Family Friendly Guidance for Schools

April 2026

Applicable to all community and voluntary controlled schools (where WCC is the employer).

Adopted by the Governing Body April 2026

Version:	3.0
Date Issued:	April 2026
Reviewer:	WES HR Advisory Service
Protective Marking:	Not protectively marked.

Contents

1. **Maternity Pay and Leave** 3
2. **Paternity / Co-Adopter / Nominated Carer Leave** 12
3. **Bereaved partner's paternity leave** 16
4. **Parental Leave** 17
5. **Shared Parental Leave** 19
6. **Adoption Leave** 19
7. **Overseas Adoption** 24
8. **Neonatal Care Leave** 26
9. **Dependants Leave** 26
10. **Statutory Parental Bereavement Leave** 27
11. **Flexible Working** 30
12. **Carers Leave** 32

Appendix 1 – Useful Contacts 34
Appendix 2 – Quick Checklist – Maternity 36
Appendix 3 – Quick Checklist – Adoption 37
Appendix 4 – Quick Checklist – Paternity 38
Appendix 5 – Flexible Working Request Form 39
Appendix 6 – Flexible Working Template Letters 41
Appendix 7 – Model Maternity Leave Letter 43

The Governing Body of (insert name) School adopted this policy on (insert date)

1. Maternity Pay and Leave

1.1. What should I do first?

We have a legal responsibility to look after your health and safety and therefore it is important to tell your Headteacher you are pregnant as soon as possible. Your Headteacher will then need to carry out a risk assessment to see if there is any part of your job that you can no longer do or that needs to be changed during your pregnancy or soon after your baby is born. The assessment should be reviewed regularly because as your pregnancy progresses, things may change for you.

1.2. Can I have paid time-off for ante-natal care and classes?

You have the right to paid time off to keep appointments made on the advice of a doctor, midwife, or health visitor. You should give your manager reasonable notice and provide evidence such as an appointment card. When possible, you should try to make appointments outside your work hours.

Employees may wish to accompany their partners to antenatal care appointments. Fathers to be, partners or nominated carers are entitled to unpaid time off to attend two antenatal appointments. See Paternity/Nominated Carer leave below.

1.3. What can I do if there is a risk of rubella or other infectious diseases at the school if I am a class-based employee?

If, during the early months of pregnancy, you are advised by your doctor to be absent from school because of the risk of rubella or other infectious diseases, you will be granted leave with full pay, if you do not unreasonably refuse to work in another school where there is no such undue risk.

1.4. What is the Estimated Week of Childbirth (EWC)?

The EWC is the week (can now start on any day), in which it is expected that the baby will be born, it is also sometimes called the Estimated Date of Delivery or EDD.

Notification

1.5. How much notice do I have to give of my intention to go on maternity leave?

For health and safety reasons, you should notify your Headteacher as soon as you are aware that you are pregnant. You are required to tell your Headteacher of your intention to take maternity leave by the 15th week before the expected week of childbirth (EWC) unless this is not reasonably practical. This should be in writing. You need to tell your Headteacher:

- that you are pregnant
- the date that your baby is due
- when you wish your maternity leave to start (this cannot be more than 11 weeks before the expected week of childbirth).

You must also provide your Headteacher with a copy of the MAT B1 form at this stage, which you can get from a registered doctor or midwife. The MAT B1 will be issued by your doctor or midwife between 24-26 weeks of pregnancy. This must be the original of the form: a copy is not acceptable, although you may wish to keep one for yourself.

Within 28 days you will get confirmation from your school of the date you are expected to return from maternity leave. This will be 52 weeks from the start of your leave.

1.6. What happens if I want to change the date, I start my maternity leave?

If you voluntarily want to change your start date you must give as much notice as possible, but you must give at least 21 days' notice if you are on Burgundy Book conditions of service and 28 days' notice if you are on Green Book conditions of service.

Maternity Leave

1.7. How much maternity leave am I entitled to?

Provided that you comply with the notification procedures you are entitled to 52 weeks maternity leave regardless of service.

There are two types of maternity leave:

- Ordinary Maternity Leave (OML) – 26 weeks
- Additional Maternity Leave (AML) – 26 weeks

1.8. What is the earliest date that I can begin my maternity leave?

You can choose to start your maternity leave on any day of the week, providing it is no earlier than the beginning of the 11th week before EWC.

1.9. What is the latest date that I can begin my maternity leave?

Provided that you are well and able to carry out your normal duties safely, you can choose to stay on at work up to the date of childbirth. However, any absence after the beginning of the fourth week before the EWC which is "wholly or partly because of pregnancy or childbirth" will automatically trigger maternity leave. You must inform your Headteacher of the reason for any absence occurring after the beginning of the 4th week to ensure correct entitlements are given.

1.10. What happens if I give birth much earlier than expected?

Your maternity leave will automatically be triggered by the birth of your child. If this happens you should let your Headteacher know as soon as you can.

1.11. When does my maternity leave start?

OML will usually start on the day you have given written notification of. It will begin earlier if you give birth before that date or if you are absent for any reason wholly or partly related to your pregnancy after the beginning of the fourth week before the EWC. AML it will follow on directly after your OML has finished.

1.12. If I work part-time or term-time only will it affect my entitlement to leave?

No, it will not affect your entitlement to maternity leave.

1.13. Do I have to take maternity leave?

Yes, but only for a minimum two-week period. You are not allowed to work for the two weeks immediately after the baby's birth.

Maternity Pay

1.14. Do I qualify for maternity pay?

Dependent upon on your length of service and whether you earn enough to pay NI contributions, you are entitled to Statutory Maternity Pay (SMP). In addition, subject to your length of service and your intention to return to work after your maternity leave you are entitled to Occupational Maternity Pay (OMP).

Your right to entitlement however can be lost if you do not provide your Headteacher with sufficient notice of your intention to start your maternity leave or if you do not provide medical evidence of your pregnancy e.g. the MATB1.

1.15. What happens if I do not qualify for statutory maternity pay?

If you have less than 26 weeks' continuous service at the 15th week before the EWC then you will not be entitled to SMP but if you earn over the NI Lower Earnings Limit you may be entitled to Maternity Allowance.

If you are not entitled to statutory maternity pay you will need a MA1 form to claim Maternity Allowance from Jobcentre Plus. Payroll will issue an SMP1 form when they have to refuse to pay SMP. The NI Lower Earnings Limit changes annually – you can get the current rate from Jobcentre Plus.

Maternity allowance is paid for a maximum of 39 weeks. It cannot be paid earlier than the 11th week before the EWC and cannot be paid if you are working. There are no deductions for tax or NI and the allowance is normally weekly or every four weeks into a bank account.

Statutory Maternity Benefits

1.16. What is Statutory Maternity Pay (SMP) and how do I qualify for it?

Statutory maternity pay is payable for up to 39 weeks of your maternity leave.

	Weeks		
	1-6	**7-39**	**40-52**
Statutory Maternity Pay	6 weeks paid at 90% of the employee's average weekly earnings	33 weeks paid at either the rate set by the government or 90% of the employee average weekly earnings, whichever is the lower amount (Details of current rates can be found on Gov.uk website)	If employees choose to take this amount of leave these 13 weeks will be unpaid

SMP is paid in the same way as the employee's salary. Statutory maternity pay is treated as earnings and is therefore subject to tax and national insurance deductions.

Employees will qualify for SMP if:

- they have been continuously employed by their employer for at least 26 weeks at the end of your qualifying week (the 15th week before the expected week of childbirth);
- they are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- they have given the correct notice and provided a MATB1 form confirming the expected week of childbirth;
- they have stopped working; and
- their average weekly earnings are not less than the lower earnings limit for national insurance contributions.

The flat rate payment alters every April. Your Payroll provider will be able to advise you of the amount payable.

If employees don't qualify for SMP, they may be able to claim Maternity Allowance (MA) from the Government. Individuals can contact their local Jobcentre Plus to find out if they are eligible.

Contractual Maternity Pay

1.17. How much Occupational Maternity Pay (OMP) will I get?

If you have more than one year's local government continuous service at the 11th week before the EWC, and you intend to return to work at the end of your maternity leave, you will be entitled to OMP.

Local Government Staff on Green Book Terms

This consists of six weeks at 9/10ths of your salary (offset by any SMP or Maternity Allowance payable) followed by 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds the amount your full pay would be), providing you return back to employment for at least 3 months.

	Weeks			
	1-6	**7-18**	**19-39**	**40-52**
Occupational Maternity Pay	6 weeks paid at 9/10ths of normal weekly pay (offset by any SMP or MA payable)	12 weeks paid at half pay (unless, when added to the SMP for those weeks, it exceeds the amount that their full pay would be)	21 weeks paid at SMP rates (Details of current rates can be found on Gov.uk website)	If employees choose to take this amount of leave, these 13 weeks will be unpaid

Teachers on Burgundy Book Terms

This consists of full pay for the first four weeks of leave followed by two weeks at 9/10ths of your salary (offset by any SMP or Maternity Allowance payable) followed by 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds the amount your full pay would be), provided you return back to employment for at least 13 weeks.

	Weeks				
	1-4	**5-6**	**7-18**	**19-39**	**40-52**
Occupational Maternity Pay	4 weeks at full pay	2 weeks paid at 9/10ths of normal weekly pay (offset by any SMP or MA payable)	12 weeks paid at half pay (unless, when added to the SMP for those weeks, it exceeds the amount that their full pay would be)	21 weeks paid at SMP rates (Details of current rates can be found on Gov.uk website)	If employees choose to take this amount of leave, these 13 weeks will be unpaid

All Staff (LGS and Teachers)

If you do not know whether you will return to work, a sum equivalent to 12 weeks at half pay may be paid as a lump sum upon return to work. However, to qualify, you must return to work for at least three months after your maternity leave has ended.

1.18. What happens if I decide not to return to work but have been paid half pay plus SMP for 12 weeks?

You will be asked to pay back the whole or part of the half pay you have received on top of your SMP, but not the SMP itself.

During Maternity Leave

1.19. Will my Headteacher contact me while on Maternity Leave?

It is expected that there will be reasonable contact between yourself and your Headteacher whilst you are on maternity leave. This may include asking you of proposed return dates or whether you are intending to request an alteration in your hours.

Your Conditions of Service allow for you to be kept informed of vacancies, training opportunities and any major workforce developments within the school as they occur.

1.20. What are keeping in touch days?

Whilst you are on maternity leave you may, by agreement with your Headteacher, work up to 10 days work without bringing your maternity leave to an end. Keeping in touch days are different to the reasonable contact described above, as you will actually work for the school and be paid accordingly.

The type of work you undertake on these days is a matter for agreement between you and your Headteacher but could include training days, team away days, meetings or any other event that would be useful for you to attend. The days may, or may not, be taken as a block. They must be work related and not simply calling into work to bring the baby to show your colleagues.

There is no requirement whatsoever for you to do the days if you do not want to, nor do you have the right to insist that the work is provided. The days you do

work are to be agreed with your Headteacher and remember you do not have to do the whole 10 days if you would prefer to do less.

Working for part of a day will count as one of your 10 days and you will receive your normal contractual rate of pay for the hours worked. However, where you have already received any pay related to your maternity entitlement for a keeping in touch day the difference will be paid to a maximum of your normal contractual rate of pay.

Your Headteacher will need to notify the School's Payroll Provider of the dates and hours worked of any keeping in touch days to ensure that the payment you receive is correct. You will not lose any SMP.

If you do undertake the 10 keeping in touch days, this does not mean that your maternity leave is extended, it remains 52 weeks.

1.21. Can I return to work before my maternity leave ends?

Local Government Staff on Green Book Terms

Yes. It is now assumed that you will return to work at the end of your maternity leave. Should you wish to return earlier than your 52 weeks entitlement, then you have to give 21 days' notice. This is in accordance with Green Book conditions of service.

Teachers on Burgundy Book Terms

Yes, you can. It is now assumed that you will return to work at the end of your maternity leave. Should you wish to return earlier than your 52 weeks entitlement then you have to give 28 days' notice. This is in accordance with Burgundy Book conditions of service.

1.22. Can I apply for other jobs while I am on maternity leave?

There is nothing to stop you applying for other full or part-time jobs whilst you are on maternity leave. However, if you wish to resign from your post, you should give the correct amount of notice to your Headteacher. However, please note you will have to return to your post that you left for maternity leave for at least three months to keep your full maternity pay.

1.23. Does my maternity leave count as continuous service?

Yes, maternity leave (both OML and AML) does count as continuous service for the accrual of statutory rights e.g. for calculating continuous service for unfair dismissal purposes, and counts as continuous service for contractual annual leave and sickness entitlements. During OML and AML, you are entitled to the benefit of the terms and conditions of employment, which would have applied if you had not been absent, apart from terms and conditions relating to pay.

1.24. What happens about my annual leave entitlement?

Local Government Staff on Green Book Terms

Term time and all year-round support staff will continue to accrue statutory annual leave during maternity leave. Where maternity or adoption leave overlaps 2 leave years, employees are encouraged to take as much of their entitlement before commencing maternity or adoption leave where operational requirements allow. Any outstanding accrued leave will be added to the new year's entitlement and must be taken before the end of the leave year in which you return from maternity leave.

Please note you may lose this leave if you fail to take it within this time. If you decide not to return to work, your annual leave entitlement will accrue only up to and including your date of resignation. In these circumstances, you may be required to reimburse the Authority for leave taken beyond your entitlement.

Teachers on Burgundy Book Terms

Teachers have an entitlement to accrue statutory annual leave during their maternity leave, which can be taken following the period of maternity leave. However, for the majority of teachers returning from maternity leave, this will have no practical effect for the reasons set out below.

The annual leave year in schools usually runs from 1 September to 31 August. The statutory minimum legal entitlement to annual leave is 5.6 weeks (28 days) for a full-time teacher or the pro-rata equivalent for a part-time teacher.

Statutory annual leave entitlement can be offset by any period of school closure (including public and bank holidays) that takes place in the leave year in question, either before or after the maternity leave period. For most teachers this will usually mean that periods of school closure either side of their maternity leave will add up to at least the 28 days' statutory minimum legal entitlement.

Where the return from maternity leave is so close to the end of the leave year that there is not enough time for a teacher to take all of her annual leave entitlement, she must be allowed to carry over any balance of her leave to the following leave year. However, the employer can require a teacher to take the 'carried over' leave during the remaining periods of school closure, after the 28 days' leave due in the new leave year has been accommodated.

If a teacher resigns from her post and does not, therefore, return to work at the end of her maternity leave period, she may be entitled to a payment in lieu of accrued statutory annual leave. However, it is likely that any additional payment would be used to offset any OMP that may need to be re-paid, following a failure to return to work for 13 weeks after a period of maternity leave.

1.25. Am I entitled to an increment or pay rise when receiving maternity pay?

Any pay (other than flat rate SMP) to which you are entitled during maternity leave will take into account increments or pay awards which you would have received had you not been away from work due to pregnancy.

1.26. What happens about my pension?

During maternity leave, pension contributions will be managed in accordance with the rules of the pension scheme the employee is a member of. Employee contributions are usually based on actual pay received, and employer contributions follow the scheme's rules.

For unpaid periods of maternity leave, pensionable service and the ability to buy back pension depend on the relevant pension scheme. Employees should contact their pension scheme administrator for details.

Salary sacrifice deductions (e.g., childcare vouchers, lease cars) may be affected by maternity leave. Employees should contact the HR Service Desk for guidance. Other standard deductions will continue where linked to actual pay

1.27. What else is deducted from maternity pay?

Income tax and NI contributions are deducted. Other deductions, e.g. trade union subscriptions, private medical insurance, will only continue as long as you are 'in pay'. When in 'no pay' deductions such as trade union subscriptions will cease unless a refund of tax is large enough to cover the deductions. The onus is on you to be aware when you should arrange for your subscriptions to be paid direct.

Return to Work

1.28. Do I have the right to return to work?

Yes. It will be assumed that you will return to work at the end of your full maternity leave entitlement.

1.29. Do I have to give notification that I am going to return to work when my maternity leave ends?

You must give notification if you want to return early, however unless you say otherwise it will be assumed that you will return at the end of your 52 weeks maternity leave. You should give at least 21 days' notice in accordance with the Green Book Conditions of Service or 28 days' notice in accordance with the Burgundy Book.

1.30. Do I have the right to return to my old job?

At the end of your Ordinary Maternity Leave (OML) you have the right to go back to the same job on conditions no less favourable than would have applied if you had not been absent. At the end of Additional Maternity Leave (AML) you will normally return to the same job, but we are entitled, if that is not practical, to offer you an alternative job that is suitable and appropriate, i.e. on terms and conditions not less favourable to those you previously enjoyed.

1.31. Can the Authority/School delay my return to work?

No. However, if you wish to return early and fail to give the required notice, your Headteacher can delay your return or withhold pay until the end of the notice period.

1.32. What should I do if I don't know whether I want to come back to work or not?

If you are not sure it is always best to keep your options open and maintain your right to return. If you qualify for 12 weeks half pay you can ask to have it suspended and then paid as a lump sum when you return to work.

1.33. Do I have to return to work?

No. However if you do not return to work and have received the 12 weeks half pay you will be required to repay it.

1.34. What should I do if I want to return to work part –time or on different hours?

Wherever possible, a school will support any request for a change to working pattern.

If you return to work on less hours than you worked previously, the three months you are required to work to keep the half pay element of your maternity pay will be increased on a pro rata basis. For instance, if you return on half the hours, you originally worked, the three months will increase by 0.5, which means that you will need to work 6 months to keep your half pay.

All staff have a statutory right to request to work flexibly. You should put your considered request in writing to your Headteacher, who will then arrange to meet with you to explore how best your request might be accommodated. The Headteacher will then write to either agree to a new work pattern or to provide clear business reasons why your application cannot be granted. Please refer to the flexible working guidance for more information.

What happens if I am sick and can't come back at the end of my maternity leave?
If you are unwell when your maternity leave is due to end, then you will need to get a fit note from the doctor stating that you are not able to return to work. You will need to contact your Headteacher making them aware of the situation and giving them a copy of the doctor's note. You will then be on sick leave and the sickness scheme will apply in the normal way.

Frequently asked questions

1.35. What happens if my baby is premature?

Your maternity leave will be triggered automatically when the child is born and your entitlements would be the same as if you had given birth at the EWC. Eligible parents may also be entitled to Neonatal Care Leave and Pay if their baby requires neonatal care for seven days or more during the first 28 days of life. This leave is separate from and in addition to maternity, paternity, or shared parental leave. Further information is set out in the Neonatal Care Leave section of this guidance.

1.36. What happens if my baby is stillborn or dies?

If you have a still birth after 24 completed weeks of pregnancy onwards you will be eligible to your maternity entitlements.

If a baby sadly dies after birth or after a premature birth, then entitlement to maternity leave and SMP also remains the same. If you miscarry before 24 completed weeks of pregnancy you will be able to take sick leave.

In the sad event you have a still birth after 24 completed weeks of pregnancy you have a statutory right to parental bereavement leave (see page 27), however, you may wish to consider the timing of taking this leave alongside your maternity leave as they two types of leave cannot be taken concurrently.

1.37. What happens if I have a miscarriage?

Where a miscarriage occurs before 24 completed weeks of pregnancy, you will be entitled to sick leave and pay in the normal way, provided that the absence is covered by a doctor's statement. In exceptional circumstances, where sick leave is not appropriate, special leave may be considered, depending on the individual circumstances.

1.38. What happens if I have twins?

You will be entitled to the same benefits regardless of how many babies you have.

1.39. Can I be dismissed for reasons relating to my pregnancy or childbirth?

No. Any dismissal for reasons relating to a woman's pregnancy is automatically unfair, regardless of hours worked or length of service. The right not to suffer unfair treatment at work for reasons relating to pregnancy, childbirth or taking maternity leave applies to all employees, regardless of their length of service.

1.40. What is the position if I am employed on a fixed-term contract (FTC) and become pregnant?

The non-renewal of a fixed-term contract for reasons relating to your pregnancy or childbirth will automatically be unfair. If the fixed-term contract under which you are employed is to be renewed but you become pregnant and take maternity leave before the renewal date you have a right to return to the renewed FTC at the end of your maternity leave.

1.41. What happens if I am on a secondment?

If the secondment is due to end whilst you are on maternity leave, then at that point your pay will reflect any changes in salary which happen as a result and you will return from maternity leave to your original post. If however the secondment is due to be renewed you will have the right to return to it.

1.42. What will happen if I become pregnant again whilst on maternity leave?

If you become pregnant again whilst on maternity leave, then you will again become entitled to OML and AML as appropriate, even if there is no interval between one period of maternity leave and the next.

However, at the end of a second period of OML, which followed on immediately from AML, your right to return is only to the same job or an alternative that is suitable and appropriate.

1.43. Who should I contact if I have any queries?

In the event of any general queries, you should contact your Headteacher in the first instance or your payroll provider.

Specific queries relating to salary or SMP payments should be made to your school's Payroll Provider.

2. Paternity / Co-Adopter / Nominated Carer Leave

2.1. Am I eligible to take paternity/nominated carer leave?

You will be entitled to take up to two weeks of paternity leave from the first day of your employment if you:

- are an employee,

- are the biological father of a child, or the spouse, civil partner, or partner of the child's mother / primary adopter, nominated carer or the intended parent (if you are having a baby through a surrogacy arrangement) and
- have, or expect to have, the main responsibility (apart from any responsibility of the mother / primary adopter) for the upbringing of the child.

Eligibility for statutory enhanced paternity pay is subject to separate qualifying criteria as outlined later in this guidance.

The school also extends this provision to include nominated carers. A nominated carer is a person nominated by the mother to assist in the care of the child and to act as their primary provider of support at or around the time of birth. This means the role may be filled by a relative or by someone who has a caring relationship with the mother and /or child and is nominated by the mother as their primary provider of support at or around the time of birth.

You will also be required to follow the notice requirements as outlined later in this guidance.

2.2. How much time off can I have as paternity leave?

An employee who meets the qualifying criteria (see above) and notice requirements are entitled to take up to two weeks' paternity leave.

Where employees meet the qualifying criteria to take two weeks leave it doesn't have to be taken in one single period, but the leave must be booked in blocks of at least one week. This means that you can take the leave in one single block of one week, one single block of two weeks, or two separate blocks of a week each.

You can take just two weeks paid paternity leave per pregnancy or adoption, subject to qualifying criteria, regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

2.3. When do I need to inform the school about taking leave?

You should notify your manager that you plan to take Paternity Leave no later than the end of the 15th week before your baby's due or seven days after being told that you have been matched with a child for adoption.

- **Birth Parent** - You will need to complete the Statutory Paternity Pay and Leave: becoming a birth parent (SC3) Form, which includes a declaration they must sign to confirm that you qualify for the Leave. This form along with a copy of the mother's MATB1 form will need to be given to your manager to sign.

- **Co-Adopter** – You will need to complete the Statutory Paternity Pay and Leave: becoming an adoptive parent (SC4) Form which includes a declaration you must sign to confirm that you qualify for the Leave. This form along with a copy of the Matching Certificate will need to be given to your manager to sign.

- **Nominated Carer** – You will need to provide a copy of the mother's MATB1 form and evidence that you are nominated as the primary provider of support to your manager to sign.

Managers will then need to send the completed form and any supporting documents to HR Service Centre or your payroll provider.

Period of Leave Notice

For each occasion you wish to take a period of paternity leave, you must give your manager further notice in writing of:

- when you want to start their leave (you can choose to take this in one single block or two separate blocks);
- whether you wish to take one or two weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's mother / primary adopter.

The period of leave notice should be given at least 28 days before the requested leave date. In the case of adoption notice should be in writing within seven days after the date on which the child's adopter is notified of having been matched for adoption.

Managers will then need to send the completed form and any supporting documents to HR Service Centre or your payroll provider.

If you have submitted a period of leave notice but wish to cancel or vary the timing of your paternity leave, you must inform your manager at least 28 days before the original date stated in the period of leave notice, or the revised start date, whichever is earlier.

2.4. When can I take my leave?

Paternity leave can start on any day from the child's birth, but it must end within 52 weeks of the birth (or the expected week of childbirth if the child is born early).

In the case of an adopted child, the 52-week period runs from the date on which the child was placed for adoption with the adopter.

2.5. What if I need to change or postpone my paternity leave dates?

If you have submitted a period of leave notice but wish to cancel or vary the timing of your paternity leave, you must inform your line manager at least 28 days before the original date stated in the period of leave notice, or the revised start date, whichever is earlier.

If this is not reasonably practicable, for example if you had chosen to begin the leave on a specified date but the baby arrives significantly earlier than expected, causing a change of plans, you must inform your manager of the revised start date as soon as is reasonably practicable.

2.6. How much will I be paid?

During paternity leave, all contractual terms and conditions will continue except normal pay, which will be replaced with paternity pay where the employee meets the eligibility requirements and pension contributions will continue in line with the rules of the pension scheme the employee is a member of. Employees should contact their pension scheme administrator for full details of how paternity leave affects pensionable service and contributions.

Enhanced Paternity Pay – First Week of Paternity Leave

You will be paid your normal rate of pay for the first week of paternity leave provided:

- you are entitled to take paternity leave;
- you remain in continuous employment on the date the child is born (in a birth situation) or is placed for adoption; and
- have fulfilled the notice requirements and are able to provide the declarations as set out in this guidance.

Statutory Paternity Pay (SPP) – Second Week of Paternity Leave

Statutory paternity pay is payable during the second week of the paternity leave period, provided employees are entitled to it. The rate of statutory paternity pay is set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower). For the latest statutory paternity pay rate, see – GOV.UK – Paternity Pay

You will qualify for statutory paternity pay if:

- you are entitled to take paternity leave;
- your average weekly earnings are not less than the lower earnings limit for national insurance contributions.
- you remain in continuous employment on the date the child is born (in a birth situation) or is placed for adoption;
- have fulfilled the notice requirements and are able to provide the declarations as set out in this guidance; and

you confirm when they wish to start receiving statutory paternity pay within the relevant Form to provide period of leave notice to take paternity leave.

2.7. Can I take any leave before the baby is born?

You are entitled to unpaid time off to attend up to two antenatal appointments. It is expected that no more than half a day will be needed for an antenatal appointment, and the maximum time, under this entitlement is 6 hours and 30 minutes per appointment.

As an alternative to taking them unpaid, these and additional appointments can be attended or treated as time off in lieu subject to the demands of running the school, and providing that such lost time is made up. You will need to give your manager plenty of notice and bring in evidence of the appointment.

Frequently asked questions

2.8. What happens about my holiday entitlement?

Contractual annual leave continues to be accrued during paternity leave.

2.9. Will any other contractual benefits be affected if I take paternity leave?

These will be unaffected, and you will be entitled to return to your same job following paternity leave.

2.10. What happens if the baby is stillborn?

Paternity leave is still available if the baby is still born after 24 completed weeks of pregnancy or if they sadly die during the possible paternity leave period (56 days after the birth).

In the sad event the baby is still born after 24 completed weeks of pregnancy

you have a statutory right to parental bereavement leave (see the Statutory Parental Bereavement Leave guidance).

2.11. What happens if twins (or more) are born?

You will get the same entitlement regardless of the number of babies born.

2.12. What if complications occur for either mother or child immediately following the birth?

Headteacher's/Business Managers may use their discretion to grant compassionate leave.

2.13. What happens if my baby is admitted into neonatal care?

You are entitled to take neonatal care leave in addition to paternity leave. If you have already started a period of paternity leave, but subsequently become eligible for neonatal care leave, you can take your neonatal care leave after completing your paternity leave, provided that your neonatal care leave is taken within 68 weeks of your child's birth date. Further information can be found in the Neonatal Care Leave section of this guidance.

2.14. Can Shared Parental Leave be taken in addition to Paternity Leave?

Paternity leave can be taken before, during or after a period of Shared Parental Leave, provided the eligibility requirements and statutory notice requirements are met. See the Shared Parental Leave section of this guidance for more details.

3. Bereaved partner's paternity leave

In the sad event that the child's mother or primary adopter passes away during childbirth or within the first year of the child's life, employees may be entitled to take unpaid bereaved partner's paternity leave up to 52 weeks. Line Managers should contact their HR Advisor for advice as soon as possible in these circumstances to ensure appropriate support and leave arrangements are put in place.

4. Parental Leave

4.1. What is Parental Leave, and can I use it?

Parental Leave is a statutory entitlement to unpaid leave and is available to employees who are parents.

A child's parents have the right to take up to 18 weeks' Parental Leave until their child is 18. The same entitlement is available if the child is disabled.

Parental Leave enables either parent to take time off to care for or spend more time with their child. However, if you need a short time off work to attend to an emergency or crisis you should use Dependants Leave, or the school's arrangements for special or compassionate leave, whichever is more appropriate, (details are given in the section on Dependants Leave).

4.2. Am I eligible to take Parental Leave?

Employees have the right to take ordinary parental leave, regardless of their length of service. To exercise your right to take ordinary parental leave, you must comply with the notification procedure set out in this guidance.

Both parents either natural, adoptive, or the person with legal responsibility for the child are entitled to take Parental leave.

If you are a new employee you must declare any previous Parental Leave taken with another employer.

Leave

4.3. How much notice do I need to give?

You will need to give your manager 21 days notice in writing of your intention to take Parental Leave.

4.4. How much leave am I entitled to?

You will be entitled to 18 weeks Parental leave for each child, so for example if you have twins, you would be entitled to 18 weeks for each one. You must take your leave in weekly blocks unless your child is disabled in which case you will be able to take leave in days as well as weeks. However, you are only able to take a maximum of 4 weeks Parental Leave in one year for each child. A week is your normal working week so if you work Monday to Friday this would be 5 days, however if you are part time and work for example Tuesday and Wednesday a week's leave would be equal to 2 days.

Pay

4.5. Will I be paid when I take time off for Parental Leave?

You will not be paid whilst you are on Parental Leave although you may be able to get help with benefits. You would need to check this with Jobcentre plus.

Frequently asked questions

4.6. Does the school keep a record of the time I have taken off?

The school will keep a note of how much time off you have taken and you must inform them of any previous Parental Leave you have taken.

4.7. Can my application to take time off be turned down?

The school can postpone your leave for up to 6 months if it would be particularly disruptive to the service for you to take time off when you have requested.

Leave cannot be postponed if a father wants to take it directly after the birth of his child or an adopter immediately following the placement of a child.

4.8. Can my leave be transferred to my partner?

No, Parental Leave is not transferable.

4.9. Can Parental Leave be taken directly after maternity leave?

You can ask to take it as soon as your maternity leave (either OML or AML) finishes but you will need to make sure you that you give the correct period of notice.

4.10. Will taking Parental Leave affect my entitlements?

You will still accrue annual leave whilst you are on Parental Leave. It will also count as continuous employment for redundancy purposes. You have a right to return to the same job if you have taken 4 weeks or less Parental Leave.

Pension contributions during parental leave will be administered according to the rules of the pension scheme the employee is a member of. Employee contributions will generally reflect the pay received (if any), and employer contributions will be applied in accordance with the relevant scheme rules.

Where parental leave is unpaid, pensionable service and any option to buy back pension for this period depend on the employee's pension scheme. Employees should contact their scheme administrator to confirm their options and responsibilities.

Employees taking parental leave who use salary sacrifice benefits should contact the HR Service Centre Desk to understand whether deductions or benefits are affected.

4.11. What happens if I decide I don't want to come back when my Parental Leave finishes?

You would need to hand in your notice in the usual way.

5. Shared Parental Leave

Shared Parental Leave enables eligible employees to share up to one year's leave with their partner during the first year after birth or following adoption.

The aim of Shared Parental Leave (SPL) is to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. The Regulations will allow mothers to "curtail" their maternity leave and pay, (after

the initial two-week recovery period) and share the remaining parental leave with their partner. This means couples can either spend time off as a family, the mother can return to work before the year's leave has finished, or parents can take leave in blocks.

There is a statutory payment for parents on shared parental leave with the same qualifying requirements that currently apply to statutory maternity and paternity pay.

Those who have adopted a child will be entitled to the same pay and leave as birth parents. SPL can be taken in continuous or discontinuous (depending on the needs of the service) periods of time.

SPL can only be taken during the 12 months following the birth/placement of the child, up to the eve of the child's first birthday/anniversary of placement. SPL not taken by this point will be lost.

The online calculator is available at:

Plan your Shared Parental Leave and Pay - GOV.UK (www.gov.uk)

Further information is available in the Shared Parental Leave Policy (see WES website).

6. Adoption Leave

Adoption Leave provides a similar entitlement to Maternity Leave and is available to the 'primary adopter' of a child under the age of 18. Where a couple jointly adopts a child, only one of the couple (known as the 'primary adopter') is entitled to Adoption leave, but the other (known as the co-adopter) may be entitled to Paternity Leave (Adoption)

As a couple you will, therefore, need to decide who will take Adoption Leave. If you are the primary adopter, you will be entitled to a period of leave which can total 52 weeks. As the 'co-adopter' you can take Paternity Leave (Adoption), See the Paternity/Nominated Carer leave section for further information..

The legislation applies only to couples adopting children within the UK and does not cover overseas adoptions.

6.1. How will I know if I am entitled to take Adoption Leave?

Adoption Leave is only where a child is newly matched for adoption by an approved adoption agency. It would not, therefore, cover the adoption of a stepchild.

You will be eligible to take adoption leave from the day you start working for your school.

6.2. What evidence do I have to provide?

You will need to supply a copy of the 'matching certificate' which should be given to you by the adoption agency. This should include the name and address of the agency, the date when you were notified you were matched with the child and the date the

placement is expected to start on. We will also require written confirmation as to whether you will be the primary or -co-adopter.

Leave

6.3. How much leave am I entitled to?

Adoption Leave provides 26 weeks Ordinary Adoption Leave followed by 26 weeks Additional Adoption Leave.

Employees with 12 weeks service who are matched with the child for adoption are entitled to paid time off work to attend up to 5 adoption appointments (of up to six and a half hours for each appointment). Where a couple are both adopters of the child, only one of them can take paid time off for these appointments. If only one of the couple is officially adopting the child, only the primary adopter is entitled to time off to attend adoption meetings.

6.4. When can my leave start?

Adoption Leave starts from the date of the child's placement (or if due to work that day, the day following the placement) or an agreed date up to 14 days before the date the child is due to be placed with you.

6.5. What notification do I need to give?

You will need to let your manager know in writing:

- the date the child will be placed with you for adoption
- the date you intend your leave to start

You have to give this information within 7 days of being told that you have been matched with a child or if this is not possible as soon as you can. In any case, you need to give at least 28 days' notice of the date you want your leave to start.

Having given notice of the date you intend to start your leave; you can change the date. However, if possible, you need to let your manager know the revised date of your leave at least 28 days before it is due to begin.

Unless you say otherwise, we will assume that you will be returning when your Adoption Leave finishes. We will write to you within 28 days letting you know the date that we expect you to come back to work.

6.6. What happens if the date of adoption changes?

You can change the date upon which your leave starts but, if possible, you need to give 28 days' notice. If this is not possible then you will need to let us know as soon as you can.

6.7. What should I do if I decide I want to return to work early?

If you are on adoption leave and want to return to work before it finishes then you will need to give your manager 28 days' notice in writing of the date you want to come back on.

Pay

6.8. What pay will I get if I take Adoption Leave

You will be entitled to enhanced adoption pay if you qualify for statutory adoption pay (please see qualifying criteria set out below), and:

- have at least one year's continuous service by the notification week and
- return to your job in the same school for at least 3 months after the adoption leave has ended.

	Weeks			
	1-6	**7-18**	**19-39**	**40-52**
Additional Adoption Pay	6 weeks paid at 9/10ths of normal weekly pay	12 weeks paid at half pay (unless, when added to the SAP for those weeks, it exceeds the amount that their full pay would be)	21 weeks paid at SAP rates (Details of current rates can be found on Gov.uk website)	If employees choose to take this amount of leave, these 13 weeks will be unpaid

If you don't qualify for additional adoption pay you may be eligible for Statutory Adoption Pay (SAP). To qualify for **SAP** you will need to:

- have been continuously employed by the school for at least 26 weeks by the week you were matched with a child.
- earn on average at least £123 a week (before tax), for at least 8 weeks before the week matched
- tell the school and provide the correct notice
- give proof of the adoption or surrogacy

The table below shows how much adoption pay eligible employees will get:

	Weeks		
	1-6	**7-39**	**40-52**
Statutory Adoption Pay	6 weeks paid at 90% of the employees average weekly earnings	33 weeks paid at either the rate set by the government or 90% of the employees average weekly earnings, whichever is the lower amount (Details of current rates can be found on Gov.uk website)	If employees choose to take this amount of leave, these 13 weeks will be unpaid

If you don't qualify for SAP, additional financial support may be available through the government and colleagues can find out more from their local Jobcentre Plus.

Contact during Adoption Leave

During the adoption leave period you may make reasonable contact with your manager and in the same way, your manager may contact you. The frequency and nature of the

contact may be agreed between you and your manager before your adoption leave commences. Your school should ensure that you are kept informed of vacancies, training opportunities and any major work developments as they occur anyway.

Working during the Adoption Leave period – "Keeping in Touch Days"

Whilst you are on adoption leave you may, by agreement with your manager, work up to ten days work without bringing your adoption leave to an end. Keeping in touch days are different to the reasonable contact described above as you will actually work and be paid accordingly.

The type of work you undertake on these days is a matter for agreement between you and your manager but could include training days, team away days, meetings or any other event that would be useful for you to attend. The days may, or may not, be taken as a block.

There is no requirement whatsoever for you to do the days if you do not want to, nor do you have the right to insist that the work is provided. The days you do work are to be agreed with your manager and remember you do not have to do the whole ten days if you would prefer to do less.

Working for part of a day will count as one of your ten days and you will receive your normal contractual rate of pay for the hours worked. However, where you have already received any pay related to your adoption entitlement for a keeping in touch day the difference will be paid to a maximum of your normal contractual rate of pay.

Your Headteacher/Business manager will need to notify your payroll provider of the dates and hours worked of any keeping in touch days to ensure that the payment you receive is correct. You will not lose any SAP.

If you do undertake the ten keeping in touch days this does not mean that your adoption leave is extended, it remains 52 weeks.

Frequently asked questions

6.9. Does adoption leave count as continuous service?

Both Ordinary and Additional Adoption Leave count as continuous service for statutory purposes and for the calculation of annual leave and sick pay entitlements.

6.10. What happens about my holiday entitlement?

Contractual annual leave continues to be accrued during adoption leave and you may be able to use it to reduce your amount of unpaid adoption leave.

Where adoption leave overlaps 2 leave years, employees are encouraged to take as much of their entitlement before commencing adoption leave where operational

requirements allow. Any outstanding accrued leave will be added to the new

year's entitlement and must be taken before the end of the leave year in which you return from adoption leave. Please note you may lose this leave if you fail to take it within this time. Approval should be sought from your line manager to carry leave over.

If you decide not to come back to work your annual leave only accumulates up to your last day at work. If you have taken more days off than you are entitled to you will have to pay back the extra.

If you would be due to take additional adoption leave but would rather use up any holiday entitlement left you can but you will need to let your manager know in writing that you intend to do this and give the correct notice that you intend to end your adoption leave. If you don't take your annual leave during the current leave year you may lose it.

6.11. Am I entitled to any increment or pay rises whilst I'm on adoption leave?

You will benefit from any pay increases or improvements to your terms and conditions which happen whilst you have been on adoption leave.

6.12. What happens to my pension?

During paid periods of adoption or surrogacy leave, pension contributions will normally continue in line with the rules of the employee's pension scheme. Employee pension contributions are usually based on pay actually received, while employer contributions follow the scheme rules.

During any unpaid period of leave, pensionable service and the option to buy back pension depend on the rules of the relevant scheme. Employees should contact their pension scheme administrator to obtain scheme specific information about their options.

Employees who participate in salary sacrifice arrangements should seek guidance from the HR Service Desk. Other standard deductions (e.g., trade union subscriptions) will continue where based on actual pay.

6.13. What happens if I adopt more than one child at the same time?

If you adopt more than one child at the same time your entitlement to leave and pay remain unchanged.

6.14. Do I have the right to return to my old job?

At the end of your Ordinary Adoption Leave you have the right to go back to the same job on conditions no less favourable than would have applied if you had not been absent. At the end of Additional Adoption Leave you will normally return to the same job, but we are entitled, if that is not practical, to offer you an alternative job that is suitable and appropriate, i.e. on terms and conditions not less favourable to those you previously enjoyed. It is unfair to dismiss an employee purely for reasons relating to their taking adoption leave.

6.15. Can I return to work part-time?

You have the right to apply for flexible working and the section on Flexible Working in this booklet gives more details on how to apply for this.

6.16. What happens if I want to adopt a partner's child?

In these circumstances you would not be able to take adoption leave as the

legislation only covers newly matched children. You may, however, be eligible to take unpaid Parental Leave.

6.17. Are our entitlements the same if we are an unmarried couple?

They would be as long as you can show that you meet the eligibility criteria. You would need to decide which one of you would take the Adoption Leave (Primary Adopter) and which one would take the Paternity Leave (Co-Adopter).

6.18. What happens if the adoption fails to go ahead?

You will need to let your manager know as soon as possible so the leave can be cancelled.

6.19. What happens if the placement ends early?

If the placement ends early whilst you are on adoption leave or the child dies then you will be able to remain on leave for 8 weeks after the placement has ended.

6.20. Surrogacy and fostering for adoption.

The parent of a child who is born through surrogacy arrangements and to whom a Parental Order applies, or parents who are fostering for adoption are eligible to take the same leave and pay as a parent eligible to claim adoption leave, pay and statutory paternity leave and pay.

7. Overseas Adoption

The UK legislation applies only to couples adopting children within the UK and does not cover overseas adoptions. However, where you are adopting jointly, as a couple, you should choose who wishes to take adoption leave and pay.

Details of the standard adoption entitlements can be found on the previous pages; however, there are some key differences, and these are detailed below.

7.1. What evidence do I have to provide?

In order to be eligible, you must have 26 weeks' continuous service with your employer and you must notify your school of your intention to take adoption leave or paternity leave within 28 days of receiving official notification.

7.2. What is "official notification"?

This refers to a written notification, issued by or on behalf of the relevant domestic authority (usually the Department of Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. You will need to provide your manager with a copy of this documentation.

Leave

7.3. When can my leave start?

Adoption leave cannot begin before the child enters Great Britain. The latest adoption leave can begin is 28 days after the date of entry.

The earliest paternity leave can begin is the date on which the child enters Great Britain. Paternity leave may only be taken during the period of 56 days beginning with the date on which the child enters Great Britain.

The leave can start on any day of the week.

Statutory adoption leave cannot be used to cover the period you spend travelling overseas to arrange the adoption or visiting the child.

Pay

7.4. What evidence do I need for Statutory Adoption Pay?

As well as the official notification, you should provide a declaration that you are not also claiming Statutory Paternity Pay and, within 28 days of the child entering Great Britain, you must give further evidence of the date of entry, such as a plane ticket or copy of entry clearance documents.

For further details on pay entitlements for the primary adopter see previous pages.

7.5. What evidence do I need for claiming Statutory Paternity Pay?

To claim SPP, you must make the following declarations to your employer:

- That you are either married to or the partner, including civil partner, of the child's adopter;
- That you are taking leave to care for the child or to support the adopter;
- That your partner or spouse has received official notification of their suitability for adoption;
- That you have or expect to have main responsibility (other than the adopter)
- for the upbringing of the child;
- That you have chosen to claim SPP and not SAP.

Frequently asked questions

7.6. What if I adopt a child from overseas who is already a relative?

If you adopt a child from overseas who is already a relative you may qualify for adoption leave if you have been assessed and approved as being a suitable adoptive parent.

7.7. What happens if the adoption ends early?

If the child ceases to live with you during the adoption leave period, you can continue adoption leave for up to 8 weeks after this point.

8. Neonatal Care Leave

Neonatal Care Leave is designed to support parents of babies admitted into neonatal care within 28 days of birth.

Employees have the right to take up to 12 weeks' neonatal care leave if their baby, or a baby with whom they have a qualifying relationship, requires medical or palliative care. Neonatal care leave is a day one right.

This leave is in addition to existing maternity, paternity, and shared parental leave entitlements.

The entitlement is capped at 12 weeks and is taken in 1-week blocks in respect of each week their baby receives neonatal care without interruption.

To be entitled to Neonatal Care Leave Pay employees must have at least 26 weeks of service and meet the minimum earnings threshold to qualify for statutory neonatal pay.

For further information please see the Neonatal Care Leave Guidance.

9. Dependants Leave

9.1. What is Dependants leave?

Dependants Leave is designed to help you cope with unplanned or unexpected emergencies. It allows you reasonable time off to deal with the immediate situation and to make longer term arrangements if necessary.

A good example would be if your child is unwell. dependant's Leave could be used to take them to the doctor and sort out the longer-term care arrangements. It would not however enable you take the time off to care for your child until they are better.

9.2. Who is a dependant?

A dependant is a husband, wife, civil partner, child or parent. It can also be someone who is living in the same house, such as an elderly relative who you look after, but not a tenant, lodger or employee e.g. nanny.

Dependants leave can also be used if you are the primary carer for someone or the only person who could help out in an emergency situation e.g. helping an elderly neighbour in an emergency.

9.3. When should I use Dependants leave?

You should use it to sort out an emergency, such as:

- Illness of a dependant
- If a dependant is injured or assaulted
- To arrange for longer term care
- To sort out problems when there is a disruption to or breakdown of care arrangements
- To deal with an unexpected incident with a child whilst they are at school·
- In cases of domestic violence to ensure your child's safety

It does not cover other domestic problems such as burst water pipes or car breakdowns.

9.4. Am I entitled to take Dependants leave?

There are no qualifying service requirements for Dependants leave, therefore you will be able to take Dependants leave from the day you start working for your school.

Leave

9.5. How long do I get off?

There is no specified time limit set out, but you should take what is considered a reasonable time in the circumstances, probably no more than one or two days.

9.6. When should I let my manager know, I need the time off?

Although you cannot plan to take Dependants leave you will need to contact your manager as soon as you can to let them know there is an emergency.

Pay

9.7. Will I get paid?

Generally, not, as the statutory provision does not include the right to paid time-off. However, discretion may be exercised by to allow paid time-off or to allow the time lost to be made up at a later date without loss of pay. Consideration may also be given as to whether compassionate or special leave could reasonably be granted under the circumstances in line with the school's leave of absence policy.

Frequently asked questions

9.8. Can both my partner and I take time off together?

This is not usually necessary but in extreme circumstances it is possible.

10. Statutory Parental Bereavement Leave

10.1. What is Parental Bereavement Leave

Parents who suffer the loss of a child under the age of 18, or a stillbirth after 24 completed weeks of pregnancy, on or after 6 April 2020, will be entitled to two weeks statutory parental bereavement leave.

10.2. Who is defined as a parent?

Under the Parental Bereavement Leave Regulations 2020 and Statutory Parental Bereavement Pay (General) Regulations 2020 parents are defined as adults with parental responsibility:

- The child's parent or adoptive parent.
- A person who has become a parent under the various statutory provisions on surrogacy and fertility treatment.

- A natural parent of the child, where the child has been adopted but there is a court order for the child to have contact with the natural parent.
- A person with whom the child has been placed for adoption,
- In cases of overseas adoption, a person living with the child who intends to adopt them and has received "official notification" that they are eligible to adopt.
- An intended parent under a surrogacy arrangement where it was expected that the court would make a parental order.
- A "parent in fact", defined as someone in whose home the child is living and who has had day to day responsibility for the child's care for at least the four weeks prior to death. This would therefore include a guardian or a foster parent but also goes wider than this. However, this does not include a paid carer (other than a local authority foster carer), nor does it apply if the child's parent or anyone with legal parental responsibility is also living in the home with the child.
- The partner of any of the above. "Partner" means a person living with another person and the child in an enduring family relationship, and who is not that person's parent (including adoptive parents), grandparent, sibling (including a half-sibling), aunt or uncle (including half-aunts and uncles).

10.3. Am I entitled to take parental bereavement leave?

You will be able to take parental bereavement leave from the day you start working for WCC as an employee.

If a parent has more than 6 months continuous service with WCC then they may also be entitled to statutory parental bereavement pay.

Where more than one child has died or been stillborn, the parent is entitled to a separate period of leave (and a separate right to statutory parental bereavement pay) in respect of each child.

Leave

10.4. How long do I get off?

Leave can be either one week or two weeks (taken as either a single block of two weeks, or as two separate blocks of one week) during the 56 weeks after the sad loss of their child.

This means the leave can be taken at times it is needed most, for example, the first anniversary of the child's death.

Leave can be started on any day of the week. A week is a continuous period of 7 days.

In the case of stillbirth existing rights to maternity and paternity leave are preserved.

10.5. When should I let my manager know I need the time off?

If leave is to start within 56 days of the child's death, notice must be given to the employer before the day the leave is to start, or if this is not possible, as soon as is reasonably practicable.

If the leave is to start after the 56 days following the child's death at least one week's notice must be given.

Notice for leave can be given orally or in writing, and must specify:

- Date of child's death or stillbirth
- Date on which parent intends leave to start, and
- Whether absence is for one week or two

Leave can be cancelled or rearranged with the same notice periods as when requesting the leave. However, a period of leave cannot be cancelled once it has started.

Pay

10.6. Will I get paid?

Parents with at least 26 weeks' continuous service and weekly average earnings over the lower earnings limit will also be entitled to statutory rate of parental bereavement pay or 90% of average weekly earnings where this is lower. Details of rates paid are available on Gov.UK

Parents with less than 26 weeks' continuous service will be entitled to unpaid leave

Notice to receive parental bereavement pay must be given to the employer in writing within 28 days of the start of the leave (notice can be withdrawn before leave starts), or as soon as is reasonably practicable and must specify:

- Date of child's death or stillbirth
- Confirm that the parent meets one of the qualifying conditions in terms of relationship with child
- The week or weeks that parental bereavement pay is being claimed

Statutory parental bereavement pay is not payable unless there is a full and continuous seven-day period in which no work is done.

Employees may cancel a request for statutory parental bereavement pay with the same notice periods as cancelling the parental bereavement leave itself (see above section).

Statutory parental bereavement pay is not payable when an employee is entitled to statutory sick pay (even for part of a week).

Support

During this difficult time if your school has subscribed to our EAP provision parents can contact our EAP provider - Call 0800 1116 387

The helpline is also available to dependents. An eligible dependent is your:

- spouse or domestic partner
- unmarried dependants, under 21 years of age, who are dependant upon you for maintenance and support - this includes legally adopted children, stepchildren and children who are dependant upon you by reason of legal guardianship
- unmarried dependent child under 25 who is in full-time education (they may live away from home)
- unmarried dependent child who is incapable of self-sustaining employment because of physical or mental disability, who became disabled prior to age 21.

Contact WES HR Advisory Service (weshradvice@warwickshire.gov.uk) for advice on parental bereavement leave and pay. Contact Customer Service Team via HR Service Desk portal for information on how to process parental bereavement leave and pay in YourHR.

11. Flexible Working

Employers are encouraged to be supportive of flexible working where it can be accommodated within service needs. All employees have the statutory right to request flexible working. Under the statutory procedure, you can make two requests in every 12-month period. This means that if you put forward a case, we will seriously consider whether your needs can be met.

As a Headteacher/manager, you may find it helpful to consult with the School's HR provider before responding to a request for flexible working.

11.1. Am I entitled to request flexible working?

All employees can make a flexible working request. It doesn't matter how long they've worked here or how many hours they work.

11.2. What does flexible working mean?

Flexible working can cover a change to:

- the hours you work
- the times you work
- your place of work
- your working pattern

This could be, for example, job sharing, term time working, or working from home.

11.3. How do I apply?

A Flexible Working Request Form is included at the end of this document that you should use to make your request to your manager. The form asks for the following information that under the regulations you need to provide in writing:

- the date of the request;
- the changes that you are seeking to your terms and conditions of employment;
- the date on which you would like the change to come into effect;
- a statement that this is a statutory request;
- if you have made a previous application for flexible working; and
- if you have made a previous request, when you made that application.

11.4. How will my request be dealt with?

Once you submit your flexible working request, it will be dealt with as soon as possible. However, all requests will be dealt with within two months, from receipt of the request to notification of any appeal decision. It is possible for the manager and the employee to agree an extension to this timescale. All correspondence from both parties should be dated.

- If your Headteacher or manager can agree the request without a meeting, they will. If not, the manager will arrange a meeting to discuss your flexible working request as soon as possible and will aim to do this within 14 days of receiving your request. The meeting is an opportunity for you to explain how the proposed working arrangements would benefit you and for the business to consider and discuss any alternative flexible working options that may be available and suitable for you and the organisation. You can bring a work colleague or trade union representative with you to this meeting if you wish.

- Following the meeting your manager will consider the request carefully looking at the benefits of the requested changes for both you and the business and weighing these against any adverse business impact of implementing the changes. Every case will be given fair consideration and will be judged on its merits at the time. In a situation where there are a number of requests and not all of them can be accommodated, it will be necessary to consider employees first who are making the request for reason of a protected characteristic. Managers may want to get advice from their HR provider in these circumstances.

- Once a decision has been made, the Headteacher or manager will inform you in writing within 14 days whether or not it is possible to meet your request, giving the reasons for that decision. If the request is agreed, they will also give you a start date for the new arrangements to begin on. They may also put forward alternative suggestions if it is not possible to meet with your exact request.

- If you are not happy with the decision you can appeal. You should do this within 14 days of receiving notice that the request has been rejected or not fully met and give the reasons why you are appealing in writing.

- You will be invited to an appeal meeting or agree with you that it can be held, for example, by phone. You can be accompanied by a work colleague or a trade union representative. This meeting with be with a manager who wasn't involved in making the original decision but knows something about the role and the team.

- You will get the results of your appeal within two months of the receipt of your original request for flexible working. The outcome of the appeal will be given in writing and outline the reasons why the request is refused or, if agreed, the start date will be given.

11.5. Can I withdraw my request?

You can withdraw your request at any point before the changes have been agreed and implemented.

11.6. What happens if my request is rejected and I want to make another one?

Under the statutory procedure, you can make two requests in every 12-month period. If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another. The same process will need to be followed and you will need to state that you have made a request before and provide the date of your previous application.

11.7. Will these changes be permanent?

Yes, a request that is made and accepted under the statutory right will be a permanent change to your contractual terms and conditions. You have no right to revert to your previous working arrangement. However, agreement can be made for the flexible working arrangement to be for a specified period of time, or a trial period may be agreed. If a trial period is agreed a review date should be set to discuss how the new arrangements are working and confirm what permanent arrangements will apply at the end of the trial period.

11.8. Why might my request be rejected?

There are a variety of business reasons why a request can be rejected, these include:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

If a meeting is arranged to discuss your request or appeal, and you do not attend both this and a rearranged meeting without a good reason, your request can be considered as withdrawn.

For more information, please refer to the separate Flexible Working Guide on the WES website.

12. Carers Leave

12.1. What is carers leave?

Employees have a statutory right to take carer's leave to provide or arrange care for a dependant if they have a long-term care need.

The statutory right to carer's leave is intended to be for planned and foreseen caring commitments. If you need to take time off to manage an unexpected or sudden problems relating to a dependant and make any necessary longer-term caring arrangements, please see the Dependants Leave section of this guidance.

12.2. Who is entitled to carers leave?

Whatever your length of service, you have a statutory right to take carer's leave to provide or arrange care for a dependant if they have a long-term care need.

In the context of statutory carer's leave, a dependant means:

- your spouse, civil partner, child or parent;
- any person who lives in the same household as you (other than as a lodger, tenant, boarder or employee); or
- any other person who would reasonably rely on you to provide or arrange care.

A dependant has a long-term care need if they:

- have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- have a condition that amounts to a disability under the Equality Act 2010; or
- require care for a reason connected to their old age.

This statutory right to carer's leave applies to a wide range of caring situations, but excludes general childcare, except where your child meets the definition of a dependant with a long-term care need.

Leave

12.3. How much carer's leave can I take?

The amount of carer's leave that can be taken is up to one week in any 12-month rolling period.

A week of carer's leave is the same duration as the employee's normal working week, meaning that a full-time employee is entitled to five days' carer's leave in any 12-month rolling period. If contracted to work four days per week, colleagues will be entitled to four days of carer's leave in any 12-month rolling period, and so on.

Leave can be taken in one continuous block, as individual days, or as half days.
If caring for more than one dependant an/the employee will not have a separate entitlement to carer's leave for each dependant.

12.4. What notice do I need to give to take carer's leave?

If you need to take carer's leave, you should submit your request in writing to your manager. All carer's leave must be approved in advance by your manager.

We ask that you give as much notice as possible when requesting carer's leave so that we can plan for your absence. In any event, you must give notice in advance that is either twice the number of working days that you wish to take as carer's leave, or three days, whichever is earlier.

12.5. Is a request for carer's leave guaranteed to be approved?

While every effort will be made to meet a request for leave, employee's may be required to postpone a period of carer's leave if their manager considers that the absence will disrupt the operation of the business.

If a decision is taken to postpone the leave, the manager will consult with the employee to find an alternative leave period within one month of the carer's leave period originally requested. In this situation, the line manager will write to the employee within seven days of receiving the notice of leave, clarifying the reason for the postponement and the revised dates on which the carer's leave can be taken.

Pay

12.6. Will I get paid during carer's leave?

You do not have a statutory right to be paid during carer's leave. Therefore, any leave taken as carer's leave is unpaid.

Appendix 1 – Useful Contacts

Warwickshire WES

For advice and guidance contact: -

- WES HR Advisory Service 01926 418614 or HR Service Desk

For assistance with administrative and payroll queries contact: -

- Customer Service Team 01926 418614 or HR Service Desk

Teacher Pensions

- Teachers' Pensions for Members - It's important that you understand how certain circumstances throughout your life will make an impact to your pension. This section will cover changes to your relationships and nominating beneficiaries.

Benefits Advice and Support

- GOV.UK Benefits - This site provides a range of advice on guidance on benefits and financial support you may be eligible for. For example, support for families including child benefit, if you're caring for someone or if you're living with a health condition or disability.

Family Advice and Support

- Adoption UK - Adoption UK is the leading charity providing support, community and advocacy for adopted people and those parenting children who cannot live with their birth parents.

- Adoption Central England - Regional adoption agency for the local authority areas of Coventry, Herefordshire, Solihull, Warwickshire, and Worcestershire. Purpose is finding the right families for children needing permanent homes through adoption.

- Age UK – Providing information and advice in the issues affecting older people.

- Bliss - Specialist advice and guidance on having a premature or sick baby in neonatal care you can contact Bliss at bliss.org.uk. Bliss offers a wide range of free services for the families of premature and sick babies including a video call support service

- Carers UK - Provide information and advice on caring, help carers connect with each other, campaign with carers for lasting change, and use innovation to improve services.

- Childcare.co.uk - Is an online networking platform that helps connect parents, childcare providers, schools and private tutors.

- Gingerbread – Charity supporting single parent families to live secure, happy and fulfilling lives.

- GOV.UK Child Adoption

- GOV.UK Maternity Pay and Leave

- GOV.UK Paternity Pay and Leave

- GOV.UK Shared Parental Leave and Pay
- Maternity Action - Promotes wellbeing of pregnant women, new parents and families, also information on parental benefits.
- Mums in Mind – Coventry and Warwickshire based service offering support for women over 16 who are pregnant or who have a child under one-year-old.
- Petals – provides specialist support and counselling after as
- SANDS can offer you support if your baby dies during pregnancy or after birth.
- The Lullaby Trust raises awareness of sudden infant death syndrome (SIDS), provides expert advice on safer sleep for babies and offers emotional support for bereaved families.
- The Miscarriage Association – an organisation which offers support and information for those affected by miscarriage, ectopic or molar pregnancy as well as signposting for counselling services.
- Tommy's - a charity that funds research into pregnancy problems and provides information for parents-to-be.
- Warwickshire Children and Families **-** If you aren't sure what support you and/or your family needs, the Family Information Service is a great starting point. The knowledgeable and friendly team will listen to you and help you access the services that can support you.

Appendix 2 – Quick Checklist – Maternity

Maternity	
• Notify that you will be taking maternity leave 15th week before the expected week of childbirth (EWC) • At least 28 days' notice needed to receive Statutory Maternity Pay (SMP)	
• Employer will respond to this request within 28 days giving a date of return from maternity leave	
• If you need to change the start date, give 21 days' notice	
• You cannot start your leave more than 11 weeks before the EWC	
• Leave will automatically start if on sick leave for reason relating to pregnancy at the beginning of the 4th week before EWC	
• Entitlement to 52 weeks maternity leave regardless of length of service	
• Compulsory maternity leave of 2 weeks following birth	
• Notification of early return to work - During Ordinary Maternity Leave (OML) 7 days - During Additional Maternity Leave (AML) 21 days for Support Staff - During Additional Maternity Leave (AML) 28 days for Teachers	
• Pay - No entitlement to SMP if less than 26 weeks continuous service. • Pay - An employee with more than 26 weeks continuous service but less than one year: - **Weeks 1-6** – First 6 weeks at 9/10th's - **Weeks 7-39** – Next 33 weeks at SMP - **Weeks 39+** - No Pay • Pay - An employee with one year or more service who is intending to return to work would receive: - **Weeks 1-6** – First 6 weeks at 9/10ths of your salary (offset by any SMP or Maternity Allowance payable) - **Weeks 7-18** - Next 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds your normal full pay) - **Weeks 19-39** - Next 21 weeks SMP - **Weeks 39+** - No Pay For teachers the only difference is first 4 weeks full pay followed by 2 weeks at 9/10th's.	
• Return to work on notified date assumed at the end of OML or AML unless you give notice to the contrary.	
• Stillbirth after 24 completed weeks of pregnancy still entitled to maternity rights	

Appendix 3 – Quick Checklist – Adoption

Adoption	
• You are eligible if the child is newly matched for adoption by an approved agency within the UK for children under 18.	
• Evidence required is a matching certificate plus details of the placement date and child's date of birth.	
• Entitlement to: - Ordinary Adoption Leave (OAL) of 26 weeks - Additional Adoption Leave (AAL) of 26 weeks	
• Leave can begin from start date of placement or up to 14 days prior to when they arrive to live permanently with the family.	
• Need to notify within 7 days of being told of the match and within 28 days prior to the start date of the placement.	
• To change this date, you need to give 28 days' notice.	
• The School will respond to the request within 28 days.	
• Pay - No entitlement to SMP if less than 26 weeks continuous service. • Pay - An employee with more than 26 weeks continuous service but less than one year: - **Weeks 1-6** – First 6 weeks at 9/10th's - **Weeks 7-39** – Next 33 weeks at SMP - **Weeks 39+** - No Pay • Pay - An employee with one year or more service who is intending to return to work would receive: - **Weeks 1-6** – First 6 weeks at 9/10ths of your salary (offset by any SMP or Maternity Allowance payable) - **Weeks 7-18** - Next 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds your normal full pay) - **Weeks 19-39** - Next 21 weeks SMP - **Weeks 39+** - No Pay	
• Employee return assumed at the end of OAL or AAL unless they give notice to the contrary.	
• To return early from either OAL or AAL 28 days' notice is required	

Appendix 4 – Quick Checklist – Paternity

Paternity / Co-Adopter / Nominated Carers Leave	
• An employee who meets the qualifying criteria (see above) and notice requirements are entitled to take up to two weeks' paternity leave. • Where employees meet the qualifying criteria to take two weeks leave it doesn't have to be taken in one single period, but the leave must be booked in blocks of at least one week.	
• You should notify your manager that you plan to take Paternity Leave no later than the end of the 15th week before your baby's due or seven days after being told that you have been matched with a child for adoption. • You will need to complete the relevant notification and declaration of entitlement to and provide a copy to your manager.	
• For each occasion you wish to take a period of paternity leave, you must give your manager further notice in writing or your request. • The period of leave notice should be given at least 28 days before the requested leave date. • In the case of adoption notice should be in writing within seven days after the date on which the child's adopter is notified of having been matched for adoption.	
• Paternity leave can start on any day from the child's birth, but it must end within 52 weeks of the birth (or the expected week of childbirth if the child is born early). • In the case of an adopted child, the 52-week period runs from the date on which the child was placed for adoption with the adopter.	
• If you have submitted a period of leave notice but wish to cancel or vary the timing of your paternity leave, you must inform your line manager at least 28 days before the original date stated in the period of leave notice, or the revised start date, whichever is earlier.	
• **Paternity Pay** - Subject to eligibility and notification requirements: - You will be paid your normal rate of pay for the first week of paternity leave. - Statutory paternity pay is payable during the second week of the paternity leave period	
• If the child is stillborn after 24 weeks or dies during the possible period of paternity leave still entitled to Paternity Leave.	

Appendix 5 – Flexible Working Request Form

Request for Flexible Working

Request for flexible working	
Name of Employee:	
Job Title:	
School Name:	
Manager Name:	
Note: All employees have the statutory right to request flexible working. Under the statutory procedure, you can make two requests in every 12-month period. If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another.	
Date Form Submitted:	

Previous applications for flexible working		
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	YES	NO
When did you submit your last two requests for flexible working?		
Are you a disabled person whose request for flexible working is related to your disability?	YES	NO

I wish to submit a statutory request for flexible working as detailed below.
Please set out the pattern of working that you are seeking. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be.
Current working pattern (days / hours / times worked)

New working pattern (days / hours / times worked)

I would like the above change(s) to my working pattern to take effect on:			
I would like the above change(s) to my working pattern to be permanent:		YES	NO
If "No", I would like the above change(s) to my working pattern to be temporary and to end on:			
Signed:		Date:	

Appendix 6 – Flexible Working Template Letters

Model Letter 1 – FWR Invite to Meeting

Dear [Name]

Invitation to meeting to discuss your request for flexible working

Thank you for your request for flexible working dated [date].
We would like to invite to you a meeting to discuss the changes outlined in your request in more detail.

The meeting will take place on [date] at [time] [at [location] with [me/name of attendees].
You may ask a work colleague or trade union representative to attend the meeting with you.

Please confirm that you are able to attend the meeting by [date] and let me know the name of the work colleague or trade union representative you wish to attend the meeting with you.

If the time and date of the meeting are not suitable, please let me know and we will arrange an alternative time and date.

At this stage if you have any queries, please contact me.

Yours sincerely

Model Letter 2 – Agreement to Flexible Working Request

Dear [Name]

Following [our discussion on [date] about] your request for a change to your working arrangement, I am delighted to confirm that your request can be accommodated.

OR

[I am unable to accommodate your original application. However, I can offer the alternative pattern which we discussed and which you agreed would be suitable to you.]

I confirm, as from [date], your new working pattern will be [state details of new working arrangement, days, details of times and hours of work].

[These new agreed terms represent a permanent variation to your contract of employment.]

OR

[As discussed, this is a temporary change to your terms and conditions of employment due to [enter reason why this is temporary] which will be reviewed on [enter date].]

If you have any queries or concerns, please do not hesitate to contact [me/name of individual].

Yours sincerely

Model Letter 3 – Refusal of Request for Flexible Working

Dear [Name]

Following our discussion on [date] about your request for a change to your working arrangement. I would like to let you know our decision.

Having given the matter thorough consideration, I regret that we are unable to agree to your request. The reasons for this are set out below.

Why we are unable to accept your request

You requested [set out details of flexible working request]. Unfortunately, we think that this is not feasible because:

[Note to manager: Set out why the employee's request is not workable. The reasons should fall within at least one of the statutory list of business reasons that an employer may advance as justification for refusing a request. These are that the flexible working arrangement would:

- *impose an unreasonable burden of additional costs;*
- *have a detrimental effect on the organisation's ability to meet its customers' demands;*
- *have a detrimental impact on quality;*
- *have a detrimental impact on performance;*
- *create difficulties because the organisation is unable to make arrangements to reorganise the work among other staff;*
- *create difficulties because the organisation is unable to recruit additional staff;*
- *create difficulties because of an insufficiency of work during the periods the employee proposes to work; or*
- *be inappropriate because of planned structural changes.]*

You have the right to appeal against the decision to turn down your request for flexible working. If you wish to appeal, you must do so in writing within 14 calendar days of receipt of this letter to [Name, Title]. Your letter of appeal must set out the grounds on which you wish to appeal against this decision as outlined above.

If you have any queries or concerns, please do not hesitate to contact [me/name of individual].

Yours sincerely

Appendix 7 – Model Maternity Leave Letter

PRIVATE & CONFIDENTIAL

[Date]

Dear [Name]

MATERNITY LEAVE

Notification requirements

Thank you for informing me of your pregnancy. I am aware that you have informed your Headteacher/Manager and they will be asked by the Health and Safety Officer to carry out a risk assessment to ensure that your workplace is safe for you to carry out your duties.

If the dates you have given me do not change, then the earliest you may start your maternity leave is the [date], which is 11 weeks before your EWC and [either] the date you have informed me you want to start your maternity leave **or** however the date you have given me for your maternity leave to commence is [date].

You may continue to work right up to the birth of your child if you are able and wish to do so, without any loss of maternity pay.

You must confirm to your Headteacher/manager in writing at the latest during the 15th week before the Estimated Week of Childbirth (EWC) of the date you intend to start your maternity leave. (The EWC is the week in which it is expected that the baby will be born.)

Maternity Leave

There are two types of maternity leave which give a total period of 52 weeks from the date your maternity leave starts:

- Ordinary Maternity Leave (OML)
- Additional Maternity Leave (AML)
- You will be entitled to take up to 26 weeks **OML**, based on the date shown above this would cease on **date**. Your **AML** would cease on **date.** Unless you say otherwise, it will be assumed that you will return at the end of your **AML**. However, you must give 21 days notice in writing if you want to return before that date or if you wish to change the return date you have already given.

Maternity Pay

Your pay entitlement will vary depending on how long you have worked for us.

You are entitled to Statutory Maternity Pay (SMP) as follows:

- 6 weeks at 9/10ths of your salary followed by (offset by any SMP), or for teachers 4 weeks fully pay, 2 weeks at 9/10th's.
- If you have more than one year's continuous service at the 11th week before the EWC you are entitled to 12 weeks at half pay plus SMP without deductions (unless this exceeds the amount your full pay would be) is payable. To be eligible you will also need to earn above the Lower Earnings Limit threshold.

  This payment is conditional on a return to work for a local authority for at least 3 months after your maternity leave has ended. If you did not come back then you would have to repay the 12 weeks half pay. If you would like this payment suspended until your return to work please ensure you advise myself or the school office, otherwise it will be assumed that payment should automatically be made.

- 19-39 weeks - you will be paid SMP, (please refer tohttps://www.gov.uk/maternity-pay-leave/pay for the rates). Maternity pay is subject to normal deductions such as NI and tax.

Other issues relating to your maternity

If you are absent for any reason either wholly or partly related to your pregnancy after the beginning of the fourth week before the EWC then your maternity leave will automatically start. If this happens you will need to notify your manager as soon as possible in writing.

You are able to attend work for up to 10 'keeping in touch' days during your maternity leave without losing SMP or bringing your maternity leave to an end.

Your entitlement to annual leave will continue to accrue during your maternity leave. If you wish to extend your paid leave period by taking annual leave you have accrued, please discuss this with your line manager before starting your maternity leave.

I would like to take this opportunity to wish you health and happiness over the coming months and if you have any further queries on your maternity entitlements please contact me on [telephone number]**.**

Yours sincerely

Headteacher/Business Manager or school office