

This policy is part of the Ebor People Policy Suite

Please refer to Self Service HR for the latest version of this and other Ebor People Policies



EBOR ACADEMY TRUST

Policy Number

23NS

WORKING FAMILIES POLICY

Ebor Academy Trust works closely with Trade Union Partners to develop and implement a fair and effective suite of people policies. Please seek advice from your trade union representative if you require support with this policy. If you are not a member of a trade union, please visit the Union tab or HR Self-service. Ebor Academy Trust welcomes Trade Unions to support staff throughout the processes associated with this policy.

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INCLUSION

Ebor Academy Trust is committed to:

- Promoting equality and diversity in its policies
- Delivering high quality teaching and services that meet the diverse needs of its children and workforce, ensuring that no individual or group is disadvantaged
- The application and outcomes from this policy will be monitored to ensure staff are treated equitably when approaching, taking and returning from family leave, and that they are not disadvantaged by taking family leave or having caring responsibilities.

AIMS

This is a complex policy which aims to bring the significant family life events together in one document. It is likely the only certain sections will apply to any given scenario however the Trust believes that having a single document with relevant and iterated guidance provides the clearest and most consistent form for our staff and leaders. Given the individuality of family circumstances, colleagues should seek HR, pensions and wellbeing advice when working with this document.

LEGISLATION & GUIDANCE

Employment Rights Act 1996 (updated 2026); Maternity and Parental Leave Regulations 1999; Maternity and Parental Leave and Paternity and Adoption Leave (Amendment) Regulations 2024; Additional Paternity Leave Regulations 2010; Additional Statutory Paternity Pay (General) Regulations 2010; Parental Leave (EU Directive) Regulations 2013; Paternity and Adoption Leave (Amendment) Regulations 2014; Children's and Families Act 2014; Shared Parental Leave Regulations 2014; Protection from Redundancy Act 2023; Paternity Leave (Amendment) Regulations 2024; Carer's Leave Act 2023; Carer's Leave Regulations 2024; Management of Health and Safety at Work (MHSW) Regulations 1992; the Conditions of Service for School Teachers in England and Wales (Revised August 2000) Burgundy Book and the NJC for Local Government Services National Agreement on Pay and Conditions of Service (Green Book) (Revised March 2019). [Equality Act 2010](#).

This policy is non-contractual.

Related Policies: Flexible Working, Managing Organisational Change, Supporting Staff Attendance

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MATERNITY LEAVE

Entitlement

Pregnant colleagues (except for those with fixed term contracts) are entitled to take 26 weeks' ordinary maternity leave followed immediately by 26 weeks' additional maternity leave. They must legally take a minimum of 2 weeks' compulsory maternity leave, which is the 2-week period immediately following childbirth but may extend up to a maximum of 52 weeks.

Occupational Maternity Pay (OMP)

Enhanced maternity pay is a day one entitlement and staff are eligible to take up to the maximum provisions, which are as follows:

- For the first 8 weeks: full pay (including Statutory Maternity Pay or maternity allowance where receivable)
- For the next 18 weeks: half of full pay plus any Statutory Maternity Pay or maternity allowance receivable
- For the next 13 weeks: any Statutory Maternity Pay or maternity allowance receivable (providing the total receivable does not exceed full pay)
- For the final 13 weeks: no pay.

For employees whose remuneration varies due to variable normal working hours, a week's pay should be calculated by looking at the average remuneration in the 12-weeks prior to the last working week before maternity leave started, excluding weeks with zero remuneration.

If an employee does not return for the 13-week period following their maternity leave, they will be required to repay the amount of OMP they have received, minus the amount received in the first 8 weeks. Statutory Maternity Pay (SMP) does not need to be repaid. Full-time staff returning on a part-time basis need to work for a period, which equates to 13 weeks full time.

Deductions from Pay

Any non-statutory deductions from pay will continue to be charged during the period of maternity leave, unless the employee has reached a point at which their maternity pay does not cover for such payments. Employees must ensure that they make adequate financial provision for the payment of such deductions, which may include alternative arrangements to maternity pay.

Contractual Rights during Maternity Leave

During maternity leave, the employee's contract will remain continuous (unless there is a fixed term contract which ends without renewal, or an organisational change issue that results in redundancy). Maternity leave does not constitute a break in service and therefore counts as continuous service for annual leave, sickness and redundancy purposes. With the exception of remuneration, employees will continue to benefit from all their terms and conditions that would have applied should they have remained at work.

Fixed Term Contracts

Pregnant employees on fixed term contracts are entitled to take statutory maternity leave up to the point where their fixed term contract ends, regardless of their length of service and number of hours worked. Statutory maternity pay (SMP) is payable for 39 weeks for those who qualify (otherwise staff may be able to claim Maternity Allowance from the Government). Any entitlement to occupational maternity pay (OMP) will end when the fixed term contract ends.

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Antenatal Appointments

Employees are entitled to time off work to attend antenatal appointments (preferably at the start or end of the day to minimise the impact on children and service delivery). Antenatal care includes midwifery appointments, GP appointments, hospital clinics and relaxation classes. Employees are required to produce an appointment card or other documentation that confirms the appointment prior to permission being granted. They should submit their request via the HR system, in line with the Special Leave Policy and Procedure.

Starting Maternity Leave

Employees can choose to start their maternity leave on any date within the 11-week period before their expected week of childbirth (EWC), however, it can begin sooner than anticipated if they are absent due in part or wholly related to their pregnancy or; if the employee's baby is born earlier than anticipated. Employees who give birth early start their SMP, OMP and maternity pay period (MPP) on the day following the date of childbirth. Employees who are absent from work due to sickness, wholly or partly related to pregnancy, within 4 weeks of the EWC, may be moved into maternity leave early, depending on the circumstances and length of sickness absence.

Notification of Pregnancy

Employees can tell their manager they are pregnant as soon as they want to. This can be before they have decided when they want to take their maternity leave. Employees must inform their manager and hr@ebor.academy by the 15th week (14 weeks' prior notice for teaching staff, as detailed in the Burgundy Book) before the expected week of childbirth (EWC), or as soon as reasonably practicable, of the date on which they want to start their maternity leave and of their EWC.

Once the Mat B1 form has been issued by the midwife (around the 20th week of pregnancy), it should be passed to hr@ebor.academy.

Employees can change their notified start date for maternity leave, giving 28 days' notice. They should do so in writing, to their line manager with a copy to hr@ebor.academy

Risk Assessments

Protection under the Management of Health and Safety at Work (MHSW) Regulations 1992 includes protection for new and expectant mothers. This includes women who are pregnant, or who have given birth in the last 6 months, or those who are breastfeeding. The line manager will undertake a risk assessment when they are notified of the pregnancy, and this should be regularly reviewed with the employee throughout the pregnancy and following their return to work, if they return within 6 months of giving birth, or are breastfeeding when they return to work. If the risk assessment identifies risk for the employee's health or that of their baby, the line manager must plan to control or remove the risk. The risk assessment form is available on Self-service HR.

Keep in Touch Days

Up to 10 keep in Touch (KIT) days may be accessed at any point of the maternity leave (other than the compulsory 2 weeks' following the birth) without bringing the maternity leave to an end. Employees must seek agreement for KIT days with their line manager. Where an employee works KIT days they will receive payment at their standard hourly rate for the actual hours worked if they are not in receipt of maternity pay when they work. If they are in receipt of maternity pay, they may receive a top up amount, which takes them up to their standard hourly rate.

Access to KIT days must be by mutual agreement between the employee and their manager. Employees will not be penalised for not working KIT days. Similarly, the manager may not agree to a KIT day if there would be no/little value in the employee working it.

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Returning to Work

Employees intending to return to work following Additional Maternity Leave (AML) do not need to provide notification of their return, as they will be expected to return on the agreed date. Employees are able to return to work at any time after the 2 weeks' compulsory maternity leave and before the end of their 52 weeks combined Ordinary Maternity Leave (OML) and AML, unless they are employed on a fixed term contract, which ends without renewal. Employees wishing to return to work before the expected date must write to the line manager at least 8 weeks before their new proposed date of return.

With the exception of employees on fixed term contracts, employees on maternity leave are entitled to return to their job following OML, or to a suitable alternative post following AML on terms and conditions that are no less favourable, should a return to their substantive role not be practicable. However, where organisational change means their substantive role no longer exists, they must be given first consideration above other affected staff for alternative employment. The protected period starts when the employee notifies the employer that they are pregnant and ends 18 months from the exact date that the baby is born (or from the expected week of childbirth if the employee does not notify the exact date of birth).

Employees preparing to return from maternity may wish to request a return to a different working pattern (e.g. reduced hours). Requests will be considered through the Flexible Working process which can be found on Self-service HR.

Resignation

If an employee resigns before or during their maternity leave, they must do so in writing to their manager or Head Teacher. If their resignation is effective prior to their maternity leave, they will lose their right to maternity leave and associated pay. However, if they are employed during the fifteenth week before the EWC and qualify for SMP, and they leave after the start of the fifteenth week, they will still be entitled to SMP.

PATERNITY LEAVE

Entitlement

Staff have a day one entitlement to paternity leave and pay. The right to paternity leave arises in relation to birth children, children adopted from within the UK or from overseas. Employees will be eligible for ordinary paternity leave (OPL) if:

- The employee is the biological father of a child, or the mother's husband, civil partner or partner.
- The employee is the spouse, civil partner or partner of an individual who has adopted a child (or who is one of a couple who have jointly adopted a child) under the law of any part of the UK.
- The employee is the spouse, civil partner or partner of an individual who has adopted a child (or who is one of a couple who have jointly adopted a child) from overseas.

The leave must be taken to care for the child or to support the child's mother/adopter.

Only one period of paternity leave is available, even if more than one child is born as the result of the same pregnancy, or if more than one child is placed with an individual or couple for adoption under the same arrangement.

Employees who qualify for paternity leave can take up to two weeks' ordinary paternity leave (OPL) on the birth or adoption of a child, which is paid at their normal rate of pay. Where the employee qualifies for Statutory Paternity Pay (SPP) this will be included in their normal rate of pay.

The Paternity Leave (Amendment) Regulations 2024 bring greater flexibility for parents and adopters exercising their rights to paternity leave, in that:

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- Statutory paternity leave may be taken as either a single two-week block or two separate one-week blocks.
- Paternity leave can be taken at any time in the 52 weeks after birth (or the first day of the expected week of childbirth if the child is born early).
- In the case of UK adoption, the leave can be taken within the 52 weeks after the date the child is placed with the adopter. In the case of an adoption from overseas, the leave can be taken within the 52 weeks from the date the child arrived in Great Britain.

In the following circumstances, eligible employees will retain their entitlement to paternity leave, but this must be taken within 8 weeks of the end of the week in which the event occurred:

- if the employee is notified that the child will no longer be placed with the person with whom the child was to be placed for adoption;
- if the child dies; or
- if the child is returned after being placed for adoption.

If the employee has already taken shared parental leave (SPL) to care for the child under the Shared Parental Leave Regulations they cannot take paternity leave afterwards i.e., paternity leave must be taken prior.

Contractual Rights during Paternity Leave

The employment contract continues as normal during paternity leave. This means that the period spent on paternity leave will count towards the employee's continuous service. If annual leave is untaken by 52 week-per-year workers due to the employee taking paternity leave in any one year, a maximum of 2 weeks (or the length of the paternity leave) may be carried over.

Notification of Paternity Leave

We encourage people to discuss their paternity leave request with their line manager, prior to giving notice in writing. Notice must be given on or before the 15th week before the EWC, or within seven days of the employee having been notified of matching in cases of adoption, or as soon as it is reasonably practicable. The notice must specify:

- The EWC/date of matching and expected date of placement for adoption
- The period of leave the employee wishes to take and when

Written notice must be sent to hr@ebor.academy by either the line manager or the member of staff.

Antenatal Appointments

Expectant fathers or partners of a pregnant woman are entitled to time off to attend ante-natal appointments with their pregnant partner. Staff should try to make arrangements outside normal working hours, wherever possible, or at times which result in the least disruption to the school day. Paid leave will be granted for antenatal appointments up to a maximum of 6.5 hours. This right extends to those who will become parents through a surrogacy arrangement, if they expect to satisfy the conditions for, and intend to apply for, a parental order for the child, born through that arrangement.

Employees wishing to request time off work to attend antenatal appointments must submit a request to their manager for approval along with documentary evidence of the appointment.

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Return to Work

The employee has a right to return to work after paternity leave, without giving notice. They will return on the agreed date unless they advise an earlier return. Staff returning from paternity leave are entitled to the same job they were doing before the leave period commenced.

SHARED PARENTAL LEAVE

Shared parental leave is an option for families to consider, where a mother wishes to curtail her maternity leave and pay, or a primary adopter wishes to curtail their adoption leave and pay, to enable their partner to access shared parental leave. The total amount of shared parental leave available to be taken depends on the number of weeks of statutory maternity/adoption leave and pay taken prior to the curtailment. The amount of leave and pay available can be calculated as follows:

Deduct the number of weeks' maternity/adoption taken, or due to be taken, from 52

Deduct the number of weeks' statutory maternity/statutory adoption pay already or due to be taken from 39

To be eligible for shared parental leave, the mother or primary adopter must curtail their maternity/adoption leave and pay, returning to work before the end of their statutory maternity/adoption pay. During shared parental leave, the employee's contract will remain continuous (unless they have a fixed term contract that is due to end). To access shared parental leave, the employee must ensure that their partner has given their employer notice to curtail their leave, and they must submit a notification form requesting access to shared parental leave, providing at least 8 weeks' notice before the first period of leave would commence. Both the employee and their partner provide written declarations regarding their eligibility and the accuracy of the information provided. The curtailment form is available on Self Service HR.

Shared parental leave can be taken as a single continuous period or in periods of a week or multiples of a week. A parent can take a period of shared parental leave while the other parent is also on SPL, maternity or adoption leave.

Employees can make up to three requests for periods of SPL. Leave must be taken before the child's first birthday and the right to take SPL applies to each birth, regardless of the number of children born, and is in addition to the right to 18 weeks' unpaid parental leave under the Maternity and Parental Leave Regulations 1999.

Eligibility

An employee will qualify for SPL if the other parent meets certain basic work and earnings conditions. An employee will be entitled to take shared parental leave to care for a child if they:

- has main responsibility for the care of the child at the date of their birth, or for adoption, the date of notification of being matched (apart from the responsibility of the partner)
- is entitled to statutory maternity leave/adoption leave in relation to the child
- has brought their statutory maternity leave/adoption leave to an end by giving their employer a "leave curtailment notice" (the leave period must remain curtailed) or returned to work before the end of their statutory maternity leave/adoption leave
- has submitted a "notice of entitlement and intention to take shared parental leave"
- has submitted a "period of leave notice" to her employer

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For the mother to be eligible to take shared parental leave, the partner must:

- satisfy the employment and earnings test which requires that, in the 66 weeks immediately preceding the child's expected week of childbirth/the week in which the adopter is notified of having been matched for the adoption with the child, they have: been engaged in employment as an employed or self-employed earner for any part of the week in at least 26 of those weeks; and
- average weekly earnings of at least the maternity allowance threshold (£30) in any 13 of those weeks (whether or not consecutive); and
- have main responsibility for the care of the child at the date of the child's birth/child's placement for adoption (apart from the mother /adopter's responsibility).

SPL must be taken before the child is 1 year old or before the first anniversary of a child's placement for adoption.

Contractual Rights during Shared Parental Leave

During shared parental leave, the employee's contract will remain continuous (unless there is a fixed term contract which ends without renewal, or an organisational change issue that results in redundancy). All terms and conditions that would have applied to the employee had they not been absent due to SPL will continue, other than terms and conditions relating to remuneration.

Notification Requirements

An employee must fulfil the following notification requirements before being entitled to take SPL:

- The parent must end their maternity leave/adoption leave by serving a leave curtailment notice.
- The parent wishing to take leave must submit a notice of entitlement and intention to take leave.

Each of the above submissions of notice must be given at least 8 weeks before the first period of leave the employee wishes to take, and the forms can be found in appendices 5 and 6.

The date chosen for the end of maternity/adoption leave:

- Cannot be before the end of the two weeks' compulsory maternity leave period following the birth of a child or the end of the two weeks of ordinary adoption leave
- Must be at least 8 weeks after the date the notice is given to the Trust
- Must be at least one week before the date the maternity/adoption leave would otherwise have ended

The notice of entitlement must contain the following:

- The parents' names
- The start and end dates of the mother's maternity leave or adoption leave
- The child's EWC and date of birth, or date of matching and date of placement
- The total amount of SPL and pay available
- The amount of SPL and pay each parent intends to take
- A non-binding indication of when the parent giving notice intends to take SPL

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The notice of entitlement and intention to take leave must be accompanied by written declarations from both parents about their eligibility to take leave and the accuracy of the information. The employee giving notice must confirm they will notify the Trust if they cease to be eligible for SPL, and the other parent must provide their name, address, national insurance number, consent to the leave their partner wishes to take, confirmation that they will notify the Trust if they cease to be eligible for SPL, and they must also agree to the processing of the information in the declaration. The indication of how the SPL and pay will be divided between the parents can be altered by the parents submitting a variation of notice of entitlement to the HR Department.

The Trust is not required to check the employee's eligibility for leave, however, the employee is required to provide a copy of the child's birth certificate (or evidence from the adoption agency regarding the date of matching and the date of placement) and the name and address of the other parent's employer within 14 days of the birth/placement.

Employees can withdraw or cancel a leave curtailment notice if they stop being eligible for SPL, if the other parent dies or if the leave curtailment notice was given before the child's birth/adoption.

Requests for Multiple Periods of Leave

If more than one period of shared parental leave is requested, the notice must detail the start and finish dates for the periods of leave the employee wishes to take. If the employee has requested a single period of SPL, they are entitled to take the leave on the dates requested, however, if they have requested multiple periods of leave in the same notice, the Trust will have 2 weeks in which it will either:

- Agree to the periods of leave requested
- Propose alternative dates for the periods of leave
- Refuse the request without proposing alternative dates

The Trust will agree to periods of leave requested wherever possible. If a pattern of leave cannot be agreed, the employee can either withdraw their request or submit notice for a single continuous period. If an employee wishes to change a period of SPL that has already been agreed, they must submit a leave variation request in writing. Employees can submit up to three period of leave notices in total.

Keep in Touch Days

Up to 10 keep in Touch (KIT) days may be accessed at any point of the SPL (other than the compulsory 2 weeks' following the birth) without bringing the leave to an end. This is in addition to KIT days associated with maternity leave. Employees must seek agreement for KIT days with their line manager. Where an employee works KIT days they will receive payment at their standard hourly rate for the actual hours worked if they are not in receipt of maternity pay when they work. If they are in receipt of Statutory Shared Parental Pay (see below), they may receive a top up amount, which takes them up to their standard hourly rate.

Access to KIT days must be by mutual agreement between the employee and their manager. Employees will not be penalised for not working KIT days. Similarly, the manager may not agree to a KIT day if there would be no/little value in the employee working it.

Statutory Shared Parental Pay

Statutory shared parental pay (ShPP), paid at the lower rate of SMP, will be available for eligible employees in accordance with how the parents have decided to split their statutory shared parental pay entitlement between them. Additional/occupational pay (as receivable during maternity, paternity or adoption leave) does not apply during SPL. No more than 39 weeks of SMP and ShPP can be paid in total to both parents, with a maximum of 37 weeks being paid as ShPP (at least the first two weeks must be SMP).

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Deductions from Pay

Any non-statutory deductions from pay will continue to be charged during the period of SPL unless the employee has reached a point at which their ShPP pay does not cover for such payments. Employees must ensure that they make adequate financial provision for the payment of such deductions, which may include alternative arrangements to pay.

Returning to Work

Unless there is a fixed term contract which ends without renewal, employees intending to return to work following SPL of 26 weeks or less will return to their job. Where organisational change means their substantive role no longer exists, their protected period means they should be given first consideration above other affected staff should opportunities for suitable alternative employment arise (e.g. if they meet the essential criteria of a vacant suitable alternative, they do not have to apply).

PREGNANCY AND BABY LOSS

Pregnancy loss includes but is not limited to miscarriage, stillbirth, abortion, ectopic pregnancy, molar pregnancy, termination for medical reasons, and neonatal loss.

All employees and partners who sadly experience pregnancy loss, which occurs before the 16th week before the Expected Week of Childbirth (EWC) (i.e. before 24 weeks) are entitled to take paid time off from work. Entitlement to paid leave is irrespective of the gestation of the pregnancy. The principles of the Trust Bereavement leave will be followed, and managers will engage and support the employee during and/or upon return from their leave as appropriate.

In the sad event of a pregnancy loss occurring after 24 weeks of pregnancy, or in the case of still birth or the death of a child during the maternity leave period, the employee will be entitled to all the maternity pay and leave entitlements as set out in the Maternity Leave section above. Similarly, partners will be entitled to the same paternity leave and pay as if the baby had lived.

Requests from employees to temporarily amend their working pattern to support them through the difficult time of grieving and recovery following pregnancy loss will be treated sensitively and supportively.

PREMATURE BIRTH AND NEONATAL CARE LEAVE

Where a baby is born premature (before 37 weeks) or receives neonatal care within the first 28 days of their life, requiring care for seven days or more, the trust provides additional support and leave to both parents in the form of neonatal care leave.

Neonatal care leave available to employees who are mothers, birthing-parents, fathers and non-birthing parents. The length of leave will be based on the greater of either (i) the number of weeks early that a premature baby is born (e.g. *a baby born at 35 weeks entitles an additional 5 weeks leave and pay*); or (ii), how long their baby receives neonatal care (up to 12 weeks). Neonatal care leave will be paid at full pay, regardless of the employee's length of service.

Neonatal care leave must be taken within 68 weeks of the baby's birth or admission to neonatal care, and can be taken in addition to the employee's full entitlement to other types of parental leave and pay (including maternity, paternity, adoption and parental bereavement leave).

Neonatal care leave must be taken after maternity or adoption leave ends, due to statutory restrictions. However, the interaction of other types of parental leave (shared parental leave and paternity leave) with neonatal leave is more flexible and can be used at different times.

Employee eligibility for maternity/paternity/shared parental/adoption leave and pay will not be adversely impacted by a child being born early, i.e. the employee will remain entitled to leave and pay that is no less favourable than if the baby had been born at full term.

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The trust also understands that babies born too soon, or unwell, can have ongoing medical needs, and may require additional hospital appointments and check-ups. Flexible working requests and requests for special leave in line with the respective policies will be considered as a short-term priority.

BEREAVED PARTNERS PATERNITY LEAVE

Where a mother dies during childbirth, the father (or eligible partner as defined on page 5 has a day one employment right to take the balance of the outstanding maternity leave (up to a maximum of 52 weeks) on the same basis that the mother would have been entitled to do so. Unless the child also dies or is the subject or adoption away from the partner. In these cases, the leave is reduced to 8 weeks. The right to access KIT days, and to enhanced redundancy protection will apply to eligible staff.

PARENTAL BEREAVEMENT LEAVE

A parent or primary carer who suffers the loss of their child up to the age of 18 will be entitled to a month's paid bereavement leave. This includes the statutory entitlement to two weeks leave paid at the applicable government rate. If the child died after 24 weeks of pregnancy or whilst the parent/ primary carer was on maternity or adoption leave, then parental bereavement leave is in addition to the leave and pay entitlements applicable to the employee under those policies.

ADOPTION LEAVE

Entitlement

All employees who qualify for adoption leave, with the exception of those on fixed term contracts, have a right to take up to 52 weeks' adoption leave. This is made up of 26 weeks' Ordinary Adoption Leave (OAL) and 26 weeks' additional adoption leave (AAL). Parents of a child placed for adoption may also be eligible to take a period of shared parental leave (SPL) if adoption leave is curtailed, however, the same parent may not apply for shared parental leave in relation to a child for whose care they have already taken statutory adoption leave or paternity leave. Where a couple is adopting a child jointly they are required to choose which parent will take adoption leave and pay and the other parent will have access to paternity or parental leave instead.

Eligibility

To qualify for adoption leave and associated pay, the employee must be newly matched with a child for adoption by an approved adoption agency (this does not include circumstances whereby a step parent adopts a stepchild or private adoptions). To qualify for ordinary statutory adoption leave, the employee must have notified the adoption agency that they agree to the placement and the date. An employee will qualify for additional adoption leave if they have taken a period of ordinary adoption leave (OAL) and the placement has not ended prematurely.

Occupational Adoption Pay (OAP)

Enhanced adoption pay is a day one entitlement for all staff regardless of length of service. Staff are eligible to take up to the maximum provisions, which are as follows:

For the first 8 weeks: full pay (including Statutory Adoption Pay where receivable);

For the next 18 weeks: half of full pay plus any Statutory Adoption Pay receivable;

For the next 13 weeks: any Statutory Adoption Pay receivable (providing it does not exceed full pay);

For the final 13 weeks: no pay.

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For employees whose remuneration varies due to variable normal working hours, a week's pay should be calculated by looking at the average remuneration in the 12-weeks prior to the last working week before maternity leave started, excluding weeks with zero remuneration.

If an employee does not return for the 13-week period following the end of their adoption leave, they will be required to repay the amount of OAP they have received, with the exception of the amount received in the first 8 weeks. Statutory Adoption Pay (SAP) does not need to be repaid. Full-time staff returning on a part-time basis need to work for a period, which equates to 13 weeks full time.

Fixed Term Contracts

Employees on fixed term contracts are entitled to take adoption leave up to the point where their fixed term contract ends, regardless of their length of service and number of hours worked. Any entitlement to occupational adoption pay (OAP) will end when the fixed term contract ends. Statutory adoption pay (SAP) is payable for 39 weeks for those who qualify.

Deductions from Pay

Any non-statutory deductions from pay will continue to be charged during the period of adoption leave, unless the employee has reached a point at which their adoption leave pay does not cover for such payments. Employees must ensure that they make adequate financial provision for the payment of such deductions, which may include alternative arrangements to adoption pay.

Contractual Rights during Adoption Leave

The employee's contract continues as normal throughout the adoption leave period, with the exception of remuneration, and the period of adoption leave will count towards their continuous service.

Notification of Adoption

Employees can advise their manager they intend to adopt as soon as they want to. This can be before they have decided when they want to take their adoption leave. Employees must notify the hr@ebor.academy of their intention to take adoption leave within seven days of being notified of a match with the child by the adoption agency, by making a request for adoption leave. If this is not reasonably practicable, the employee must give notice as soon as it is reasonably possible.

The employee must inform their line manager and notify hr@ebor.academy of:

- The date the child is expected to be placed with them for adoption
- The date that he/she wishes adoption leave to commence

The employee can request to commence adoption leave:

- From the actual date of the child's placement, or;
- From a fixed date up to 14 days before the expected date of placement (but no later than the date of placement)

One period of leave is permitted for each placement, regardless of the number of children placed at that time.

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If the adopter wishes to vary the date they would like their leave to commence, they must agree this with their line manager as soon as possible, giving at least 14 days' notice of the new start date (unless this is not reasonably practicable). The employee will be required to submit documentary evidence to hr@ebor.academy from the adoption agency of the placement for adoption (e.g. a matching certificate) prior to approval being given.

Time Off for Adoption Appointments

An employee who has been notified that a child is to be placed for adoption, has the right to paid time off to attend adoption appointments arranged by the adoption agency, to have contact with the child or for any other purpose connected with the adoption. The primary adopter can take time off on up to five occasions to attend adoption appointments. An employee who exercises the right to paid time off is not entitled to take ordinary paternity leave in respect of the child. It will, therefore, usually be the parent taking adoption leave who exercises the right to paid time off. The other adoptive parent can request time off to attend adoption appointments. Staff should make every effort to make arrangements outside normal working hours, however, where this is not possible, and an appointment has been made near the start or end of the working day.

Employees wishing to request time off work to attend appointments must submit their request to their line manager for approval as Special Leave, attaching evidence of the date and time of the appointment, and confirmation that it has been arranged by an adoption agency.

Fostering to Adopt

Fostering to adopt places a child with carers who may become their adopters at an early stage. This occurs while the court makes its final decision whether the child should be adopted, and the adoption agency approves the match between the carers and the child. In the event of approval, the placement will become an adoption placement.

We appreciate that this is an uncertain time for both the child and the carers, and that the initial time with the child is important in initiating an effective relationship and providing the child with a loving and secure home as early as possible.

An employee who meets the eligibility criteria for adoption pay and leave will be entitled to claim this from the time they become a fostering for adoption (or concurrent planning) carer. Leave can be claimed from the start of the fostering placement, or delayed until the placement for adoption happens. The employee should discuss and agree their preferences with their line manager in advance.

Unexpected Events

If the placement is not successful and ends during the adoption leave period, or the child dies, the employee will be allowed to continue the leave for a maximum of eight weeks after the placement ends. The Trust will approach such situations with care and sensitivity.

Keep in Touch Days

Employees on adoption may wish to access KIT days. These will work in the same way as they do for maternity leave.

Returning to Work

With the exception of employees working under fixed term contracts, which are due to end during the period of leave, any employee taking adoption leave has an automatic right to return to work after their additional adoption leave period, and they do not need to provide any notice of this unless they wish to return earlier than planned (e.g. before the end of their additional adoption leave period). In such circumstances, the employee must provide the line manager or Head Teacher with 8 weeks' notice in writing. If they fail to provide adequate notice, their return may be delayed.

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If the adoptive parent is placed at risk of redundancy, the employee will have the right to be offered a suitable alternative role in preference to other employees that are not in a protective period.

Unless they are working under a fixed term contract, employees returning from ordinary adoption leave are entitled to return to the same job they were doing before the leave period commenced. If the employee takes additional adoption leave, they are entitled to return to their substantive role, however, where this is not feasible the employee must be offered an alternative role which is suitable and appropriate and has no less favourable terms and conditions.

PARENTAL LEAVE

Entitlement

Parental leave is available as a day one right for employees. To be eligible, the employee must have, or expect to have, responsibility for the child. Parental leave must be taken:

- Before the child is 18 years old
- Within five years of the start of the placement if adopted and before the child is 18 years old

Employees who qualify for parental leave may take up to 18 weeks' **unpaid** parental leave in total for the purposes of caring for a child. The right to take leave applies in relation to each of the employee's children, including twins or other multiple births. They may access:

- A maximum of four weeks' leave per year (per child)
- Parental leave can only be taken in blocks of a week or multiples of a week, unless the child is disabled. A week is based on an employee's working pattern over seven days. When an employee's working pattern is irregular, a week's leave is calculated by the total number of days the employee works in a year divided by 52.
- Leave may be taken straight after the birth or adoption of following a period of maternity leave.
- Employees can submit a request for parental leave at any time up to the child's eighteenth birthday.

Notification of Intention to Take Parental Leave

An employee wishing to access parental leave must submit a request in writing to the manager who will contact HR for advice. At least 21 days' notice must be given, detailing the dates on which the period of leave is to commence and cease. The Trust will try to accommodate parental leave requests wherever possible, but there may be occasions where an alternative period may need to be agreed.

If it is not possible to give 21 days' notice, the employee must give notice as soon as is reasonably practicable.

Parental Leave Pay and Contractual Rights

The employee's contract continues as normal throughout the parental leave period, with the exception of pay, as parental leave is unpaid. The period of parental leave will count towards their continuous service.

Parental leave does not count towards LGPS membership unless an employee makes contributions as they would have if they had been at work. If an employee wishes to do this, they must inform hr@ebor.academy within 30 days of returning to work (or within 30 days of leaving if they do not return). Employees are also advised to contact the pension provider for advice, prior to making a decision.

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Returning to work

An employee taking parental leave is normally entitled to return to their substantive role, however, if the parental leave covers a single period of more than four weeks, or it was immediately preceded by a period of statutory leave, which included a period of additional maternity or adoption leave, the employee should check with the HR Business Partner whether this may affect their right to return to their substantive role. If a return to their substantive role is not feasible, the employee must be offered an alternative role, which is suitable and appropriate and has no less favourable terms and conditions.

FERTILITY TREATMENT

Absence from work due to the early stages of fertility treatment is handled in the Ebor Policy, Supporting Staff Attendance. However, an employee has pregnancy rights following the final stage of the IVF process, the embryo transfer. If the cycle is successful, pregnancy rights will continue in the same way as any other pregnant worker. If the treatment is unsuccessful, the protection ceases two weeks after finding out. A pregnancy test is taken two weeks after embryo transfer and, if the test is negative, the protected period extends for a further two weeks. Whilst within the protected period, the employee is protected from discrimination or unfavourable treatment under the Equality Act 2010 and entitled to reasonable paid leave for related appointments.

SURROGACY

In a surrogacy arrangement, intended parents are entitled to adoption leave and pay and paternity leave and pay where they are entitled and intend to make an application for a parental order to become the child's legal parents (assuming the other relevant conditions are met, as specified within this policy). They will also be able to opt into the Shared Parental Leave system if the parent taking adoption leave chooses to bring the leave to an end early (as specified within the Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations 2014).

Intended parents can request time off to attend antenatal appointments to enable them to accompany the birth mother and the Special Leave Procedures should be followed in these circumstances. Staff should make every effort to make arrangements outside normal working hours, however, where this is not possible, and an appointment has been made near the start or end of the working day. Paid special leave will be granted.

Adoption leave can start the day of the birth or the day after. Employees must notify their line manager and hr@ebor.academy at least 15 weeks before the baby is due that they intend to take adoption leave.

SUPPORT

The Trust recognises that balancing family life with work commitments can sometimes be challenging. We encourage colleagues to talk to the manager so that solutions can be found wherever possible and so that people feel supported at work. However, there are times when confidential, independent advice may be needed to help people overcome difficulties or to help them get the most out of their work and family lives. Ebor Academy Trust works with the Schools Advisory Service (SAS) to ensure that staff have access to confidential support and advice when they need it. Staff are encouraged to reach out to SAS either by telephone on 01773 814400 or via [this link to their website and mobile wellbeing app](#).