The Athelstan Trust

Family Leave Policy

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1. Aims

This policy aims to:

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

This policy has been agreed following consultation with the Staff Consultative Group, including union representatives. This policy does not form part of any contract of employment.

2. Legislation and guidance

This policy meets the requirements of:

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

It also reflects best-practice guidance set out in:

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

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

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

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

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

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

3. Scope

This policy applies to all full-time and part-time staff who are employed directly by the Athelstan Trust.

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

Where this Policy refers to Continuous Employment, the Trust recognises this as

- aggregated teaching service **or**
- work in a support staff role where there has been no break in service

with one or more local authorities, and one or more academies / Trusts.

4. Data protection

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

5. Roles and responsibilities

5.1 CEO

The CEO is responsible for making sure that:

- This Family Leave policy is applied consistently for the Central Staff team and that it is in line with equality legislation.
- Headteachers and Line Managers within the Central Team are aware of this policy and their responsibilities.

5.2 Headteacher

The headteacher is responsible for making sure that:

- This family leave policy is applied consistently at their school and that it is in line with equality legislation.
- Line managers and other staff are aware of this policy and their responsibilities.

Headteachers and the CEO have discretion in applying this Policy to individual members of staff within the central team / their school as a result of infrequent or unusual circumstances.

5.3 Line managers

Line managers and HR leads within each school have day-to-day responsibility for this policy. If employees have questions about this policy, they should refer to their line manager/ their school HR lead in the first instance.

Line managers and HR leads are responsible for:

- Considering all valid requests for time off equally and fairly and in consultation with the HT where appropriate.
- Supporting employees to understand this policy.

- Supporting employees and managing family-related leave and matters confidentially and sensitively, and in line with the Data Protection Act 2018.
- Taking family-related leave and responsibilities into account when monitoring an employee's workload, and promoting positive working arrangements.
- Maintaining effective communication with employees, including while employees are on leave.
- Liaising with payroll promptly if an employee's pay needs to be adjusted as a result of them taking maternity, paternity, adoption or shared parental leave, or other types of family-related leave, and ensuring the payroll system is updated.
- Giving due regard to equality legislation and taking any protected characteristics into consideration.

5.4 Board of Trustees

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

5.5 Other employees

Employees are expected to:

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

6. Maternity leave (including for surrogates)

Any pregnant employee who is employed by the Athelstan Trust is entitled to 52 weeks of maternity leave. This is made up of:

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

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

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

6.1 Starting maternity leave

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

Maternity leave will also start:

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

6.2 Claiming maternity leave

You must notify the school in writing at least 15 weeks before the beginning of the week that your baby is due:

- That you are pregnant.

- When your baby is due.
- When you want to start your maternity leave.

If you want to change the day you want to start your maternity leave, you must notify your line manager of the new day:

- 28 days before your maternity leave was originally due to start.
- 28 days before the new date you want to start your leave (whichever of the 2 dates is earlier).

We will write to you within 28 days of your notice confirming your maternity leave start and end dates (for more information on notice periods for returning to work, see section 19 below).

6.3 Premature birth

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

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

7. Maternity pay (including for surrogates)

You may be eligible for occupational maternity pay and / or statutory maternity pay, depending on the length of your continuous employment.

7.1 Occupational maternity pay

7.1.1 Occupational Maternity Pay for teachers

Teachers are eligible for occupational maternity pay if they have 26 weeks continuous employment by the 11th week before the week that their baby is due.

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

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

At 100% of their salary for the first 4 weeks

At 90% of their salary for weeks 5 and 6.

At 50% of their salary for weeks 7 to 18, plus the weekly rate of statutory maternity pay, unless this figure exceeds full pay in which case deductions will be made (see the government's latest weekly statutory maternity pay figure at https://www.gov.uk/maternity-pay-leave/pay).

At the weekly rate of statutory maternity pay for the remaining 21 weeks (see the link above to find out how much this is).

7.1.2 Conditions for occupational maternity pay for teachers

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

The 13 week period starts:

- From the date the teacher returns to work, or

- The date after maternity leave ends. This includes both term time and school holidays.

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

7.1.3 Returning to work part time for teachers

Teachers who were full-time and choose to return to work on a part-time basis must return for a period that equates to 13 weeks of full-time service.

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

If a teacher is unable to return to work at the end of their maternity leave due to sickness, the Athelstan Trust's sickness policy will apply, a copy of which can be found on the Athelstan Trust website.

For more information on returning to work after maternity leave, including notice periods, see section 19 below.

7.1.4 Occupational Maternity Pay for Support staff

Support staff are eligible for occupational maternity pay if they have 26 weeks continuous employment by the 11th week before the week that their baby is due.

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

Support staff eligible for occupational maternity pay can be paid for up to 39 weeks, as follows:

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

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

7.1.5 Conditions for occupational maternity pay for support staff

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

Where an employee requests flexible working arrangements on their return to work, the Trust will consider these on a case-by-case basis. The return-to-work period must equate to 3 months of full-time work.

If an employee is unable to return to work at the end of their maternity leave due to sickness, the Trust's sickness policy will apply (which can be found on the Athelstan Trust website).

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

7.2 Statutory maternity pay and maternity allowance (all staff)

You are eligible for statutory maternity pay if you:

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

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

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

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

8. Paternity leave and pay

8.1 Paternity leave (including for surrogacy)

You are entitled to take a single block of leave of either 1 week or 2 consecutive weeks* of paternity leave or 2 non-consecutive periods of leave of a week each paternity leave. This is different if you are adopting a child – see section 8.4 below for more information on paternity leave for adoption.

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

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

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

Paternity leave:

Cannot start before the baby is born.

Can be taken at any time in the first year after birth or placement for adoption.

8.2 Paternity pay (including for surrogacy)

If you have at least 26 weeks continuous employment up to any day in the 15th week before the baby is due, you will be paid in full for your Paternity Leave. Employees will usually be paid their paternity pay during the week/s they are taking paternity leave.

If you do not meet the qualifying criteria, you may be able to claim Statutory Paternity Pay. You can find the latest statutory weekly rate of paternity pay on the government's website – https://www.gov.uk/paternity-pay-leave/pay.

8.3 How to claim paternity leave and pay

You must tell the Trust at least 15 weeks before the baby is due:

- The due date.
- That you wish to take paternity leave and, if you know when you would like to take the leave, when you wish this to start

You must then give at least 28 days notice of any request to take a period of paternity leave.

8.4 Paternity leave and pay for adoption

To be eligible for paternity leave when adopting, you must be the adopter, or partner of the adopter (this includes same-sex partners).

You:

- Cannot start your leave before the child is placed with you.
- The leave can be taken at any time in the first year of the child's placement for adoption, or the child's arrival in the UK (for overseas adoptions).

You are also entitled to paid time off to attend 2 adoption appointments after you have been matched with your child. If you require further time off for additional appointments, please discuss this with your line manager.

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

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

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

9. Adoption leave and pay (including for surrogacy)

All employees of the Athelstan Trust who are adopting a child are entitled to 52 weeks of statutory adoption leave, made up of:

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

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

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

9.1 Exceptions

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

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

9.2 Starting leave

You can start adoption leave:

Up to 14 days before the date the child starts living with you (UK adoptions).

When the child arrives in the UK or within 28 days of this date (overseas adoptions).

The day the child is born or the day after (if you have used a surrogate to have a child).

9.3 Notice periods for leave

Within 7 days of being matched with a child you must tell the Trust:

- How much leave you want to take.
- When you want to start leave.
- The date the child is placed with you.

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

9.4 Adoption pay

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

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

You are eligible for statutory adoption pay if you:

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

9.5 Notice periods for pay

You must give the Trust 28 days' notice:

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

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

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

10.Foster Carers

The Athelstan Trust recognises and values the contribution that foster carers make to society and especially the lives of children in care. We understand that foster carers who do other work in addition to fostering need some flexibility in their working arrangements in order to meet the needs of their fostered child. We are committed to support any staff member who is a foster carer or an approved kinship carer.

This policy applies if you:

- are applying to become foster carers
- are approved foster carers and have a child in placement (or have had a child in placement for 75% of the previous 12 months) or are an approved kinship carer
- and have 26 weeks or more continuous employment

If you meet the qualifying criteria set out above, you will be entitled to paid leave in any 12-month period as follows:

- assessment and initial training prior to approval as a foster carer - up to 3 days
- attendance at panel for approval – 1 day
- long-term placement of a child/young person – see section "Time off for Dependents" in this Policy.
- Child review meetings, annual foster carer review meeting and training – up to 5 days.

Your Headteacher will approve the leave on a discretionary basis taking into account the individual circumstances of each case. The leave will be considered and approved on a pro rata basis.

11.Shared parental leave and pay

Shared parental leave can be complex, so please speak to your HR Lead if you are thinking about taking shared parental leave and have any questions. Please also refer to the Athelstan Trust Shared Parental Leave Policy.

12.Antenatal care

All pregnant staff are entitled to take reasonable time off work, with full pay, to attend antenatal appointments. This may include any relaxation or parenting classes provided that your doctor, nurse or midwife has advised you to attend.

To be entitled to this, the Trust will ask you to produce a certificate from your doctor, nurse or midwife that states that you are pregnant. Except for the first appointment, you should also produce evidence of the appointment, such as an appointment card.

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

You are entitled to paid time off to accompany the pregnant person to 2 antenatal appointments. You can take up to 6 and a half hours per appointment, including travel and waiting time. If you require further time off for additional appointments, please discuss this with your line manager. The Trust may request to see evidence of these appointments.

12.2 Antenatal care when having a child through IVF

You will be allowed time off for antenatal care only after the fertilised embryo has been implanted. For information on time off for fertility treatment and IVF, please see the Athelstan Trust Sickness Absence Policy, a copy of which is on the Athelstan Trust website.

13.Health and safety risk assessments during and after pregnancy

After an employee has notified their line manager that they are pregnant, the Trust will review its workplace risk assessment in line with the employee's role to make necessary adjustments.

When an employee returns to work from maternity leave, the Trust will conduct an individual risk assessment that covers the employee's specific needs if the employee is:

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

14.Statutory Neonatal Care Leave

14.1 Statutory Leave

Statutory Neonatal Care Leave (SNCL) is available to employees who have a parental relationship with a child who requires at least seven consecutive days of neonatal care within the first 28 days of their life. This includes employees who are birth parents, adoptive parents or intended parents via surrogacy who are entitled to one week of leave for each qualifying week of neonatal care, capped at 12 weeks. The right to take SNCL is available regardless of length of service and it must be taken within 68 weeks of the child's birth. It is additional to other statutory family leave including maternity or adoption leave.

SNCL is structured into two periods: Tier 1 and Tier 2:

- Tier 1 applies while the child is receiving neonatal care and for seven days after the care ends. Leave during this period must not be taken before the day after the first full week of neonatal care, meaning that the first week is not covered. Employees can take SNCL in non-consecutive weeks during Tier 1.

- Tier 2 applies to any remaining entitlement and must be taken in a single consecutive block. The maximum leave entitlement remains 12 weeks, even in cases of multiple births where more than one child requires neonatal care.

Employees must notify their employers if they intend to take SNCL. The notice requirements differ depending on when the leave is taken:

- If leave is taken during a Tier 1 period, employees must notify their employer as soon as reasonably practicable, either orally or in writing. There is no minimum notice requirement.

- For Tier 2 periods, written notice must be provided at least 15 days before taking a single week of leave, or 28 days before taking multiple consecutive weeks. Employers and employees may mutually agree to waive these notice requirements where necessary.

14.2 Statutory Neonatal Care Pay

Statutory Neonatal Care Pay (SNCP) is payable to employees who have a parental relationship with the child (see above), must earn above the lower earnings limit for National Insurance contributions, and must also have 26 weeks continuous employment before the relevant week.

The relevant week differs as follows: For birth parents, it is the 14th week before the expected week of childbirth. For adoptive parents, it is the week in which they are matched with the child. For other cases, it is the week before the neonatal care starts.

SNCP is paid at the same rate as statutory paternity pay or statutory shared parental pay. Employees will be able to access up to 12 weeks extra leave on top of leave that they are already entitled to (such as maternity/ paternity leave and shared parental leave).

15.Loss of a pregnancy

Our Trust is committed to supporting all employees who suffer the loss of a pregnancy, whatever the nature of their loss or their length of employment.

15.1 Miscarriage

This is where a loss of pregnancy happens before the 24th week.

Employees who have had a miscarriage are entitled to a 2-week period of paid leave, which may be extended depending on individual circumstances. We encourage you to speak to your line manager to enable us to support you as best as we can through this difficult time.

The Trust will consider staff absence due to miscarriage as pregnancy-related illness. We will not count this absence when reviewing staff's attendance records. Read more about this in sickness absence policy.

15.2 Still birth and neonatal loss

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

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

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

In addition, the birth parents, adoptive parents or parents of a child born to a surrogate are entitled to 1 or 2 weeks of statutory parental bereavement leave after finishing their maternity or paternity leave.

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

16. Bereaved Partner's Paternity Leave

Our Trust is committed to supporting all employees who suffer the loss of a partner in pregnancy.

Bereaved partner's paternity leave (BPPL) is available in addition to Paternity Leave and Pay. (see separate section).

Eligible employees are entitled to take up to 52 weeks' unpaid bereaved partners paternity leave to care for a child where the child's primary carer has died within 52 weeks of the child's birth or placement for adoption.

An employee will be eligible where they:

- are the father of a child whose mother has died; or
- were the spouse, civil partner or partner of the child's deceased primary carer;
- have, or are expected to have, main responsibility for the upbringing of the child; and

- are taking the leave to care for the child.

BPPL is available to all employees, regardless of how long they have worked for the Trust.

Where possible, the following notice periods should be observed:

Where Bereaved Partner Paternity Bereavement Leave begins within eight weeks of the bereavement, the employee may give notice orally and on short timescales. Within that eight-week period, they must then confirm in writing how much leave they plan to take and their intended return date.

If the employee wishes to take Bereaved Partner Paternity Leave more than eight weeks after the bereavement, they must give at least one week's written notice. They may vary or cancel the leave and amend their intended return date, subject to the minimum notice requirements.

17.Keeping in touch during leave

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

17.1 Keeping in touch (KIT) days during maternity or adoption leave

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

- Paid – KIT days will be paid for the hours worked as the normal hourly rate in that month's payroll. Maternity Pay and Adoption Pay will not be paid for KIT days.
- Entirely voluntary – you need to agree to them with your line manager.

17.2. Shared parental leave in touch (SPLIT) days

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

18.Employment terms and conditions while on leave

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

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

18.1 Pensions

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

18.2 Annual leave entitlements

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

19. Returning to work after maternity, paternity, adoption or shared parental leave

19.1 Your right to your job (all staff)

Where you have been on leave for:

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

19.2 Returning to work earlier or later (maternity leave only/maternity, adoption or shared parental leave only)

If an employee wishes to change the date that they return to work from maternity or adoption leave, they should discuss this with their line manager as soon as possible. The employee must notify the Trust in writing at least:

- 21 days before the day on which they propose to return, if this is earlier than the original date. Where they give less than 21 days' notice, we may postpone their return, but not beyond the end of the original maternity leave period.
- 21 days before the original return date, if the new date is later than the original return date
- The Provisions for returning to work after Shared Parental Leave are set out in the Athelstan Trust Shared Parental Leave Policy.

Please note that:

If an employee is unable to return to work due to sickness at the end of their leave period, the Athelstan Trust Sickness Absence Policy will apply.

- Employees may be able to take unpaid parental leave immediately following the end of their leave period. If you wish to do this, discuss it with your line manager as soon as possible. Read more about unpaid parental leave below.

20. Unpaid parental leave

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

20.1 What employees are entitled to

Employees can take up to 18 weeks of unpaid leave for each child and adopted child up to their 18th birthday.

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

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

- Spend more time with your child.

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

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

20.2 Eligibility

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

- Are named on the child's birth or adoption certificate, or you have or are expected to have parental responsibility.
- Are not a foster parent (unless you have secured parental responsibility through the courts).

20.3 Giving notice

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

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

20.4 Taking unpaid parental leave immediately after maternity, paternity, adoption or shared parental leave

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

- Maternity leave. You will not be required to refund occupational maternity pay (as explained in sections 7.1.2 and 7.1.3 above) unless you do not return to work in your school or in another school at The Athelstan Trust for at least 13 weeks after you finish your unpaid parental leave.
- Adoption leave. You will not be required to refund occupational adoption pay unless you do not return to work in your school or in another school at The Athelstan Trust for at least 13 weeks after you finish your unpaid parental leave.
- Paternity leave.
- Shared parental leave.

20.5 Postponing leave

The Trust will grant an employee's request for unpaid parental leave whenever possible, and will ask employees to postpone their requested leave only for significant reasons (e.g. if it would cause serious disruption to the running of the school). We will **not** ask employees to postpone leave if:

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

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

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

20.6 Employee rights during leave

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

Where you are on unpaid parental leave for:

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

21.Carer's Leave

Employees of the Athelstan Trust are entitled to take up to 5 whole working days of unpaid leave to provide or arrange care for a dependant with a long-term care need. The leave can be taken flexibly, either in full days or half-days, up to a block of one week. Carer's leave is a day one right for all employees.

Employees need to be providing or arranging care for a dependant with a long-term care need. The required notice period an employee needs to give to take the leave is either twice the length of time that needs to be taken in advance of the earliest day of leave or three days, whichever is greater. The Trust is able to postpone a request in certain circumstances.

22.Time off for dependants

Staff have the right to take a reasonable amount of time off to help a dependant in an unexpected or one off unusual event. If you need time off, notify your line manager as soon as possible so that the best next steps can be arranged. This is not intended to duplicate or replace Carer's Leave (see above). This information supercedes the information that was previously in the Compassionate Leave Policy (this Policy is no longer in use), and the information in Appendix C of the Support Staff Pay Policy and Appendix D of the Teachers Pay Policy.

In this Policy, a dependant or close relative may include your:

- Spouse, partner or civil partner.
- Child.
- Parent.

A dependant may also be someone who:

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

An unexpected event may include:

- Where a dependant falls ill, is injured or assaulted (this could be as a result of a deterioration of an existing condition) or has to go to hospital because they go into labour unexpectedly.
- Dealing with an unexpected disruption or breakdown of care arrangements for a dependant – e.g. if a childminder or nurse fails to turn up as arranged, or the nursery or nursing home has to close unexpectedly.

- Dealing with an unexpected incident involving your child during school hours.
- Dealing with the death of a dependant

The Trust will also consider giving time off for events which may be foreseen, but which are of a serious nature that make your presence necessary. This may include time off to settle an elderly relative into a care home or to attend a hospital appointment or planned operation with your child or partner.

General guidance is set out in the table below. This list is not exhaustive and all non-statutory leave is at the discretion of the Headteacher taking into account operational needs and individual circumstances: please note these are not entitlements. Staff should discuss individual requirements with the Headteacher.

Care for a dependant during serious illness	up to 5 days per year	Paid
Death of a dependant or close relative	up to 5 days*	Paid
Death of a near relative**	Up to 3 days*	Paid
Death of another relative or pet	One day	Paid
Attendance at any other funeral	maximum one day	Paid
Sick dependant / care for a dependent when normal care arrangements have broken down.	3 days per year Additional days	Paid Unpaid

*This includes any time off to attend the funeral.

** Near relative includes: Sister, Brother, Grandparents, Mother in law / father in law, daughter in law / son in law. Requests for absence will be considered taking into account the needs of the Trust / School. A request form must be completed and submitted giving as much notice as possible. The decision on whether an absence is paid/unpaid, granted/refused will be at the absolute discretion of the Headteacher (CEO for Central Team Staff).

All staff are reminded that as per our Sickness Absence Policy, where possible, employees should book routine medical and dental appointments outside of working hours.

23. Time off for Family Events and other personal commitments

The Trust recognises that there will be occasions when time off will be required as a result of a family event, volunteering commitment or training.

Requests for absence will be considered taking into account the needs of the Trust / school. A request form must be completed and submitted, giving as much notice as possible. The decision on whether an absence is paid or unpaid, granted / refused will be at the absolute discretion of the headteacher. General guidance on some family events and other personal commitments is set out in the table below. This list is not exhaustive, and Staff should discuss individual requirements with the Headteacher.

Wedding of a near relative	1 day	Paid
All other weddings are discretionary		Unpaid
Moving House	1 day	Paid
Graduation of child	1 day	Paid
Holidays in term time are discretionary		Unpaid

Time off for essential meetings if a governor at another school		Paid
Time off if elected member of a local Council	Max 208 hours	Paid
To seek another appointment (account will be taken of the post applied for)	one day up to a Max of 5 days	Paid
Approved vocational examinations	duration of exam	Paid
Approved vocational training		Paid

24.Early career teachers: extending the induction period to reflect leave periods

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

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

The ECT should seek advice before deciding, by discussing with their line manager and induction tutor.

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

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

25.Flexible working

All staff can request flexible working, not just parents and carers.

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

26.Monitoring arrangements

This policy will be reviewed annually by the Board of Trustees.

27.Links to other policies

This policy links to the following policies:

- Data protection policy.
- Flexible working policy.
- Health and safety policy.
- Staff code of conduct.

- Staff sickness absence policy.
- Shared Parental Leave Policy.
- Pay policy