows that this is not harmful to the unborn child, however, any concerns should be sympathetically addressed with the employee being encouraged to speak to their doctor.

### **Pension Contributions**

The school must pay pension contributions throughout the period of Ordinary Maternity/Adoption Leave whether or not the employee actually receives any pay. The employer contributions will be based on what the employee would have been earning had they been working normally. The employee's contributions are

based on the pay they actually receives. If they receive no pay during this period, for example because they do not qualify for Statutory Maternity/Adoption Pay, they will not have to pay any contributions.

The school will also continue to pay pension contributions whilst the employee is receiving pay during Additional Maternity, Adoption / Paternity Leave period. No contributions will be payable by either the employee or the school in any period of Additional Maternity, Adoption Leave in which the employee receives no pay. When the employee returns to work, they should be given the choice of paying the contributions relating to any period of unpaid maternity/adoption leave. This must be done within 30 days of returning to work.

The Keeping in Touch days are pensionable and if utilised in the last 13 weeks of the Additional Maternity/Adoption Leave period will reduce the amount of unpaid contributions. A break in pensionable service may affect the employee's long-term benefits, depending on their individual circumstances. Advice is available from either the Teachers' Pensions Scheme or South Yorkshire Pensions Authority.

### **Career Break Scheme**

The Trust has a Career Break Scheme which allows eligible employees to take an unpaid break from work.

If an employee wishes to take advantage of a career break immediately following maternity or adoption leave the normal maternity/adoption provisions will apply. The career break may begin at the end of maternity/adoption leave, providing the employee has met the minimum service requirements stipulated in the Leave of Absence Policy. Employees who wish to consider a career break should refer to the Leave of Absence Policy.

Employees who have received the 12 weeks at half pay element under the Occupational Maternity/Adoption Pay Scheme, who do not return to school employment for at least 13 weeks (including school closure periods), will be required to repay this to the school prior to the career break scheme commencing.



## **SECTION 5: SHARED PARENTAL LEAVE**

### **Key Points**

This policy and procedure outlines the statutory right to take Shared Parental Leave and Shared Parental Pay to care for a child due to be born or placed for adoption on or after 5th April 2015. The following legislation applies to this policy:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (curtailment of statutory rights to leave) Regulations 2014
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

### **1. Introduction**

Shared Parental Leave (SPL) is an additional type of family leave that enables eligible employees to choose how they share the care of their child during the first year of birth or adoption. The right applies to employees who become parents, Parent A and Parent B.

Parents taking SPL will have the opportunity to share up to 50 weeks' leave should they wish to do so as well as 37 weeks' Shared Parental Pay (ShPP).

Employees will still have the option of requesting other types of family leave including statutory maternity, adoption and ordinary paternity leave, therefore, this policy should be read in conjunction with the relevant policies.

### **2. Scope**

This policy applies to all employees of the school who meet the eligibility criteria.

### **3. Policy**

Eligible employees can choose to access the SPL system if Parent A brings their maternity/adoption leave and pay to an end early. They can do this by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail (reduce) their leave at a specified future date (the leave curtailment date).

The other parent (Parent B) does not have to work for the school, but they must satisfy the minimum employment and earnings criteria.

The available SPL is calculated by deducting the number of weeks' maternity leave Parent A has taken on their return to work or the leave curtailment date from 52.

The available ShPP is calculated by deducting the number of weeks' statutory maternity pay Parent A has received on their return to work or the leave curtailment date from 39.

The available Shared Parental Leave and pay can then be allocated between the parents as they agree. SPL and ShPP must be taken before the child's first birthday.

## 4.1 Eligibility Criteria

To be entitled to SPL employees must:

- be either Parent A or Parent B (the mother/birthing parent, father, or main adopter of the child, or the partner of the mother/birthing parent or main adopter (for ease of reference the partner/father of the child will be referred to as Parent B).
- have (or share with the other parent) the main responsibility for the care of the child at the time of the birth/placement for adoption
- have at least 26 weeks' continuous service at the 15th week before the Expected Week of Childbirth (EWC)/matching date
- be working for the school in the week before any SPL is due to start
- Parent A of the child must be/have been entitled to statutory maternity/adoption leave or entitled to statutory maternity/adoption pay or maternity allowance
- have ended or given notice to curtail any maternity/adoption entitlements
- notified the organisation of their entitlement and provided additional evidence if requested to do so

In addition, the other parent must:

- have at least 26 weeks' employment (employed, self-employed, or as a worker) out of the 66 weeks before the EWC/matching date (can be non-consecutive weeks)
- have earned at least £390 (this figure may change annually) in total in 13 of the 66 weeks leading up to the EWC/matching date (add up the highest paying weeks, they do not need to be consecutive)

Where Parent B is a self-employed earner, they will not be eligible for SPL or ShPP but if they satisfy the above requirements, known as the employment and earnings test, this could allow the partner, Parent A, to take SPL and ShPP.

Where Parent B is a worker (including agency, contract and zero-hours), they may not be entitled to SPL but might be able to get ShPP.

A partner (Parent B) is someone who lives with Parent A (the mother/birthing parent or main adopter) and the child in an enduring family relationship, excluding Parent A's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

If both parents qualify for shared parental leave, they can choose the following options:

- take leave at the same time
- Parent A could return to work and allow the other parent to take the balance of their leave
- Parent A can take the balance of their leave, and the other parent remains at work
- take turns in using the leave

## 4.2 Entitlement to Shared Parental Pay (ShPP)

In addition to the eligibility criteria outlined above, if employees wish to claim shared parental pay (ShPP) they must meet the following criteria:

- Have average weekly earnings equal to or above the Lower Earnings Limit in the 8 weeks before the 15<sup>th</sup> week before the EWC/matching date
- Parent A must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have curtailed their maternity/adoption or maternity allowance pay period
- Intend to care for the child during the week in which ShPP is payable
- Remain in continuous employment until the first week of ShPP has begun
- Have provided the correct notification in accordance with the rules set out below.

ShPP is a statutory weekly rate which is set by government each tax year (currently £187.18 (2025) or 90% of the employee's normal weekly earnings if this is lower). Unlike Statutory Maternity Pay (SMP), there is no provision for employees to be paid 90% of their earnings for the first 6 weeks of statutory ShPP. Therefore, if an employee is receiving SMP at the higher rate of 90% of their earnings and switches to ShPP within the first 6 weeks of their SMP period, they will move to the lower rate of pay.

The total amount of Statutory ShPP is 39 weeks. As 2 weeks compulsory leave must be taken by Parent A, which will be paid at SMP or Statutory Adoption Pay (SAP), in practice a maximum of 37 weeks' statutory ShPP is payable. This will be reduced by the number of weeks' statutory maternity/adoption pay or maternity allowance already taken by Parent A. Any entitlement to claim statutory ShPP requires the employee to be absent from work during each week that ShPP is paid to them, except in certain circumstances such as using "Shared Parental Leave in Touch (SPLIT)" days. Payment for such SPLIT days includes payment for any statutory entitlement and does not extend the ShPP period.

### 4.3 Using SPL

SPL is only available if Parent A curtails their maternity/adoption leave before using their full entitlement of 52 weeks. After the birth/placement of a child it is compulsory to take at least 2 weeks' maternity/adoption leave, which may not be shared with the other parent. In terms of adoption, SPL cannot begin until two weeks after the start of statutory adoption leave. Therefore, in the majority of cases eligible parents will have the opportunity to share 50 weeks of SPL.

The number of weeks available as SPL will be reduced by the number of weeks' maternity or adoption leave that has already been taken by Parent A (or the number of weeks' statutory maternity/adoption pay, or maternity allowance already taken if the Parent A is not entitled to statutory maternity/adoption leave). For example, Parent A could take 6 weeks' maternity leave then end their maternity leave early by returning to work. The remaining maternity leave (46 weeks) would be converted to SPL and available for the other parent to take.

SPL must be taken in blocks of at least one week and used within one year beginning with the date of the baby's birth or the child's placement for adoption.

Paternity leave can be taken by the biological father of the child or Parent A's husband or partner (including same sex relationships). Refer to the section on paternity leave for further information. The entitlement to take up to 2 weeks ordinary paternity leave, within 52 weeks following the birth or adoption of a child, will still be available. This can be taken at the same time as Parent A is on SPL. Employees need to have used up paternity leave before taking shared parental leave otherwise paternity leave will be lost.

Employees can choose to take SPL as:

- Continuous blocks or
- Discontinuously, in varying patterns of weeks

SPL may begin on any day of the week for example, starting on a Tuesday and ending the following Monday. Employees are entitled to submit 3 notices for SPL; their original notification and 2 additional notices which includes requests to vary a period of leave that has already been arranged.

Employers can agree to more than 3 notices however this will only be considered in exceptional circumstances and where the additional notice is being requested to vary an existing agreed pattern.

#### Multiple births/adoptions

An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are, like maternity leave, the same as if the employee was expecting one child. This also applies to multiple adoptions that occur in a single placement.

### **4.4 Continuous Leave**

An employee can take up to 3 periods of continuous leave. Each period of continuous leave must be made up of consecutive weeks (for example, a block of 6 weeks). The total weeks of continuous leave taken cannot exceed the total number of weeks of SPL available to them.

Employees can give indication of all 3 periods of continuous leave in one notice so long as they specify in the form that the request is for continuous leave. Alternatively, employees can submit 3 notices, each indicating their request for one period of continuous leave. See section 5 for notification procedures.

Requests for continuous leave cannot be refused as long as the employee provides notice of their intention to take the leave 8 weeks prior to the start date of the first period.

*Example: Parent A wants to take 3 periods of certain dates off work over the year. They provide one notice indicating all 3 periods, clarifying with the school that they are requesting 3 periods of continuous leave.*

*Within the notice, they stipulate that they wish to take 10 weeks of leave from 1 January to 11 March. And then 5 weeks from 1 May to 4 June. Finally, 5 weeks from 1 August to 4 September. The gaps between the periods of leave i.e., 12 March to 30 April and 5 June to 31 July are the periods where the employee would return back to work. In Form 2 and/or Form 4, only the periods of leave from school need to be specified.*

### **4.5 Discontinuous Leave**

A notification for discontinuous leave is a period of leave that includes several breaks between the leave where the employee returns to work. Unlike continuous leave, the employee will be away from work utilising their SPL on more than 3 occasions across the SPL timeframe allocated. Reminder: all SPL must be used within one year beginning with the date of the baby's birth or the child's placement for adoption (by the child's first birthday).

*Example: Parent A has 20 weeks of shared parental leave. They have some important projects coming up at work, so they agree with their partner to take discontinuous leave.*

*They give their employer 1 notice to take discontinuous leave. They request to alternate taking 2 weeks off, 2 weeks at work until they've used the 20 weeks' entitlement.*

Notice(s) for discontinuous leave must be submitted at least 8 weeks before the start of the period of discontinuous leave being requested. Employees must specify in the relevant forms that they are requesting discontinuous leave. All requests for discontinuous leave will be considered on a case-by-case basis. Unlike continuous leave, a request for discontinuous leave can be refused, for instance if it is not suitable for the school. Managers could suggest an alternative arrangement that is more suitable. See section 5 for notification procedures.

Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

For further details on how to apply for SPL, please refer to the Procedure in Section 5.

#### **4.6 Variations to agreed periods of SPL**

Employees are entitled to vary a period of leave provided that they have informed the Headteacher in writing at least 8 weeks before the start date. If the request is to vary leave already booked the new start date cannot be sooner than 8 weeks from the date of the variation request. Such requests will usually count as a new notification reducing the employee's right to book/vary a period of SPL by one.

Reminder: Employers can agree to more than 3 notices however this will only be considered in exceptional circumstances and where the additional notice is being requested to vary an existing agreed pattern.

For further details on how to vary SPL, please refer to the Procedure in **Section 5**.

#### **4.7 Terms and conditions during SPL**

Contractual benefits

An employee remains employed by the school whilst on SPL. With the exception of salary (which is replaced by the pay provisions outlined in this policy) employees remain entitled to all contractual benefits including:

- Annual leave entitlements
- Employer pension contributions

#### **4.8 Holidays**

Employees using SPL will continue to accrue their contractual holiday entitlements. Before an employee starts SPL, the Headteacher, or line manager where appropriate, should discuss appropriate arrangements for taking any holiday entitlements within the year that it is accrued.

Annual leave entitlement will be offset by any period of school closure that has taken place in the leave year in question, i.e. both before and/or after the SPL period. In most cases, periods of school closure before and after the SPL leave period will more than equal the statutory leave entitlement.

#### **4.9 Returning from SPL**

Employees returning to work immediately after a period of SPL which was 26 weeks or less (including any statutory maternity/adoption leave they may have taken to care for the same child) are entitled to return to work in the same job that they left.

Employees returning to work from a period of SPL which was 26 weeks or more (including any maternity/adoption leave they may have taken to care for the same child) will normally be entitled to return to the job in which they were employed before any absences. If that is not reasonably practicable for the school, then employees will return to another job which is both suitable and appropriate in the circumstances.

Where the employee's post is at risk due to an organisational change, employees will be informed under the provisions of the restructure and reductions in staffing guidance.

## **5. Procedure**

### **5.1 Notification requirements**

The notification requirements for SPL and ShPP are very specific and detailed. Therefore, employees must follow the requirements as detailed below.

All the notification forms can be found in the [appendices](#).

### **5.2 Notice of intention to take SPL and curtail maternity/adoption leave and pay**

All employees of the school who wish to take SPL must complete and submit the appropriate forms to their Headteacher, 8 weeks' prior to taking a period of SPL. A table explaining the required forms is available at the end of this policy.

If Parent A works for the school, they must complete the [SPL Form 1 Notice of Curtailment of Maternity Leave and Pay](#) giving 8 weeks' notice of the date on which their maternity/adoption leave, and pay is to end (or the date on which maternity/adoption pay is to end if they are not entitled to maternity/adoption leave). If Parent A is only entitled to maternity allowance their notice of curtailment must be submitted to Jobcentre Plus.

Notice of curtailing maternity/adoption leave is usually binding, but may be revoked before the curtailment date in the following circumstances:

- If neither parent is entitled to SPL or ShPP.
- If the curtailment notice was given before the birth and is revoked within 6 weeks of the birth or 8 weeks after submitting the request (whichever is later). In this situation another curtailment notice can be submitted.
- If one parent dies.

Employees are required to provide the following information within their [Form 2 Notice of Entitlement and Intention to take Shared Parental leave](#) form;

- Their name and the other parent's full name.
- The start and end dates of the Parent A's or main adopter's maternity/adoption leave (or the start and end dates of the statutory maternity/adoption pay or maternity allowance period if Parent A is not entitled to statutory leave).
- The expected date of birth/placement and the actual date of birth/placement (if the written notice is given after the birth/placement).
- The amount of SPL and ShPP available and an indication of how much each parent intends to take.
- An indication of the start and end dates of the periods of SPL and ShPP that they intend to take.
- Whether the request is for continuous or discontinuous leave
- A signed declaration that they meet the eligibility conditions and are entitled to SPL, the information provided is accurate and they will notify the school immediately if they cease to meet the conditions for entitlement.

The employee must also ensure the other parent completes a signed declaration (Section A and Section G of Form 2 Notice of Entitlement and Intention to take Shared Parental Leave) confirming:

- their name, address and National Insurance number
- their relationship to the child
- that they meet the eligibility criteria and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee
- that they consent to the amount of SPL/ShPP that the employee intends to take
- they will immediately inform their partner should they cease to satisfy the eligibility conditions

### 5.3 Supporting documents

Employees will need to supply one of the following documents with their notice of intention to take SPL form:

- a copy of the child's birth certificate or where one has not been issued, a declaration confirming the time and place of birth
- in cases of adoption, 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
- in surrogacy situations, intended parents will be issued with a Parental Order

In cases where the child is not yet born this information must be provided as soon as reasonably practicable after the birth but before the employee wishes to take a specific period of SPL and ShPP.

### 5.4 Requesting further evidence of eligibility

The school may also request the name and business address of the other parent's employer. Any such request will be made by the Headteacher or line manager as appropriate within 14 days of receiving the employee's notice of intention to take SPL form. Employees' must respond to the request for evidence within 14 days (or within 14 days of the birth of the baby if the request was made before the child was born). If the other parent is not employed, this must also be declared.

### 5.5 Notice to take a specific period of SPL and ShPP

When completing the Notice of Entitlement Intention to Take Shared Parental Leave form employees have the option to provide dates for SPL and make them binding. If they do so employees are entitled to submit a maximum of 2 further notifications. The employee must complete the relevant form (Form 2 if the employee is Parent A, or Form 4 if the employee is Parent B), prior to taking any periods of SPL. Each form must be submitted at least 8 weeks before the start of a period of leave, stating the dates of the leave and the dates on which ShPP will be claimed, if applicable.

If the first notification is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example "starting 2 weeks after the baby is born for a period of 4 weeks".

### 5.6 Confirmation of SPL

If an employee is requesting up to 3 continuous periods of SPL whether in one notice or across the 3 available notices, employees will be entitled to take these period(s) of leave, and this will be confirmed in writing.

Where a request for discontinuous leave cannot be accommodated, the manager and the employee should come to an agreement within 14 calendar days of the employee's notice to take leave. If an agreement is not reached, the employee can either:



- Withdraw their notice
- Request a period(s) of continuous leave instead

If an employee withdraws their notice on or before the 15th calendar day after they originally gave it, it does not count as 1 of their 3 notices to take or vary leave.

If an employee withdraws their notice 15 calendar days after they originally gave it, it counts as a notice to vary leave. This means they'll have used 1 notice to take leave and 1 to vary it, so they have 1 notice left to take leave.

If an employee chooses not to withdraw their notice, it will become a period of continuous leave. The leave can start on either:

- the original leave date they gave (this is what it will default to)
- a new date they give their employer within 19 days of the original leave date – the new date must be at least 8 weeks after the original leave date

The employee should put the option they choose in writing to their employer.

The Headteacher's decision will be confirmed in writing.

## 5.7 Varying a period of leave

Employees are entitled to submit a request to vary a period of leave in the following ways:

- vary the start or end date as long as the variation is requested at least 8 weeks before the original start date and the new start date
- vary or cancel the amount of leave requested at least 8 weeks before the original start date
- request that a single period of leave become a discontinuous period of leave, or vice versa.

Where the variation is to take a continuous period of SPL employees will be entitled to do so. Where the variation is to take a discontinuous period of SPL the school has 14 calendar days to consider the request. If the request is refused employees can take the leave as a continuous block, on the original date or a new date or withdraw the notice as long as the time limits set out above are met.

A variation will count as one of the 3 periods of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth
- a notice requesting discontinuous leave is withdrawn by the employee on or before the 15<sup>th</sup> day after the notice was submitted
- the Headteacher has requested the variation

Requests to vary a period of leave must be submitted in writing at least 8 weeks before the date of variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request.

Reminder: Employers can agree to more than 3 notices however this will only be considered in exceptional circumstances and where the additional notice is being requested to vary an existing agreed pattern.

## 5.8 Keeping in touch during SPL

Employees may be asked to attend work on occasional days during their SPL period. These days could be for training or to attend departmental meetings. These are known as "Shared Parental Leave in Touch" (SPLIT) days. Employees may work for up to 20 days without bringing their SPL to an end, but work during SPL will

not have the effect of extending either the SPL or ShPP. If an employee does any work, these are paid the same way that Keeping in Touch days are paid, at their normal rate of pay inclusive of any statutory ShPP entitlement. Employees are under no obligation to work during SPL and the school is under no obligation to offer work.

The 20 SPLIT days available during SPL are in addition to the 10 KIT days available to Parent A during maternity and adoption leave. The entitlement to KIT days ends when the maternity/adoption leave is curtailed.

### 5.9 Special circumstances and further information

In certain situations, an employee's rights and entitlements regarding SPL and ShPP may change. For example, if the baby is born before the EWC or the partner is no longer caring for the child. In these circumstances, the employee and/or their Headteacher should contact their HR provider for further guidance.

### SPL forms (resulting from Maternity/Adoption)

These are the forms needed by a Parent A and the person they will share Shared Parental Leave (SPL) with – known as Parent B - to confirm eligibility and entitlement with their employers. The forms can also be used to confirm eligibility and entitlement to Shared Parental Pay (ShPP).

| What forms need to be completed? |                               |                                 |                                 |
|----------------------------------|-------------------------------|---------------------------------|---------------------------------|
|                                  | Both parents want to take SPL | Just Parent A wants to take SPL | Just Parent B wants to take SPL |
| Form 1                           | <b>YES</b>                    | <b>YES</b>                      | <b>YES</b>                      |
| Form 2                           | <b>YES</b>                    | <b>YES</b>                      | <b>NO</b>                       |
| Form 3                           | <b>NO</b>                     | <b>NO</b>                       | <b>YES</b>                      |
| Form 4                           | <b>YES</b>                    | <b>NO</b>                       | <b>YES</b>                      |

- Parents should use the calculator at [www.gov.uk/pay-leave-for-parents](http://www.gov.uk/pay-leave-for-parents) to find some of the information needed to complete these forms
- Parents should keep a copy of any completed forms, and the school should keep their own copy
- If Parent A is in receipt of Maternity Allowance (MA), they will need to notify Jobcentre Plus to curtail this entitlement
- The earnings requirements mentioned are correct as of April 2025

#### Key abbreviations used in these forms:

|      |                               |
|------|-------------------------------|
| SPL  | Shared Parental Leave         |
| ShPP | Statutory Shared Parental Pay |
| SMP  | Statutory Maternity Pay       |
| MA   | Maternity Allowance           |

## SHARED PARENTAL LEAVE FORMS

### FORM 1 - NOTICE OF CURTAILMENT OF MATERNITY/ADOPTION LEAVE AND PAY (PARENT A)

| <b>SECTION A: General (must be completed)</b>  |  |
|--|--|
| Please accept this as my notice to curtail my maternity leave and/or SMP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that Parent B intends to take SPL and/or ShPP. I understand that my maternity leave will end on the date given in Section B and that my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B. I understand that if I am eligible for myself or Parent B to opt into SPL and ShPP I can only reinstate my SMP if I revoke this notice before the end date given in Section C. |  |
| Parent A's Surname :   |  |
| Parent A's First Name(S):  |  |
| Child's expected date of birth:  |  |
| Actual date of child's birth (if born):  |  |
| <b>SECTION B: Curtailing maternity leave (must be completed)</b>   |  |
| Date statutory maternity leave started/is intended to start:   |  |
| Date statutory maternity leave will come to an end:  |  |
| Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends:  |  |
| <b>SECTION C: Curtailing maternity pay (only complete if claiming ShPP)</b>  |  |
| Date SMP started/is intended to start:   |  |
| Date SMP will come to an end:  |  |
| Total number of weeks of SMP that will have been paid at the date that SMP ends:   |  |
| <b>SECTION D: Signature (must be completed)</b>  |  |
| Signature of Parent A:   |  |
| Date signed:   |  |

## FORM 2 - NOTICE OF ENTITLEMENT AND INTENTION TO TAKE SHARED PARENTAL LEAVE (PARENT A)

| <b>SECTION A: General (must be completed)</b>   |                                     |
|---|-------------------------------------|
| Please accept this as notification that I (Parent A) am entitled to and intend to take SPL (and ShPP if section C is completed).  |                                     |
| Parent A's Surname:   |                                     |
| Parent A's First name(s):   |                                     |
| Parent B's Surname:   |                                     |
| Parent B's First Name(S):   |                                     |
| Parent B's Address:   |                                     |
| Parent B's National Insurance number (State 'none' if no number is held):   |                                     |
| Child's expected date of birth:   |                                     |
| Actual date of child's birth (if child not yet born, I will provide this information as soon as reasonably practicable following birth and before I take any SPL):          |                                     |
| <b>SECTION B: Maternity entitlement details (all answers that apply must be completed)</b>  |                                     |
| Date Parent A started (or intends to start) statutory maternity leave:  |                                     |
| Date Parent A's statutory maternity leave ended (or will end):  |                                     |
| Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends:   |                                     |
| Date Parent A started (or intends to start) SMP or MA:  |                                     |
| Date Parent A's SMP or MA ended (or will end):  |                                     |
| Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment:  |                                     |
| Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment): |                                     |
| <b>SECTION C: Amount of SPL available (must be completed)</b>   |                                     |
| Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation):                               |                                     |
| Total number of weeks of SPL I (Parent A) intend to take:   |                                     |
| Total number of weeks of SPL Parent B intends to take   |                                     |
| <b>SECTION D: Indication of Parent A's leave intentions (must be completed but is not binding)</b>  |                                     |
| I am requesting to take continuous leave (up to 3 blocks) or discontinuous leave (a pattern of leave with several breaks)   | <input type="checkbox"/> Continuous |

|  |  |
|--|--|
|  | <input type="checkbox"/> Discontinuous |
| <p>I (Parent A) currently expect to take SPL as follows:</p><br><br><br><br><br><br><br><br><br><br><br><p>Note: It will usually be helpful to answer this in a “From... To...” format</p>   |  |
| <b>SECTION E: Amount of ShPP available (only complete if claiming ShPP)</b>  |  |
| Total number of weeks of ShPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notice and revocation)  |  |
| Total number of weeks of ShPP I (Parent A) intend to take:   |  |
| Total number of weeks of ShPP Parent B intends to take:  |  |
| <p>I (Parent A) currently expect to take ShPP as follows:</p><br><br><br><br><br><br><br><br><br><br><br><p>Note: It will usually be helpful to answer this in a “From... To...” format.<br/>Blocks of pay are not limited to a maximum of 3.</p>  |  |
| <b>SECTION F: Parent A's declaration (must be completed)</b>   |  |
| <p><b>The following points apply in all circumstances where Parent A is entitled to maternity leave:</b></p> <ul style="list-style-type: none"> <li>I am giving notice that I am entitled to and intend to take SPL</li> <li>I have, or will have, been continuously employed for 26 weeks at the end of the 15<sup>th</sup> week before the week in which the child is due</li> <li>I will remain employed with this employer until any period of SPL that I intend to take</li> <li>I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with Parent B who has made the declaration below)</li> <li>I am entitled to maternity leave; my maternity leave period is reduced, and the remaining weeks are now available as SPL</li> <li>I will inform my employer immediately if I am no longer caring for my child</li> <li>I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice</li> <li>I will give my employer the name and address of Parent B's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice</li> <li>I (or Parent B) have given a period of SPL notice</li> <li>The information provided in this declaration is accurate and meets the notification requirements for SPL</li> </ul> <p><b>The following points only apply if Section E has been completed:</b></p> <ul style="list-style-type: none"> <li>I am giving notice that I am entitled to and intend to take ShPP</li> <li>I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth</li> <li>I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP</li> <li>I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)</li> <li>I intend to care for my child in the weeks I receive ShPP</li> <li>I will remain employed with this employer until before the date of my first period of ShPP</li> </ul> |  |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA</li> <li>• The information provided in this declaration is accurate</li> </ul>  |  |
| Signature of Parent A:  |  |
| Date Parent A signed:   |  |
| <b>SECTION G: Parent B's declaration (must be completed)</b>  |  |
| <ul style="list-style-type: none"> <li>• I am the father of the child, or at the date of the birth I was/will be Parent A's spouse, Parent A's civil partner and/or Parent A's partner living with their and the child in an enduring relationship</li> <li>• I had (or will have) the main responsibility for the care of our child at the time of the birth (along with Parent A)</li> <li>• I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth</li> <li>• I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of childbirth</li> <li>• I consent to the amount of SPL which Parent A intends to take, as set out in Section D above.</li> <li>• I consent to Parent A's employer processing the information I have provided</li> <li>• I consent to the amount of ShPP which Parent A intends to take, as set out in Section E above.</li> <li>• The information provided in this declaration is accurate</li> </ul> |  |
| Signature of Parent B:  |  |
| Date Parent B signed:   |  |

### FORM 3 - NOTICE CONFIRMING THAT PARENT B IS TAKING SPL BUT PARENT A IS NOT

| <b>SECTION A: General (must be completed)</b>   |  |
|---|--|
| Please accept this as notification that I (Parent A) do not intend to take SPL (or ShPP where relevant) but that my partner, Parent B will be.  |  |
| Parent A's surname:   |  |
| Parent A's first name(s):   |  |
| <b>SECTION B: Confirmation</b>  |  |
| <ul style="list-style-type: none"> <li>I am either not entitled to SPL (or ShPP where relevant), or I do not intend to take SPL (or claim ShPP where relevant)</li> <li>I declare that Parent B has given a notice to their employer to take SPL and/or ShPP.</li> <li>I consent to Parent B's intended claim for SPL and/or ShPP.</li> </ul> |  |
| <b>SECTION C: Signature (must be completed)</b>   |  |
| Signature of Parent A:  |  |
| Date signed:  |  |



**FORM 4: NOTIFICATION THAT PARENT B IS INTENDING TO TAKE SPL**

| <b>SECTION A: General (must be completed)</b>   |  |
|---|--|
| Please accept this as notification that I (Parent B) am entitled to and intend to take SPL (and ShPP if section C is completed).  |  |
| Parent B's Surname:   |  |
| Parent B's First name(s):   |  |
| Parent A's surname:   |  |
| Parent A's first name(s):   |  |
| Parent A's Address:   |  |
| Parent A's National Insurance number (State 'none' if no number is held):   |  |
| Child's expected date of birth:   |  |
| Actual date of child's birth (if child not yet born, I will provide this information as soon as reasonably practicable following birth and before I take any SPL):          |  |
| <b>SECTION B: Maternity entitlement details (all answers that apply must be completed)</b>  |  |
| Date Parent A started (or intends to start) maternity leave (if applicable):  |  |
| Date Parent A's maternity leave ended (or will end) (if applicable):  |  |
| Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends:   |  |
| Date Parent A started (or intends to start) SMP or MA (if applicable):  |  |
| Date Parent A's SMP or MA ended (or will end) (if applicable):  |  |
| Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment:  |  |
| Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment): |  |

The total number of weeks of SPL created depends on Parent A's leave and pay entitlements:

- Total number of weeks of SPL created (50 max)

Total number of weeks of SPL Parent A intends to take (if applicable)

I am requesting to take continuous leave (up to 3 blocks) or discontinuous leave (a pattern of leave with several breaks)

- I (Parent B) currently expect to take SPL as follows:

**SECTION E: Amount of ShPP available (only complete if claiming ShPP)**

Total number of weeks of ShPP I (Parent B) intend to take:

I (Parent B) currently expect to take ShPP as follows:

Note: It will usually be helpful to answer this in a “From... To...” format. Blocks of pay are not limited to a maximum of 3.

**SECTION F: Parent B's declaration (must be completed)**
**The following points apply in all circumstances:**

- I am giving notice that I am entitled to and intend to take SPL
- I am the father of the child, or at the time of the birth I was/will be Parent A's spouse, Parent A's civil partner and/or Parent A's partner living with their and the child in an enduring relationship
- I have been (or will be) continuously employed for 26 weeks at the end of the 15<sup>th</sup> week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of our child at the time of the child's birth (along with Parent A who has made the declaration below)
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of Parent A's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes their notice to curtail their maternity leave or SMP/maternity allowance period
- I (or Parent B) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth
- I intend to care for my child in the weeks I receive ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I will remain employed with this employer until before the date of my first period of ShPP
- The information provided in this declaration is correct

Signature of Parent B:

Date Parent B signed:

| SECTION G: Parent A's declaration (must be completed)   |  |
|---|--|
| <p><b>The following points apply in all circumstances:</b></p> <ul style="list-style-type: none"> <li>• I had (or will have) the main responsibility for the care of the child at the time of the birth (along with Parent B who has made the declaration above)</li> <li>• I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA.</li> <li>• I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth</li> <li>• I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of birth</li> <li>• I will immediately inform Parent B if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement</li> <li>• I consent to Parent B's intended SPL as set out in Section D above</li> <li>• I consent to Parent B employer processing the information I have provided</li> <li>• The information provided in this declaration is accurate and meets the notification requirements for SPL</li> </ul> <p><b>The following points only apply if Section E has been completed:</b></p> <ul style="list-style-type: none"> <li>• I am entitled to SMP or MA, and I have reduced (or will reduce) the SMP or MA period and the remainder will be available as ShPP</li> <li>• I consent to Parent B's intended ShPP as set out in Section E above</li> <li>• I will immediately inform Parent B if I revoke the reduction of my SMP or MA</li> <li>• I consent to the person who will pay ShPP to Parent B or the child's father processing the information I have provided</li> <li>• The information provided in this declaration is correct</li> </ul> |  |
| Signature of Parent A:  |  |
| Date Parent A signed:   |  |

## **Section 5: NEONATAL CARE (LEAVE AND PAY)**

### **Key Points**

This policy and procedure outlines the statutory right to take Neonatal Care Leave and, where eligible, Neonatal Care Pay accrued when babies born on or after 6<sup>th</sup> April 2025 are admitted into neonatal care for 7 full continuous days or more within the first 28 days following birth. The following legislation applies to this policy:

- Neonatal Care (Leave and Pay) Act 2023
- The Neonatal Care Leave and Miscellaneous Amendments Regulations 2025
- The Statutory Neonatal Care Pay (General) Regulations 2025
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- The Employment Rights Act 1996
- The Employment Act 2002
- The Maternity and Parental Leave etc. Regulations 1999
- The Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations 2014

#### **Key Abbreviations/Terms in this policy**

**SNCL** – Statutory Neonatal Care Leave

**SNCP** – Statutory Neonatal Care Pay

**EWC** – Expected Week of Childbirth

### **1. Introduction**

Neonatal Care (Leave and Pay) enables eligible employees whose babies are born on or after the 6<sup>th</sup> April 2025 and have received neonatal care to take up to 12 weeks leave and statutory pay.

Employees will still have the option of requesting other types of family leave including statutory maternity, adoption, paternity leave, and shared parental leave therefore, this section should be read in conjunction with the other sections within this policy.

### **2. Scope**

This policy applies to all employees of the school who meet the [parental relationship requirements](#) including the mother or birthing parent, the father, spouse, civil partner, or partner of the mother or birthing parent, adoptive parents, parents who are fostering to adopt, and the intended parents in a surrogacy arrangement (Parent A and Parent B). As employees will need to declare that they meet the parental relationship requirements, employees must ensure that they meet this government criteria prior to applying for any SNCL and SNCP.

Both parents are entitled to take SNCL and SNCP where eligible.

Provisions for SNCL are not likely to apply to casual workers, agency workers, or those on a zero-hour contracts however, these staff may be entitled to SNCP depending on their national insurance contributions.

### 3. Policy

Parents will be entitled to take 1 week of statutory neonatal care leave (SNCL) for every 7 continuous days their newborn was receiving neonatal care (medical or palliative) which starts within 28 days of the child's birth, up to a maximum of 12 weeks. The 28 days is counted from the day after the birth of the child.

The 7 continuous days are counted from the day following the day of admission into neonatal care.

*Example: if a baby is born on the 7<sup>th</sup> April and is admitted into neonatal care on the 8<sup>th</sup> April, the 7 continuous days will start from the 9<sup>th</sup> April.*

All SNCL must be taken before the end of the 68 weeks beginning with the date of birth (or placement of the child) and the leave must be used to care for the child. The extended time frame (68 weeks) is to allow SNCL to be taken after other statutory family leave.

For overseas adoptions, the leave needs to be taken before the end of the 68 weeks from the date the child enters Great Britain.

For the purpose of a week of SNCL, this is 1 calendar week. If an employee works part-time, the week of SNCL is not beholden to their working pattern.

*Example: Employee A works part-time, 3 days per week, Monday to Wednesday; Thursday and Friday are their non-working days. They take a week of SNCL, starting on Monday, ending on Sunday. No leave is carried over into the following calendar week, even though Thursday and Friday are non-working days for Employee A.*

There are 3 categories of medical care that constitute as neonatal care for the purposes of this policy:

- a) Any medical care received in a hospital.
  - i. This can be in any ward – including a neonatal unit, transitional care unit, paediatric intensive care unit, other children's ward or surgical ward.
- b) Medical care received elsewhere following discharge from an inpatient stay hospital. The care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals.
  - i. This includes instances where the baby has been at home, with a community outreach neonatal service where the above criteria has been met.
- c) Palliative or end of life care.
  - i. This includes care that has transitioned from active care to care in a hospice.

### 4. Eligibility Criteria (Leave)

Entitlement to statutory neonatal care leave is a day one right for all employees who are parents (including adoptive parents and surrogate parents) of babies requiring neonatal care, as defined above. Therefore, there are no minimum service requirements. SNCL will also apply to the parent's partner, provided they are in an enduring family relationship. The employee must also have or expect to have responsibility for the upbringing of the child and be taking the leave to care for the child.

Employees wishing to take SNCL must declare that they meet the [parental relationship requirements](#). This includes the mother or birthing parent, the father, spouse, civil partner, or partner of the mother or birthing parent, adoptive parents, parents who are fostering to adopt, and the intended parents in a surrogacy arrangement.

## 5. Eligibility Criteria (Pay)

In addition to the eligibility criteria outlined for SNCL, if employees wish to claim statutory neonatal care pay (SNCP), they must:

- have at least 26 weeks' continuous service at the 15th week before the Expected Week of Childbirth (EWC)/matching date
- have average weekly earnings equal to or above the Lower Earnings Limit (£125 per week, 2025) in the 8 weeks before the 15th week before the EWC/matching date.

SNCP is a statutory weekly rate which is set by the government each tax year (currently £187.18 (2025)) or 90% of the employee's average weekly earnings if this is lower. Unlike statutory maternity/adoption pay (SMP/SAP) there is no provision for employees to be paid at an enhanced rate for part of this leave. Therefore, if an employee is receiving SMP/SAP at the higher rate of 90% of their earnings or OMP/OAP and switches to SNCP during this period they will move to the lower rate of pay.

## 6. Returning from SNCL

Employees taking SNCL and SNCP are entitled to remain on their existing terms and conditions during their leave except for terms relating to the payment of wages or salary. Continuity of employment is not disrupted, and employees will continue to accrue statutory holiday (where applicable).

Employees will be entitled to return to the same job that they left where they have taken

- 12 weeks or less of neonatal care leave and less than 4 weeks of parental leave
- Have taken no greater than 26 weeks' consecutive family leave (not including parental leave)

Alike to Additional Maternity/Adoption Leave, where employees have taken greater than 26 weeks of continuous family leave (not including parental leave), they are entitled to return to the job in which they were employed before their absence or, if that is not reasonably practicable, to another job on terms and conditions not less favourable than those which would have applied if they had not been absent, and with their seniority, pension and similar rights as they would have been if they had not taken family leave.

Employees returning to work after taking 6 consecutive weeks of SNCL, where a redundancy has arisen, have the right to be offered suitable alternative employment (where this is available). For eligible employees who have taken at least 6 consecutive weeks of SNCL, the enhanced protection from redundancy as per the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 is extended to within 18 months of the child's birth or placement.

Where the employee's post is at risk due to an organisational change, employees will be informed under the provisions of the restructure and reductions in staffing guidance.

## 7. Procedure

There are two categories of statutory neonatal care leave (SNCL) depending on when the employee takes the leave whether this is taken in the Tier 1 period or the Tier 2 period. All employees of the school who wish to take SNCL and SNCP must complete and submit the appropriate forms to their Principal/Executive Principal / Deputy CEO for Trust central team within the specified notice. Employees can take SNCL in both the Tier 1 period and the Tier 2 period where this is applicable.

Employees taking Tier 1 period SNCL are not required to provide written notice but must provide the information specified in section 7.1.2. The details of their declaration and information will then be confirmed with them in writing by their employer using NCL Form 1.

### 7.1.1 Tier 1 Period Leave and Pay

Tier 1 Period Leave is leave that begins while an employee's child is receiving neonatal care, or in the week of their discharge from this care (within 7 days of the child ceasing to receive neonatal care). The leave cannot start until the second week of neonatal care.

Leave taken in the Tier 1 period can be taken discontinuously (in non-consecutive blocks) of 1 week (minimum). This allows employees to stop work at short notice to care for their child in neonatal care.

*Note: this tier is likely to be most utilised by Parent B (partners of Parent A) who have used or are yet to use paternity leave.*

### 7.1.2 Notification

#### Notification for Leave

Where a child has been receiving neonatal care and this is coming up to 7 full, continuous days (from the second day of admission, day 2-8), the Trust request that employees update their Principal/Executive Principal / Deputy CEO for Trust central team where possible. It is the employee's decision how much information they share with their employer. Employees are not compelled to share medical information about their baby's condition or treatments and entitlement to SNCL is not dependent on the baby's condition or prognosis.

Tier 1 Period leave can be taken from the 9<sup>th</sup> continuous day of neonatal care being received or within 7 days or neonatal care ending. If the SNCL is not taken in this timeframe, it becomes Tier 2 period SNCL (see 7.2.1 Tier 2 Period Leave).

Employee's notifying the school of their intention to take a Tier 1 Period Leave, must inform the school of this before their agreed/normal start time on the first day of the absence in that week. If not reasonably practicable, notice must be given as soon as possible. It is the employer's decision whether to waive the minimum notice requirements but **requests that do not meet the minimum notice requirements will not be automatically denied. The Trust will consider whether this can be accommodated.**

Employees are not required to submit their intention to take Tier 1 Period SNCL in writing however, to claim SNCP for this period, written notice will be required (see NCL Form 2). The notice to take SNCP must be submitted to the school within 28 days of the SNCL commencing.



If the employee is phoning/emailing the school to give notice that they are commencing a period of SNCL, the school will require that they provide the following information.

- Employee's name
- The date of the child's birth
  - If applicable, the date of the child's placement with the adopter or prospective adopter
  - If applicable, the date of the child's entry into Great Britain to live with the overseas adopter
- The date the child started to receive neonatal care,
  - or each date if the child received neonatal care on 2 or more separate occasions
- The date that the care ended if the child is no longer receiving neonatal care
- If it is the first time the employee is requesting neonatal care leave, a declaration that they meet the parental relationship criteria.
- that during the time the child was in neonatal care, the employee has cared for or intends to care for the child.

Where the employee has verbally given notice of the above and that they are commencing Neonatal Leave, the school will confirm this information with them in writing, using NCL Form 1.

#### Rolling Notice for Leave Taken Whilst Babies Remain in Neonatal Care

Where employees are taking Tier 1 SNCL and the baby remains in neonatal care for further 7-day periods, entitling the employee to further weeks of neonatal care leave that they wish to take consecutive to their current absence, the employee should update the employer on a rolling weekly basis. The employer will remind the employee where they are coming up to having used a full 12 weeks SNCL entitlement. Reminding the school of the continuing Tier 1 leave is not a substitute for completing NCL Form 2 to apply for SNCP.

#### Neonatal Care Ending Whilst Employee is on Neonatal Care Leave

Where employees have given notice that they are commencing a Tier 1 period of SNCL whilst their baby remains in neonatal care, but this care then comes to an end, employees **must** inform the school as soon as reasonably practicable so that the school can inform the employee of when their SNCL will come to an end.

#### Where Employee's Give Notice That They Are Commencing SNCL But Are Not Eligible

If the school is unsure if the information that has been provided by the employee meets the requirements of eligibility to take Neonatal Leave, they may discuss this with the employee to clarify the employee's understanding of the policy and the employer's understanding of the circumstances.

*Example: The child is born on the 8<sup>th</sup> April 2025 and is admitted to neonatal care on the 9<sup>th</sup> April 2025. The employee calls the school on the morning of Tuesday 15<sup>th</sup> April 2025 to inform the school that they are going to be absent as they are commencing their week of SNCL. The school would be entitled to discuss with the employee that, as per the legislation and the policy, their child has not yet received neonatal care for 7 consecutive days yet and that their SNCL can only commence on Wednesday 16<sup>th</sup> April 2025 and, as such, the employee would be required to attend work on Tuesday 14<sup>th</sup> April 2025 or take an alternative leave provision available.*

### **Notification for Pay**

For each week of statutory pay being taken in relation to a period of Tier 1 leave, employees must give notice within 28 days from the first day of the period the notice relates to unless it is not possible to give this much notice, in which case notice must be given as soon as reasonably practicable. It is the employer's decision whether to waive the notice requirements.

To claim SNCP in relation to Tier 1 SNCL, please complete NCL Form 2.

*Example: Baby is born on the 7<sup>th</sup> of April 2025, is admitted into neonatal care on the 8<sup>th</sup> of April and remains in neonatal care until the 16<sup>th</sup> of April. This entitles the parent to 1 week of neonatal leave which the employee chooses to take from 21<sup>st</sup> April to the 27<sup>th</sup> of April. The deadline for this employee to apply for SNCP for this period of SNCL is the 19<sup>th</sup> of May 2025, 28 days later.*

### **7.2.1 Tier 2 Period Leave**

Tier 2 Period Leave is leave that begins more than 7 days after the child has stopped receiving neonatal care. Leave taken in the Tier 2 period must be taken in one continuous block.

*Note: this tier is most likely to be utilised by parents who have taken maternity leave, adoption leave, or shared parental leave and are then looking to take their neonatal entitlement.*

### **7.2.2 Notification for Tier 2 Period Leave**

#### **Notification for Leave**

Where an employee's child has received neonatal care in the first 28 days from their birth for more than 7 full consecutive days (from the second day of admission, day 2-8), the Trust request that employees update their Principal/Executive Principal / Deputy CEO for Trust central team where possible. It is the employee's decision how much information they share with their employer. Employees are not compelled to share medical information about their baby's condition or treatments and entitlement to SNCL is not dependent on the baby's condition or prognosis.

Where an employee's baby has had several eligible periods of neonatal care that meet the requirements, the Trust request that they inform their manager of this so that the employee has an awareness of how much SNCL the employee is likely to take.

For employees wishing to take a single week of Tier 2 Period Leave, written notice must be given no later than 15 days before the first day of neonatal leave.

For employees wishing to take 2 or more consecutive weeks of Tier 2 Period Leave, written notice must be given no later than 28 days before the first day of the neonatal care leave which the notice relates to.

Tier 2 Period SNCL can be taken consecutively with other family leave.

*Example: Employee B is on maternity leave for 39 weeks and has provided sufficient notice to end their maternity leave at the end of the 39<sup>th</sup> week. Employee B has provided 28 days' notice that they intend to commence their 3 weeks of SNCL from the 40<sup>th</sup> week.*

Employees wishing to take a period of SNCL within the Tier 2 period must complete NCL Form 3.

Form 3 must include:

- Employee's name
- The date of the child's birth
  - If applicable, the date of the child's placement with the adopter or prospective adopter
  - If applicable, the date of the child's entry into Great Britain to live with the overseas adopter
- The date the child started to receive neonatal care, or each date if the child received neonatal care on 2 or more separate occasions
- The date that the care ended if the child is no longer receiving neonatal care
- If it is the first time the employee is requesting neonatal care leave, a declaration that they meet the parental relationship criteria.
- That during the time the child was in neonatal care, the employee has cared for or intends to care for the child.

### **Notification for Pay**

Notification requirements for Tier 2 SNCP are the same as the corresponding notice requirements for Tier 2 SNCL.

For a single week of statutory pay beginning in the Tier 2 period, employees must provide notice no later than 15 days before the first day of the pay week which the notice relates to.

For 2 or more consecutive statutory pay weeks beginning in the Tier 2 period, employees must provide notice no less than 28 days before the first day of the first week the notice relates to unless it is not possible to give this much notice, in which case notice must be given as soon as practicable.

Employees wishing to take a period of SNCP within the Tier 2 period must complete NCL Form 3.

### **7.5 Withdrawing Notice to take SNCL/SNCP**

Due to the minimum notice required for Tier 1 Period Leave, an employee can only withdraw this notice if they have communicated their wish to withdraw this notice before the first day of the absence the notice relates to has commenced.

If an employee is withdrawing notice to take a single week of Tier 2 period leave, notice of withdrawal must be given no later than 15 days before the first day of the week to which the original notice relates.

If the original notice was in respect of 2 or more consecutive weeks beginning in the tier 2 period, the employee must give the notice of withdrawal no later than 28 days before the first day of the week to which the original notice relates.

Employees wishing to withdraw or change their notice to take SNCL/SNCP must do so in writing. Employees can email this request to the Principal/Executive Principal / Deputy CEO for Trust central team.

## 7.4 Frequently Asked Questions about Neonatal Care Leave and Pay

### What happens if the baby is born or matched before the relevant week?

Where an employee's baby is born before the relevant week (15<sup>th</sup> week before the due date/matching date), employees will be treated as having been employed in the relevant week and will still qualify for SNCP providing their average earnings are at least equal to the National Insurance lower earnings limit. The period for assessing an employee's average earnings will be the 8 weeks ending in the week immediately before the week the baby is born/matched.

### Can an employee have a third party inform the school their baby is in neonatal care?

Yes, if parents wish to give a family member or a close family friend permission to update the school where necessary, this can be arranged. Please note, however, that parents must request SNCL or SNCP personally and with the school directly. These requests cannot go through a third party.

### What leave can be taken whilst an employee's baby is receiving neonatal care in the first 7 days or if they are not eligible for Neonatal Care Leave?

If employees are not already on a period of statutory leave during the first 7 days of their child receiving neonatal care, or they are not eligible for neonatal care leave, employees may choose to request a period of compassionate leave/emergency leave for dependants. Alternatively, employees may request a period of unpaid parental leave. Any requests for leave must follow the Leave of Absence Policy and are to the discretion of the Principal/Executive Principal / Deputy CEO for Trust central team.

### What happens if the employee cannot give the required notice?

If the requirements for notice cannot be met, the employer reserves the right to waive the notice requirements, understanding that it may not have been possible to provide the minimum notice. This does not mean that requirements for notice will be waived, and this remains the discretion of the Principal/Executive Principal / Deputy CEO for Trust central team. However, where the minimum notice requirements have not been met, this will not lead to the automatic denial for a period of leave, etc. The school will, where possible, accommodate requests if operationally feasible.

### How does the employer make sure that the employee has met the requirements to take Tier 1 Neonatal Care Leave?

Employees taking Tier 1 period Neonatal Care Leave are likely to call or email in their request on the 9<sup>th</sup> day of their child receiving neonatal care or within the week following their child receiving neonatal care leave. If employees are in work during this time, they may choose to have a conversation with their manager directly.

Employees must provide certain information, and this is stipulated in the Notification for Leave section pages 56-57. If the employee is not aware of the need to provide this information or does not know what information is required, the employer should go through the required details with them and must then confirm this information in writing (see NCL Form 1).

The employer can direct the employee to the government guidance on [parental relationship](#) for the employee to ensure that they meet this requirement. This includes the mother or birthing parent, the

father, spouse, civil partner, or partner of the mother or birthing parent, adoptive parents, parents who are fostering to adopt, and the intended parents in a surrogacy arrangement.

#### What evidence is required?

It may be appropriate for the school to sensitively enquire as to an employee's child's health and circumstances and employees may choose to share this information with their employer, but employees are not required to provide in-depth or sensitive medical information, nor should they be asked to present evidence of the neonatal care received to the school. An employee's declaration as per page 56 and 58 is considered sufficient evidence.

If the school has reason to believe that the SNCL is not being used to care for the child, as needs to be declared by the employee, this can be sensitively raised with the employee and the school can check the employee's understanding of the leave and the purpose of the leave.

#### What if a baby was receiving neonatal care in a hospital and has then transferred to receiving medical care elsewhere?

If a baby transfers from one category of care to another, this will not impact whether this is counted towards the employee's accrual as long as:

- there are no breaks in the care being provided,
- the care being provided to the baby remains within the categories counted as neonatal care for the purposes of the policy.

#### What if there are multiple births/adoptions?

In instances of multiple births where neonatal care is required:

- where babies are receiving care at the same time, the entitlement will be accrued in respect of one of the babies
- where babies are receiving the care at different times, the leave and pay entitlement can accrue separately, provided each of the babies spend at least 7 full, continuous days in neonatal care. The employee can only accrue a maximum of 12 weeks entitlement.

*Example: employee gives birth to 2 babies, Baby A and Baby B. Baby A is in neonatal care for 2 full weeks in the 1<sup>st</sup> and 2<sup>nd</sup> week following the birth. Baby B is in neonatal care for 3 weeks in the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> week following the birth. All neonatal care commenced within the first 28 days following the baby's births. The employee is entitled to 4 weeks of SNCL. This is because there is 1 week where the care overlapped and therefore was accrued in respect of one of the babies rather than both.*

#### What happens if the adoption was disrupted/the employee's application for a parental order failed?

If the employee has a disrupted adoption/their parental order failed, they may still be able to take neonatal care leave if the child was in neonatal care for 7 consecutive days or more in the first 28 days following the placement/birth and notice for SNCL was already provided.

#### What happens if an employee's SNCL interrupts another statutory leave they have given notice of their intention to take?

In instances where Tier 1 period SNCL interrupts another statutory leave, such as paternity leave, the neonatal leave will end immediately. If there is any remaining SNCL and it is still within the Tier 1 period, the leave will restart.

If the baby has not been receiving care for a week or more at the end of the interrupted leave, the leave period is now in the Tier 2 period. Any remaining neonatal care leave plus the interrupted leave must be taken together.

If notice has been given for Tier 1 leave, no extra notice is needed for the remaining amount that will be used as Tier 2. **Employees must avoid giving notice to take neonatal leave if they already know they have other leave booked.**

#### What if the child dies following an eligible period of neonatal care?

Where a child dies after receiving neonatal care that satisfies the requirements to take SNCL, the employee can still take the neonatal care leave and pay they are entitled to.

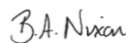
### **7.5 What forms need to be completed?**

Where an employee has given notice that they are intending to take SNCL in the Tier 1 period verbally/via email, the **employer** is to complete NCL Form 1 and return this to the employee, keeping a copy for themselves. This will satisfy the requirement to confirm an employee's leave in writing.

Where an employee wishes to give written notice that they are intending to take SNCL in the Tier 1 period, **OR** an employee is intending to submit notice that they are taking SNCP for SNCL taken in the Tier 1 period, they are to complete NCL Form 2.

Where an employee has accrued an entitlement to take SNCL and has not taken this during the child being in neonatal care or in the 7 days following the neonatal care (the Tier 1 period) and are giving notice of their intention to take SNCL and SNCP, they should complete NCL Form 3.

Signed Chief Executive Officer:



Signed Chair of Directors:



Policy to be reviewed in September 2025

## NEONATAL CARE LEAVE AND PAY FORMS

### FORM 1 – MANAGER’S CONFIRMATION OF AN EMPLOYEE’S NOTICE OF NEONATAL CARE LEAVE – TIER 1

| SECTION A – Manager’s Declaration (must be completed)  |  |
|--|--|
| This form has been completed by a line manager following an employee giving notice that they are intending to take SNCL in the Tier 1 period and the completion of this form is to satisfy the requirement for the employer to confirm in writing the employee’s request for leave. The information populated below has been provided by an employee in their request to take leave.   |  |
| Manager Name   |  |
| Manager Role   |  |
| School/Department  |  |
| SECTION B – Employee’s Eligibility   |  |
| Employee Name  |  |
| Employee Role  |  |
| Child(ren)’s Date of Birth   |  |
| <b>In cases of adoption</b> - Child(ren)’s Date of Placement/Entry into Great Britain  |  |
| Date neonatal care commenced   |  |
| Date neonatal care ended (if applicable)   |  |
| The neonatal care meets at least one of the 3 categories of care (per Section 6, part 3)   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Neonatal care commenced within the first 28 days following the child(ren)’s birth/placement  | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Child(ren) have been in neonatal care for 7 full consecutive days from the 2 <sup>nd</sup> day of admission (day 2-8)  | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Employee has declared that they meet the parental relationship criteria in that they are the <ul style="list-style-type: none"> <li>• mother or birthing parent,</li> <li>• the father, spouse, civil partner, or partner of the mother or birthing parent,</li> <li>• one of the adoptive parents,</li> <li>• one of the parents who are fostering to adopt,</li> <li>• one of the intended parents in a surrogacy arrangement</li> </ul> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Employee has declared that during the time the child(ren) is in/was in neonatal care, they cared for/intend to care for the child(ren)   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Date Employee intends to start Neonatal Care Leave   |  |
| Date Employee Requested Leave  |  |
| Method of Request (phone call, e-mail, etc)  |  |

|  |  |
|--|--|
| Date(s) of other statutory leave (i.e., paternity leave) the employee has booked (if applicable)   |  |
| <b>SECTION C: Manager's Declaration</b>  |  |
| <ul style="list-style-type: none"> <li>• I have read and understood Section 6: Neonatal Care Leave and Pay in the Family Leave policy.</li> <li>• This information provided in this form was disclosed by the employee in their request for SNCL. Where information that is relevant and necessary has not been provided, I have gone back to the employee for confirmation.</li> <li>• I understand that the employee is required to request this leave directly and that this request cannot be made by a third party.</li> <li>• I understand that Neonatal Care Leave is a day 1 right and the employee does not need to have continuous service to be eligible for SNCL.</li> <li>• I understand that the employee does not have to submit written notice to take Tier 1 SNCL.</li> <li>• I am aware that the minimum notice requirement for Tier 1 SNCL is the morning of the first day the leave is intended to commence.</li> <li>• I am aware that, where an employee has not met this minimum requirement for notice, consideration should be given to whether it is operationally feasible to meet their request before a decision is made whether the request for leave is denied.</li> <li>• I understand that the employee is not required to disclose medical information around their child and should not be asked to divulge this information.</li> <li>• I understand that the employee is not required to provide medical evidence of the neonatal care being received by their child(ren) and that their verbal declaration that they meet the criteria is sufficient.</li> <li>• I have informed the employee of the eligibility criteria at section 6, part 3, part 4.</li> <li>• I have informed the employee that there is a maximum of 12 weeks of SNCL and SNCP that can be taken.</li> <li>• I have informed the employee that, to claim SNCP, they must complete Form 2 and return this to the school within 28 days of their SNCL commencing.</li> <li>• Where an employee has submitted notice to commence Tier 1 SNCL but, upon discussion, has not met the criteria for eligibility, I have sensitively informed them of this and explained what other provisions for leave may be available.</li> <li>• I have informed the employee of the need for them provide a rolling weekly update if the neonatal care continues and they intend to remain on Tier 1 Neonatal Care Leave.</li> <li>• I have informed the employee that, where they are commencing SNCL without an end date, they must inform the school when the neonatal care ends as soon as reasonably practicable.</li> <li>• I have informed the employee that if they wish to withdraw this request for leave, this needs to be done before the leave is due to commence.</li> </ul> |  |
| Signature of Manager   |  |
| Date Signed  |  |



**FORM 2 – CLAIMING NEONATAL CARE PAY FOR A PERIOD OF TIER 1 NEONATAL CARE LEAVE TAKEN/BEING TAKEN**

| <b>SECTION A: General (must be completed)</b>   |  |
|---|--|
| Please accept this as notice that I meet/ have met the requirements for SNCL and am taking/have taken a period of SNCL and am entitled to and intend to claim SNCP for this period. I understand that notice to take SNCP must be made within 28 days of the period of SNCL commencing.   |  |
| Parent Surname:   |  |
| Parent First Name:  |  |
| Child(ren)'s Date of Birth  |  |
| <b>In cases of adoption</b> - Child(ren)'s Date of Placement/Entry into Great Britain   |  |
| <b>SECTION B: SNCL Available</b>  |  |
| Date(s) Neonatal Care commenced and ended:  |  |
| (Note: It will usually be helpful to answer this as "From...To..." format. Where a period of neonatal care has not ended, please note this. In cases of multiple births, please state which child was in neonatal care on which dates. Reminder that where babies are receiving care at the same time, this will count as one period for the purposes of leave entitlement) |  |
| <b>SECTION C: SNCL Dates</b>  |  |
| Date(s) of SNCL being taken or that has been taken:   |  |
| (Note: It will usually be helpful to answer this as "From...To..." format. Where a period of neonatal leave has not ended, please note this.)   |  |
| Number of weeks of SNCL used/to be used:  |  |
| Date Notice of SNCL was given to the employer (if being filled retrospectively):  |  |
| <b>SECTION D: Notice to claim SNCP</b>  |  |
| Number of weeks of SNCP being claimed:  |  |
| I have given the required notice of SNCP commencing <ul style="list-style-type: none"> <li>28 days' notice from the commencement of SNCL</li> </ul>   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>SECTION E: Employee's Declaration (must be completed)</b>  |  |

- I gave the required notice that I am/was eligible to take SNCL and am intending/intended to take SNCL
- I will be/was absent from work in each week in which I will be paid SNCP, and I will be/was on SNCL in those weeks.
- I will remain/remained employed with this employer **until any period of SNCL is to be/was taken.**
- I have/had main responsibility for the care of the child at the time of the child's birth.
- I am one of the following
  - the mother or birthing parent
  - the father
  - married to, the civil partner of or partner of the mother or birthing parent
  - adoptive parent of the child
  - intended parent in a surrogacy
- I will be caring/cared for the child in the week(s) I will receive/received SNCL
- I am giving notice that I am entitled to and intend to claim SNCP
- I had a minimum of 26 weeks of continuous employment with this employer prior to the relevant week (for the purposes of claiming SNCP).
- I have been paid at least the Lower Earnings Limit (£125 per week, 2025) in the 8 weeks leading up to the relevant week (typically 15<sup>th</sup> week before the EWC) (for the purposes of claiming SNCP).

|                      |  |
|----------------------|--|
| Signature of Parent: |  |
| Date Parent Signed:  |  |

## FORM 3 – NOTICE OF COMMENCING NEONATAL LEAVE AND/OR NEONATAL PAY UNDER TIER 2

| SECTION A: General (must be completed)  |  |
|---|--|
| Please accept this as notice that I am entitled to and intend to take SNCL and/or SNCP. I understand that other family leave must have ended before I can commence SNCL and/or SNCP. I understand that I cannot take SNCL and/or SNCP during SML. I understand that to withdraw a notice to take SNCL/SNCP I need to revoke this notice before the minimum notice requirements of 15/28 days. |  |
| Parent Surname:   |  |
| Parent First Name:  |  |
| Child(ren)'s Date of Birth/Date of Placement:   |  |
| SECTION B: SNCL available   |  |
| Date(s) Neonatal Care commenced and ended:  |  |
| (Note: It will usually be helpful to answer this as "From...To..." format. In cases of multiple births, please state which child was in neonatal care on which dates. Where a period of neonatal care has not ended, please note this. Reminder that where babies are receiving care at the same time, this will count as one period for the purposes of leave entitlement)                   |  |
| SECTION C: Indication of SNCL intentions (must be taken in one continuous block)  |  |
| Date SNCL is intended to start:   |  |
| Date SNCL is intended to end:   |  |
| Continuous weeks of SNCL being taken:   |  |
| I have given the required notice of the SNCL commencing <ul style="list-style-type: none"> <li>For one week, 15 days' notice</li> <li>For more than one week, 28 days' notice</li> </ul> (Notice requirement must be satisfied before the first day the neonatal leave is intended to start)  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| SECTION D: Indication of SNCP intentions  |  |
| Date SNCP is intended to start:   |  |
| Date SNCP is intended to end:   |  |
| Continuous weeks of SNCP being taken:   |  |
| I have given the required notice of the SNCP commencing (cont next page) <ul style="list-style-type: none"> <li>For one week, 15 days' notice</li> <li>For more than one week, 28 days' notice</li> </ul> (Notice requirement must be satisfied before the first day the neonatal pay is intended to start)   | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**SECTION E: Employee's Declaration (must be completed)**
**The following apply in all circumstances where sections A-C have been completed:**

- I am giving notice that I am eligible for SNCL and intend to take SNCL.
  - My child received neonatal care for a minimum of 7 consecutive days (starting the day after the care commenced) as per a minimum of one of the below within the first 28 days of their date of birth/date of placement.
    - medical care received in a hospital
    - care given to the baby after leaving hospital, under the direction of a consultant
    - ongoing monitoring and visits by healthcare professionals arranged by the hospital
    - palliative or end-of-life care
- I will remain employed with this employer until any period of SNCL that I intend to take.
- I had (or will have) the main responsibility for the care of the child at the time of the child's birth
- I am one of the following
  - the mother or birthing parent
  - the father
  - married to, the civil partner of or partner of the mother or birthing parent
  - adoptive parent of the child
  - intended parent in a surrogacy
- I will inform my employer immediately if I am no longer caring for my child
- I have given the required notice to take SNCL
- I intend to care for my child in the weeks I take SNCL
- The information provided in this declaration is accurate and meets the notification requirements for SNCL

**The following points only apply where Section D has been completed:**

- I am giving notice that I am entitled to and intend to take SNCP
- I had a minimum of 26 weeks of continuous employment with this employer prior to the relevant week.
- I have been paid at least the Lower Earnings Limit in the 8 weeks leading up to the relevant week (typically 15th week before the EWC).
- I will be absent from work in each week in which I will be paid SNCP, and I will be on SNCL in those weeks (if I am entitled to SNCL)
- I intend to care for my child in the weeks I take SNCP

Signature of Parent:

Date Parent Signed: