



Policy and Procedure: Family Leave Policy

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Red Balloon Educational Trust's Vision and Core Values

Red Balloon Educational Trust (RBET) provides a robust programme of academic education, wellbeing and therapy, and social re-engagement for young people aged 11 –21 who are out of school due to bullying, trauma and/or mental ill-health. The overall aims of the Red Balloon Learner Centres are that students will regain their self-esteem, get back on an academic track, and return to mainstream education, and that the staff are given opportunities for personal and professional development.

Our Vision

This document is for your guidance only and should not be regarded as a substitute for taking professional advice.

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To provide the Red Balloon Recovery Programme to more of the young people who self-exclude from school; to employ well-trained employees to support that programme.

Our Values

- Inclusivity
- Negotiating the Curriculum
- Student Voice
- Unconditional Positive Regard

RBET fully supports the independence and distinguishing characteristics of its Learner Centres, each of which is committed to the aims and values of Red Balloon whilst adhering to those of its own.

RBET is committed to supporting its Learner Centres for the benefit of the communities that they serve. RBET expects the Centres to work together and provides a strong, responsible foundation enabling them to develop and grow, offering the best possible learning experiences for their students.

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1.0 INTRODUCTION

- 1.1 This policy applies to all RBET staff.
- 1.2 The policy has been developed in recognition of the statutory requirements covering maternity, paternity and adoption provisions, as well as wider issues affecting working families, such as parental and shared parental leave provisions. It also recognises the importance of supporting employees with family-friendly approaches to working, to enable them to achieve a greater work-life balance. Further information regarding family friendly policies can also be found in the Trust Leave of Absence Policy.
- 1.3 The policy is intended to provide a summary of employees' entitlements to maternity, paternity, adoption and parental leave. It is not a comprehensive summary of employees' legal rights and in any case of dispute on interpretation, the wording used in legislation, Conditions of Service Handbooks and in Local Agreements will take precedence.
- 1.4 The rights described in this policy apply to all employees, including those on temporary contracts. They also apply to full-time and part-time employees; irrespective of the number of hours they work, but they are subject to length of service.
- 1.5 The following definitions are used in this policy:
 - 1.5.1 'Expected week of childbirth'(EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

- 1.5.2 'Qualifying week' means the 15th week before the expected week of childbirth for the purpose of Statutory Maternity Pay (SMP), and the 11th week before the expected week of childbirth for the purpose of Occupational Maternity Pay (OMP).

2.0 GUIDE TO MATERNITY PROVISIONS

Right to time off for Antenatal Care

- 2.1 All pregnant employees are entitled to paid time off in order to keep appointments for antenatal care, made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care includes:
- Appointments with the GP or registered Midwife.
 - Hospital appointments for scans or tests.
 - Other appointments made on the recommendation of the GP or registered Midwife.
 - Relaxation and Parent Craft classes.
- 2.2 Employees are asked to inform their line manager as far in advance as possible of the date and time of any appointment and the best estimate of the length of absence from work, including travelling time if significant. It would also be helpful in many cases if they could try to arrange appointments at the beginning or the end of the day, although the Trust recognises this may not always be possible.
- 2.3 Except for the first appointment, if requested by the Trust the employee must be prepared to show a certificate from a registered practitioner, midwife or health visitor confirming that they are pregnant and an appointment card, or some other document, showing that an appointment has been made, prior to the appointment taking place.
- 2.4 The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate provided the employee has complied with the above requirements.

- 2.5 Partners of pregnant employees are entitled to time off work to come with you to two antenatal appointments. This time off is usually unpaid and is for a maximum of 6.5 hours for each appointment.

Time off for IVF appointments

- 2.6 Employees do not normally have the right to paid time off for medical appointments and should refer to the Trust Leave of Absence Policy and procedure to request time off. However, when an employee becomes pregnant, they are entitled to the same time off for ante-natal care as outlined above.
- 2.7 It is good practice (though not a legal requirement) for any request for time off for IVF or other fertility treatment to be treated sympathetically by the Trust. This could include allowing those staff who work all year round to take annual leave, or alternatively, allowing term-time Only staff to take unpaid leave when receiving treatment.
- 2.8 If the IVF was unsuccessful a parent is still protected by law against pregnancy discrimination for two weeks after finding out an embryo transfer was unsuccessful.

The Expected Date of Childbirth

- 2.9 The employee's midwife will provide a certificate stating the expected week of childbirth (MAT B1). This is normally issued after the 21st week of pregnancy. This certificate is required in order to claim Statutory Maternity Leave and Pay, if eligible.
- 2.10 As soon as the expected date of birth is confirmed on the MATB1 form, the earliest date for starting the period of maternity leave, which is the beginning of the 11th week before the expected week of childbirth (EWC), can be calculated. To calculate this date, the employee should count back 11 weeks from the Sunday before the date of expected birth. Employees may commence maternity leave any time between this date and the expected date of birth. However, maternity leave will start automatically if an employee is absent from work with a pregnancy-related illness during the

four weeks before the baby is due, or, if an employee gives birth, their maternity leave will commence the following day.

Pension contributions

- 2.11 The contract of employment continues during maternity leave. The employee will continue to receive all contractual benefits for the full maternity leave period.

For Teachers

- 2.12 Any period when receiving pay during maternity leave (SMP or OMP) is regarded as pensionable service. When pay stops, the employee may not pay into the pension scheme. However, teachers may choose to protect their pension by buying additional pension to compensate. Employees should contact Teachers' Pensions for more information. (Please note continuity of service will not be affected.) Payment for keeping-in-touch days will also be pensionable.

For Support Staff

- 2.15 Any period when receiving pay during maternity leave (SMP or OMP) is regarded as pensionable service. Employees can either opt to pay pension contributions for any period of unpaid maternity leave, so that it then counts as a period of service, or not pay any outstanding contributions, and the unpaid period will not count for pension purposes (whichever option is chosen, continuity of service will not be broken). If the employee wishes to pay additional contributions, they should notify payroll within 30 days of the date of return to work or the date of ceasing employment, whichever is the earlier. Payment for keeping-in-touch days will also be pensionable.

- 2.16 **Annual Leave**

- 2.17 Support staff who work all year round will continue to accrue their normal annual leave entitlement throughout both ordinary and additional maternity leave. Time off in lieu will accrue in respect of Bank Holidays during the whole of the maternity leave. Any time taken as maternity leave will count towards qualifying service for the purpose of additional annual leave based on length of continuous service. Any leave entitlement so accrued must still be taken in the leave year which it appertains. Common practice is to take any outstanding annual leave at the beginning or the end of the maternity leave period depending on where this falls in relation to the annual leave year. Employees should discuss their annual leave entitlement fully with their line manager to ensure that they have the opportunity to take their entitlement either before commencing maternity leave or immediately prior to their return to work. Where an employee is planning not to return to work, she should be encouraged to plan to take any annual leave entitlement that she may be due before commencing maternity leave. If the employee has taken more paid annual leave than they are entitled to at the date of resignation, then the overpaid portion must be repaid.
- 2.18 Please note: this is not an additional entitlement to annual leave on top of the current Trust closure arrangements.

All staff

- 2.19 A woman resuming work after maternity leave is entitled to benefit from any general improvements to the rate of pay (or other T&Cs) which may have been introduced while she has been away. For teaching staff, the period of absence on maternity leave counts towards the service required to establish a "year of employment" for the purpose of incremental progression on the Main Pay Scale. A teacher who has passed through the threshold will not be disadvantaged in making progress within the Upper Pay Spine (UPS) whilst on maternity leave. Progression on the UPS should be based on guidance as set out in the School Teachers' Pay and Conditions Document. Please consult your HR Advisor for further guidance.

Maternity Leave and Pay

Maternity Leave

- 2.20 All employees are entitled to 52 weeks' maternity leave regardless of the number of hours worked or length of service. This is made up of two elements, known as Ordinary Maternity Leave (OML) which is the first 26 weeks' maternity leave, and Additional Maternity Leave (AML) which is made up of a further 26 weeks' maternity leave.
- 2.21 An employee must notify the Trust, with at least 15 weeks' notice or as soon as reasonably practicable, before they intend to start their leave:
- That they are pregnant.
 - When the Expected Week of Childbirth (EWC) will be, and provide the MATBI which will be issued by their midwife after the 21st week of pregnancy;
 - When they intend to start their maternity leave
- 2.22 The employee will be required to notify the Trust of their intention to take maternity leave by the 15th week before their EWC, unless this is not reasonably practicable. An employee will be able to change their mind about when they start their leave, providing they tell the Trust at least 28 days in advance, unless this is not reasonably practicable.
- 2.23 There is a requirement on the Trust to respond to an employee's notification of their leave plans within 28 days. The Trust will need to write to the employee setting out the date on which they are expected to return to work. Unless notified otherwise, line managers should assume that the employee will be taking their full entitlement of maternity leave.
- 2.24 It is also the responsibility of the Trust to carry out a written risk assessment with the employee when the employee has notified the Trust that they are pregnant.

Commencement/ Entitlement

- 2.25 Maternity leave should not commence any earlier than the 11th week before the EWC. However, it may be earlier in the following circumstances:

- 2.25.1 If the baby is born before the maternity leave is due to commence, then maternity leave starts automatically on the day after the birth, unless Neonatal Care Leave applies. (section 2.4 of this policy)
- 2.26.1 Employees may work after the 11th week before the EWC. Employees may remain at work up to the birth of their child, unless they are certified as medically unfit to do so. When an employee's absence from work for an illness which is partly or wholly due to their pregnancy after the beginning of the 4th week before the EWC, their maternity leave will automatically commence.
- 2.27 In accordance with statutory requirements, an employee entitled to maternity leave shall not work, nor be permitted by the Trust to work, during the period of two weeks which commence with the day on which childbirth occurs.

Maternity Pay

- 2.29 Maternity pay comprises SMP and OMP.

Statutory Maternity Pay (SMP)

- 2.30 Employees are entitled to SMP if they have been continuously employed by the Trust for 26 weeks up to and including the 15th week before the baby is due. If they are not eligible for SMP, they may be eligible to claim Maternity Allowance from Job Centre Plus.
- 2.31 Any employee who is entitled to receive Statutory Maternity Pay (SMP), will receive it for a maximum of 39 continuous weeks with the remaining 13 weeks' leave being unpaid.
- 2.32 SMP is paid whether or not the employee intends to return to work for the Trust, providing they are still working for the Trust at the 15th week before the EWC.
- 2.34 SMP cannot start earlier than the start of the maternity leave period (i.e. the 11th week before the EWC, apart from in exceptional circumstances SMP is

not paid where the employee does any paid work after the birth in the paid maternity period (excluding 'Keeping In Touch' days) or if they are in legal custody at any time during the maternity pay period.

Maternity Allowance

- 2.35 Employees with at least one year's continuous service, (with one or more Local Authorities or associated employer) at the beginning of the 11th week before the EWC but less than 26 weeks with the Trust or Local Authority by the end of the qualifying week will be entitled to OMP but not SMP. However, dependent on their National Insurance contributions they may be entitled to state Maternity Allowance (MA).

Occupational Maternity Pay (OMP)

- 2.36 Payment of OMP to employees shall be made on the condition that they will return to their job for a period of at least 13 weeks from the date of return (this includes periods of the Trust holidays). This period would extend, on a pro rata basis, if the employee was returning to work on fewer hours than they worked prior to maternity leave. Should the employee not be available for work or decide not to return to their job for the required period, they shall refund the OMP payments made during their maternity other than those made during the first six weeks of leave. Payments made by the way of SMP are not refundable.

2.4 Neonatal Care Leave and Pay

2.4.1 Purpose

This section serves to outline the new provisions and employee rights related to Neonatal Leave, effective April 2025, in accordance with UK legislation.

Recognising the challenges faced by parents with newborns requiring neonatal care, this policy addendum aims to provide clarity and support during this critical time.

2.4.2 Scope

This right applies to all employees eligible for parental leave who are parents of a child who has been admitted to neonatal care for medical reasons. This includes full-time, part-time, and casual staff across all departments.

2.4.3 Eligibility

The minimum period of neonatal care leave is one week and a maximum period of 12 weeks.

This is in addition to existing parental leave/maternity/paternity entitlements.

This leave entitlement is a day one right, and no minimum service period is required.

Parents are eligible if the baby was born on or after 6 April 2025 and has received medical or palliative neonatal care for at least seven consecutive days within the first 28 days after birth. There are three categories of medical care within the Act that constitute neonatal care:

- Any medical care received in hospital.
- Medical care received elsewhere following discharge from an inpatient stay hospital. The care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals.
- Palliative or end of life care.

2.4.4 Leave Entitlement

Employees are entitled to up to 12 weeks of Neonatal Care Leave.

This leave accrues as one week for every seven consecutive days the child is receiving neonatal care.

2.4.5 Tier 1 period leave details

This begins when the baby starts receiving neonatal care and up to a week post discharge. This period of leave ends on the seventh day after the day the baby stops receiving neonatal care.

Tier 1 leave can be taken in non-continuous blocks of a minimum of one week at a time and up to 12 weeks.

Notice period for leave – Notice must be given before an employee is due to start work on the first day of absence or, if this is not possible, notice must be given as soon as reasonably practicable.

Notice period for pay – Notice must be given within 28 days from the first day of leave, in which the period relates to or if this is not possible notice should be given as soon as reasonably practicable.

Note – Tier 1 notice does not need to be in writing.

2.4.6 Tier 2 period leave

This applies to leave taken after the tier 1 period ends and must be taken in one continuous block. The entitlement to this leave ends 68 weeks after the child's birth.

2.4.7 Notice period for leave and pay

For a single week of leave and pay, written notice must be given at least 15 days before the first day of neonatal care leave.

For a period of two or more weeks of leave and pay, written notice must be given at least 28 days' before the first day of leave, in which the period it relates to. Employers and the employee can mutually agree to waive any notice requirements, which may be required depending on the circumstances.

2.4.8 Pay During Neonatal Leave

Employees may also be eligible for Neonatal Leave and may qualify to receive statutory pay as follows:

Eligible employees will be entitled to receive Statutory Neonatal Pay (SNP), equal to the current statutory sick pay rate, for the duration of their leave.

The exact amount will be updated in line with government legislation.

The government eligibility criteria can be found by following this link <https://www.gov.uk/browse/benefits/families>

2.4.9 Right to Return

Employees have the right to return to their original job or a similar role with the same terms and conditions at the end of their Neonatal Leave. The Trust will ensure no detriment or loss of employment rights occurs due to taking this leave.

2.4.10 Additional Support

The Trust acknowledges that each employee's circumstances may differ, and additional support can be discussed with HR. This may include flexible working arrangements upon return or access to Employee assistance programmes.

3.0 CONTACT DURING MATERNITY LEAVE

- 3.1 It is good practice for employees and Line Manager to maintain reasonable contact during an employee's absence so that they remain informed of developments and changes within the Trust which will support their return to work. The mechanisms by which they wish to do this, and the extent to which they want to be informed, should be discussed with their line manager prior to the commencement of maternity leave. This contact will normally be minimal and should neither be excessive or intrusive. This does not constitute "work" and would not count towards the KIT 10-day period (see below).

Keeping in Touch Days (KIT)

- 3.2 Keeping-in-touch days can also enable an employee and the line manager to keep in touch during the maternity leave period to ease the return to work. Following agreement with their line manager, the employee can undertake 10 days' work during their maternity leave without bringing their maternity period to an end.
- 3.3 For these purposes, 'work' is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch such as conferences, team meetings, training etc.

- 3.4 The provisions apply to the entire period of maternity leave, except during the first two weeks after childbirth which is a period of compulsory maternity leave.
- 3.5 Working for any part of a day will count as one day towards the 10 KIT days; however, employees will only be paid for the hours worked, at their contractual rate of pay (offset against SMP where payable).
- 3.6 Any work done during maternity leave must be by agreement. The Trust will not insist that an employee carries out any work and the employee is protected from suffering a detriment or being dismissed for refusing to do so.
- 3.7 An employee cannot insist on being given any work to do.
- 3.8 Employees still qualify for SMP on up to 10 KIT days. If the employee exceeds the 10 days by only one day, the full week of SMP will be forfeited (where applicable).

4.0 RETURNING TO WORK

Right to Return

- 4.1 Subject to (4.2), the employee is entitled to return to the job in which they were employed under their original contract of employment and on terms and conditions not less favourable than those which would have been applicable to them had they not been absent. "Job" for this purpose, means the nature of the work which they are employed to do, and the capacity and place in which she is so employed. If the employee takes more than 26 weeks' leave (Additional Maternity Leave) they are also entitled to return to the same job on the same terms and conditions unless this is not reasonably practicable and there have been significant changes within the Trust. Employees can be offered suitable alternative work on terms and conditions no less favourable than the original job.

- 4.2 Where it is not practicable by reason of redundancy for the Trust to permit them to return to work in their job as defined in (4.1), the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable and appropriate to the circumstances and that the capacity and place in which they are to be employed and their terms and conditions of employment are not substantially less favourable to them than if they had been able to return to their job in which they were originally employed.

Exercise of the Right to Return

- 4.3 At the end of the Maternity Period employees taking the full year's maternity leave entitlement are not required to give any further notification of returning to work, provided they intend to return on the date notified to the Trust.
- 4.4 Before the end of the Maternity Period employees wishing to return before the end of the maternity leave period should notify their line manager in writing, at least 21 days before the day on which she proposes to return, if this is before the end of the Additional Maternity Leave period. Where the notice given is less than 21 days to the line manager, the Trust can delay the return until 21 days' notice has been received, or until the end of the 52-week maternity leave period (as notified) if this is earlier than 21 days.

- 4.5 Prevented from returning to work – Where an employee is unable to return on the expected day due to sickness, the absence will be covered by the occupational and statutory sick pay schemes in the normal way.
- 4.6 If, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect an employee to return to work on the due date, they may instead return when work resumes, or as soon as reasonably practicable thereafter.

5.0 RESIGNATION/ LEAVING

- 5.1 If an employee, during their period of maternity leave, decides not to return to work, contractual notice must be given to the Trust. Contractual notice must also be given when an employee wishes to resign before their maternity leave commences. However it may be possible to determine a mutually agreeable termination date.

End of Contract during Maternity Leave

- 5.2 Should an employee's contract expiry date occur during their period of maternity leave, the Trust must comply with the normal fixed term contract termination process. The reason for non-renewal must not be maternity related.

Rubella

- 5.3 If in the early months of pregnancy employees are advised by an approved medical practitioner to absent themselves from the Trust or Centre because of the risk of rubella, they will be granted full pay.

Miscarriage

- 5.4 Absence due to miscarriage prior to 24 weeks of pregnancy shall be treated as sickness absence provided it is covered by a doctor's certificate.

Still Birth

- 5.5 In the tragic circumstances of a still birth, which is defined as occurring after 24 weeks of pregnancy, or of neo natal death, employees will be entitled to the same maternity leave and pay as if the pregnancy had reached full term. The return-to-work notification remains unchanged, i.e. 21 days of proposed return to work.

Protection against Unfair Treatment or Dismissal

- 5.6 Pregnant employees must not be treated any less favourably than any other staff and must not be dismissed from employment or selected for redundancy in preference to other comparable staff for reasons of pregnancy.
- 5.7 The redundancy protection period covers pregnant women and new mothers on maternity leave and starts as soon an employee makes their employer aware of their pregnancy orally or in writing. Part of this protection includes six months' protection when an employee has returned from maternity leave or adoption leave.
- 5.7 Employees are protected from dismissal regardless of hours/service:
- If the principal reason for the dismissal is pregnancy or any reason connected with pregnancy.
 - If dismissed during maternity leave and the principal reason is the birth or any reason connected with having given birth.
 - If dismissed and the reason is because the employee took maternity leave.
 - If the principal reason concerns health and safety issues, is pregnancy related, and the employee is unable to do her job.
- 5.8 It will be automatically unfair to select an employee for redundancy for pregnancy, childbirth or maternity related reasons. Where there is a genuine and necessary reason, the Trust will carry out a fair procedure as outlined below and as per the locally agreed Redundancy Policy and Procedure:

- 5.8.1 Selection criteria should be objective, non-discriminatory and applied fairly.
- 5.8.2 When carrying out consultation, any employee who is on maternity leave should be included. They should be given information about proposed redundancies in the same way and at the same time as other employees, where reasonably practicable to do so. Where there are practical difficulties, other arrangements should be made, such as rearranging meetings or conducting them at the employee's home.
- 5.8.3 Reasonable steps must be taken to find alternative employment for employees who may otherwise have been dismissed by reason of redundancy. An employee on maternity leave should be offered a suitable alternative vacancy (where one exists) before another employee. This is applicable to employees during periods of ordinary and additional maternity leave in addition to adoption and additional paternity leave. If a suitable alternative vacancy is offered and the employee unreasonably turns it down, the dismissal will be fair, and the employee would lose the right to a statutory redundancy payment.
- 5.8.4 Where there is no suitable vacancy, the employee's employment would be terminated by reason of redundancy and will be entitled to a redundancy payment (where qualifying conditions are met), relevant notice period, and written reasons for dismissal.

6.0 HEALTH AND SAFETY

- 6.1 The Trust has a legal obligation to protect the health and safety at work of all staff and others, including new, breast-feeding and expectant parents.

Risk Assessment

- 6.2 An employee should inform their line manager that they are pregnant. A risk assessment of their working area and practices should then be carried out. Each individual expectant parent will require a specific assessment that may need to be reviewed as the pregnancy progresses. (Further guidance can

be found in the HSE booklet “New and Expectant Mothers at Work: A guide for employers”).

- 6.3 Managers are responsible for ensuring that when carrying out risk assessments of workplaces and workstations etc. particular attention is paid to those risks that could affect the health or safety of new, breast-feeding or expectant parents or their babies. All reasonably practicable measures should be taken to prevent exposure to risks, through removal of hazards or implementation of controls.
- 6.4 If an employee believes there is a risk to their health or safety, or to that of their baby, which has not been considered in the risk assessment, they must bring the risk to the attention of their line manager.

Removal of Staff from Risk

- 6.5 If despite taking all reasonably practical measures, there is still a risk that could jeopardise the health or safety of a new, breast-feeding or expectant parent or their baby, then steps must be taken to remove the individual from that risk. This must be done as soon as the line manager has been informed that an individual is pregnant. The steps to remove an individual from a risk are as follows:-

- To temporarily adjust their working conditions and/or hours of work; or if it is not reasonable to do so, or would not avoid the risk.
- Offer them suitable alternative work if any is available; or if that is not feasible:
- Grant a Medical Leave of Absence from work for as long as necessary to protect their safety or health or that of their child.

Offers of Suitable Alternative Work

- 6.6 Where an employee is offered suitable alternative work, the work must be:
- Both suitable and appropriate for them to do in the circumstances; and

- On terms and conditions no less favourable than their normal terms and conditions.

Entitlements during Medical Leave of Absence

- 6.7 An employee on medical leave of absence is entitled to be paid remuneration at their full normal rate for as long as the suspension continues. The only exception to this is where they unreasonably refuse an offer of suitable (risk-assessed) alternative work, in which case no remuneration is payable for the period during which the offer applies. During the period of medical leave of absence, continuity of employment, pension rights and length of service payments are protected.

New and Nursing Parents

- 6.8 The Trust will make facilities for breastfeeding and expressing available to workers who are pregnant or breastfeeding. Employees should discuss this with their line manager. The Workplace Regulations (1992) requires employers to provide suitable 'rest' facilities for workers who are pregnant or breastfeeding. Although it is not a legal requirement, the Health and Safety Executive (HSE) encourages employers to provide a healthy and safe environment for nursing parents to express and store milk. This could be provided in the suitable rest facilities.

7.0 PATERNITY/ NOMINATED CARER'S LEAVE

- 7.1 Statutory Paternity Leave and Paternity Pay is available to fathers and the partners of mothers of children. The provisions apply whether the employee's service is full-time or part-time (irrespective of the number of hours), or is permanent or temporary, subject to the conditions of the scheme being met.
- 7.2 Employees (male or female) who are acting as the "prime or nominated carer" for the mother/child may request nominated carer's leave. They are subject to the same provisions as applied to employees requesting Paternity Leave.

- 7.4 In order to apply for birth leave they will need to provide a copy of the MAT B1 or birth certificate along with a letter from the mother confirming they are the nominated person.

Statutory Paternity Leave

- 7.5 To qualify, employees must:

- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, of the child's mother.
- Have, or expect to have, responsibility for the child's upbringing.
- Have been continuously employed for at least 26 weeks, ending with the 15th week before the EWC; or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas)

- 7.5.4 Employees must tell the Trust in writing no later than the 15th week before the baby is due of their intention to take Statutory Paternity Leave. For adoption, notification should be within seven days of being matched with a child.

- 7.6 Employees eligible for the statutory scheme have the right to choose to take one or two consecutive weeks' leave (not odd days). It cannot be taken before the birth (or placement) of the child and must be taken within eight weeks of the birth (or placement). If the baby is born prematurely, the leave can be taken between the birth and eight weeks after the birth.

- 7.7 The employee must provide written evidence to their line manager from either the GP, hospital or adoption agency. This should show the expected date of confinement/child placement.

- 7.8 The employee must live at the same address as their partner (except for below).

- 7.8.1 In order to apply for Nominated Carer's Leave, the employee must provide their line manager with a copy of the MAT B1 along with a letter from the mother confirming they are the nominated person of choice. Employees must comply with notification requirements as below.
- 7.9 An employee must notify the Trust by the end of the 15th week before EWC, or as soon as reasonably practicable, that they intend to take paternity leave. The Inland Revenue Form 'SC3 – Becoming a Parent' (for births) or 'SC4 – Becoming an Adoptive Parent' (for adoptions) can be used to give notice of leave and to apply for Statutory Paternity Pay (SPP). The notice must specify the length of leave to be taken and the date the employee wishes the leave to commence.
- 7.10 If the employee wishes to change the start date, they must give 28 days' notice in writing if requested by the Trust.
- 7.11 In the tragic circumstances of a still birth, which is defined as occurring after 24 weeks of pregnancy or of neo natal death, employees will be entitled to the same paternity leave and pay as if the pregnancy had reached full term.

Paternity Pay

- 7.12 If an employee is entitled to Statutory Paternity Pay and Leave, it will be paid at the weekly rate of Statutory Paternity Pay, or 90% of the employee's weekly earnings, whichever is the lowest.
- 7.13 If an employee who has met the above criterion has taken some paternity leave but then leaves the Trust employment before the beginning of the 11th week, and at the date of leaving, has less than one year's continuous local government service, they will be required to repay the Trust the cost of the paternity pay received.

Adoption Leave and Pay

- 7.14 Statutory Adoption Leave is available to parents to prepare for adoption or to care for a newly placed adoptive child. The adoptive leave facilities will normally apply to women employees. Male employees who are

married/living with non-Trust employees will instead have the paternity leave entitlements and conditions applied.

- 7.15 In recognition of the fact that single men may adopt children, the provisions for adoption leave will apply also to single male employees. The employee will be subject to all other entitlements and conditions of the appropriate maternity scheme, including the obligation to return to work for a minimum of three months in order to retain adoptive leave pay.
- 7.16 In cases where both parents are employed by the Trust and assuming that both parents are eligible, the total leave entitlement (i.e. the post confinement leave aggregated with the two working weeks' adoptive paternity leave) can be combined and shared between the two employees at their discretion.

Pre-Adoption Leave

- 7.17 There is no statutory right to paid time off for pre-adoption leave. Employees who are adopters or partners of adopters would, in the first instance, be expected to arrange meetings and interviews outside of the working day or during the Trust closure periods/annual leave. However, it is recognised that this is not always practical and therefore employees will be given reasonable paid time off.
- 7.18 Employees are asked to inform their line manager as far in advance as possible of the date and time of an appointment/meeting and the best estimate of the length of absence from work, including travelling time if significant. It would also be helpful in many cases if they could try to arrange appointments at the beginning or the end of the day, although the Trust recognises this may not always be possible.
- 7.19 Employees must be prepared to show proof of appointment/meeting/interview.
- 7.20 The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate provided they have complied with the above requirements.

- 7.21 If the employee is adopting a child from overseas, any visits to see the child pre-adoption should be taken during the Trust closure periods or by using normal annual leave arrangements. Time off for this reason will not be granted.

Adoption Leave

- 7.22 An employee adopting a child is to be allowed comparable leave and pay arrangements. Accordingly, an employee who satisfies the full criteria and conditions of the maternity scheme specific to their conditions of service will be entitled to ordinary adoption leave of 26 weeks duration and additional adoption leave 26 weeks’.
- 7.22.2 Both ordinary and additional adoption leave are to be taken in one block within a twelve-month period from the date of placement unless otherwise agreed with the Trust.
- 7.23 Adoption leave will begin on the placement date or up to 14 days before the placement date. Where employees choose to begin leave on the placement date and they are at work on that date, leave begins the following day.
- 7.24 The employee will be required to notify the Trust of their intention to take adoption leave. Correspondence must be sent from the adoption agency confirming the adoption/placement and the employee should inform the Trust no more than seven days after the date of being told by the adoption agency that they have been matched with a child in writing, or as soon as is reasonably practicable, that they will be absent from work due to adoption and whether they intend to return to work.
- 7.25 There is a requirement for the Trust to respond to an employee’s notification of their leave plans within 28 days. The Trust will need to write to the employee, setting out the date on which they are expected to return to work if the full entitlement to adoption leave is taken. Adopters who intend to return to work at the end of their full adoption leave will not have to give any further notification to the Trust. Unless otherwise notified, their line manager

should assume that the employee will be taking their full entitlement to adoption leave.

- 7.26 Adoption Support Leave (for Support Staff employed under Green Book Conditions only). Adoption support leave of five days with pay shall be granted to the partner or nominated carer of the primary adopter at or around the time of placement. A nominated carer is the person nominated by the primary adopter to assist in the care of the child and to provide support to the primary adopter at or around the time of the placement.

Adoption Pay

- 7.27 Payments for employees who have less than one year's continuous service at the beginning of the 11th week before the week of the baby/child's placement shall be the employees' entitlement to Statutory Adoption Pay (SAP).
- 7.28 Statutory Adoption Pay will be paid for 39 weeks, or if earlier, until the date the employee returns to work, or for eight weeks after the end of the week the placement is disrupted, e.g. child stops living with adopter.
- 7.29 The contract of employment continues during Adoption Leave. The employee receives all contractual benefits during the full period of Adoption Leave.
- 7.30 Employees are subject to all other entitlements and conditions of their appropriate Maternity Scheme, including the obligation to return to either their 'job' or local authority employment for a period of at least three months in order to retain the occupational pay element.
- 7.31 An employee shall not be entitled to Statutory Adoption Pay (SAP) in the case of:
- Private adoption (Private adoption refers to any adoption not arranged by an agency or organisation, i.e. when the adoptive parents find a birth mother or baby or child privately).

- The adoption of a step-child by a step-parent.
- The adoption of a foster child by a foster parent.
- Those who become parents through arrangements with a surrogate.

Adoptive Paternity Leave and Pay

7.32 Statutory Paternity Leave for Adoption is absence from work for the purpose of caring for a newly placed adoptive child or to support the main adopter. The Paternity Leave provisions set out in this policy will apply to employees who:

- Are adoptive fathers
- The spouse or partner of the main adopter,
- Will have responsibility for the child's upbringing,
- Have been continuously employed for at least 26 weeks ending with the week the child's adopter is notified of the match;
- Have given notice and evidence to their line manager.

Surrogacy

7.33 In a surrogacy situation, statutory arrangements state that employees may be entitled to adoption pay (if they meet criteria, including giving correct notice of the birth and verified proof of adoption / surrogacy).

7.34 If employees are not eligible for adoption pay, employees will instead be entitled to unpaid parental leave upon becoming a parent, providing that:

7.34.1 They intend to apply for a parental order when the child is living with them (where one parent is genetically related) or adopt the child (where there is no genetic relationship).

7.34.2 They meet the qualifying conditions outlined in Section 6.

- 7.35 The father of a child born through surrogacy arrangements (provided he is registered as the father) and fulfills eligibility criteria, will be eligible to take paternity leave.
- 7.36 Female employees acting as surrogates are entitled to full maternity leave, pay and provisions as any other pregnant employee.

8.0 PARENTAL LEAVE

- 8.1 The right to parental leave offers qualifying parents the right to take a period of unpaid time off work to look after a child or to make arrangements for the child's welfare. Parents can also use it to spend more time with their children.
- 8.2 Employees are entitled to a total of 18 weeks' leave for each qualifying child up to the age of 18. Parental leave is for each child therefore if an employee has twins the leave is doubled.
- 8.3 Employees can take a maximum of four weeks per year per child, which can be taken in blocks or multiples of one week (except in the case of parents of children with disabilities who can take leave in blocks or multiples of one day).

Qualifying Conditions

- 8.4 Parents (or adopters) of children up to age 18 may have the right to parental leave. To qualify, employees must:
- Have one year's continuous service; and
 - Be named on the child's birth or adoption certificate.
- 8.5 If employees are separated from the spouse or partner and don't live with their child (or children) they maintain the right to parental leave if they keep formal parental responsibility for the child (or children). Foster parents do not have the right to parental leave but may be able to request a flexible working pattern (see separate guidance).

8.6 Parental Leave is an individual right and cannot be transferred between parents.

Requests for Parental Leave

8.7 Employees wishing to request a period of Parental Leave must give their line manager at least 21 days' notice. This request should be put in writing, stating the dates on which the leave is to begin and end.

8.8 The Trust can ask to see evidence to confirm that the employee is the parent or the person legally responsible for the child; evidence might take the form of information contained in the child's birth certificate or adoption papers etc.

8.9 The Trust can postpone the leave for up to six months where the Trust would be particularly disrupted if the leave was taken at the time requested, but it cannot be postponed so that the leave ends after the child's 18th birthday.

8.10 However, the Trust will notify the employee of the decision, including the reason for postponement and alternative dates (up to six months ahead) during which the parental leave can be taken within seven days of the original request.

8.11 An employee may elect to take a period of Parental Leave from the date of childbirth or from the date of adoption, in which case the Trust cannot delay the date of the leave. The employee must give 21 days' notice before the EWC, or 21 days before the week in which adoption placement is to occur.

8.12 If a woman wishes to take a period of Parental Leave immediately following her maternity leave, she should also ensure that she makes the request to the Trust giving at least 21 days' notice.

Returning to Work

8.13 At the end of the Parental Leave period, the employee is entitled to return to the same job as before, if the leave was for a period of four weeks or less. The employee is also entitled to benefit from any improvements to the rate of

pay (or other employment terms and conditions) which may have been introduced whilst they have been away.

- 8.14 If the Parental Leave period was more than four weeks, the employee is entitled to return to the same job or, if it is not reasonably practicable, a similar job which has the same as or better status, terms and conditions than the previous job.

9.0 FAMILY BEREAVEMENT LEAVE

- 9.1 Any employee has the right to take time off if:
 - 9.1.1 A 'dependent', such as their partner, parent, child, or someone else who relied on them, dies.
 - 9.1.2 Their child is stillborn or dies under the age of 18.
- 9.2 There's no legal right for time off for dependents to be paid, but some employers might offer pay. Check your contract of employment.
- 9.3 The law does not say how much time can be taken off if a dependent dies. It simply says the amount should be 'reasonable'. This time off is for dealing with unexpected issues and emergencies involving the dependent, including leave to arrange or attend a funeral.
- 9.4 From 6 April 2020, employees have a right to two weeks off if their child dies under the age of 18 or are stillborn after 24 weeks of pregnancy. This is called 'parental bereavement leave'.
- 9.5 Employees and workers might also be eligible for 'parental bereavement pay'. Anyone classed as an employee also has the right to unpaid time off if their child (a 'dependent') dies under the age of 18.
- 9.6 When a child dies both parents are entitled to two weeks parental bereavement leave after they finish their maternity or paternity leave.

Time off for a funeral

- 9.7 An employee has the right to time off for a funeral if the person who died was a dependent, such as their partner or parent. There's no legal right for this time off to be paid, but the Trust may offer to pay. Employment contracts and Trust policies may confirm this. Otherwise, holiday or annual leave is unpaid.

Pay during bereavement

- 9.8 There is no legal right to paid time off for bereavement unless someone is eligible for parental bereavement pay when a child dies.
- 9.9 The trust could agree for time off to be taken as sick leave or holiday unpaid leave. If the employee takes the time off as sick leave or holiday, they should get their usual sick pay or holiday pay.
- 9.10 The Trust's bereavement policy should say when leave for bereavement could apply, how much leave is provided if leave is paid, and the amount of pay. This might be called 'compassionate', 'bereavement' or 'special' leave.
- 9.11 Eligible parents have a right to two weeks Statutory Parental Bereavement Leave, and they may also be eligible for Statutory Parental Bereavement Pay. 'Statutory' means the legal minimum the trust must give. This right will apply to the:
- 9.11.1 Biological parent
 - 9.11.2 Adoptive parent, if the child was living with them
 - 9.11.3 Person who lived with the child and had responsibility for them, for at least four weeks before they died. 'Intended parent' – due to become the legal parent through surrogacy
 - 9.11.4 Partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

Parental bereavement leave

- 9.12 Parents have a right to take Statutory Parental Bereavement Leave if:
- 9.12.1 They're classed as an employee

- 9.12.2 Their child dies under the age of 18 or is stillborn after 24 weeks pregnancy
- 9.13 Employees have this right from the day they start their job.
- 9.14 Statutory Parental Bereavement Leave can be taken in the 56 weeks following their child's death.
- 9.15 If more than one child dies, the employee is entitled to two weeks' Statutory Parental Bereavement Leave for each child.
- 9.16 Anyone classed as a worker is not entitled to Statutory Parental Bereavement Leave. But they might be entitled to two weeks' Statutory Parental Bereavement Pay for time they take off.

Parental bereavement pay

- 9.17 Employees and workers are entitled to two weeks' Statutory Parental Bereavement Pay if:
 - 9.17.1 Their child dies under the age of 18 or is stillborn after 24 weeks of pregnancy
 - 9.17.2 They were employed when their child died
 - 9.17.3 They'd worked for the Trust for at least 26 weeks, and on the Saturday before the child's death they earn on average at least £120 per week, before tax
- 9.18 Statutory Parental Bereavement Pay is the minimum amount the Trust must pay eligible staff.
- 9.19 Eligible employees and workers will get whichever of the following is lower:
 - 9.19.1 £151.20 a week or 90% of their average weekly earnings

Taking Statutory Parental Bereavement leave

- 9.20 An employee can choose to take either one or two weeks' leave.
- 9.21 If an employee takes two weeks, this can be taken in one go, or as two separate weeks. For example, they could take one week immediately after the death and take the other week later on.
- 9.22 The leave must end within 56 weeks of the child's death. The date of the child's death is the first day of the 56 weeks.

Giving notice to take leave

- 9.23 An employee must tell the Trust (give 'notice') to use Statutory Parental Bereavement Leave.
- 9.24 To give notice, the employee must tell the Trust when they want the leave to start, whether they want to take one or two weeks leave and the date their child died.

Taking leave in the first eight weeks

- 9.25 If it's within eight weeks (56 days) of their child dying, an employee can start their leave as soon as they give notice.
- 9.26 They must tell the Trust before they start their leave. This can be on the first day of leave as long it's before they're due to start work. For example, if they've started work and give notice to start their leave straight away, Statutory Parental Bereavement Leave must start the following day.
- 9.27 They can also cancel the leave, as long as they tell the Trust before their leave starts. This can be on the day their leave is due to start, as long it's before they're usually due to start work. Any cancelled leave can be taken later by giving notice again.

Taking leave after the first eight weeks

- 9.28 If leave will be taken more than eight weeks (56 days) since their child died, the employee must give the Trust one week's notice to take the leave, if they want to cancel the leave. Any cancelled leave can be taken later by giving notice again.

Claiming Statutory Parental Bereavement Pay

- 9.29 Employees and workers must ask the Trust in writing (give 'notice') to receive Statutory Parental Bereavement Pay. NOTE employers can choose whether to ask for this in writing the regulation does not demand this however under the Social Security Contributions and Benefits Act 1992, the employer can request written notice. They must confirm:
- Their name
 - Their entitlement to Statutory Parental Bereavement Pay
 - The start and end dates of the leave they want to claim the pay for the date of
 - Their child's death

- Their relationship with the child

9.30 Notice must be given within 28 days of starting leave. If someone takes the two weeks off separately, they must give notice in writing for each week.

9.31 Employees can give notice for their leave and pay in one document.

9.32 If someone close to you dies, you might need to take time off work unexpectedly. Depending on the circumstances, you might need time off immediately, decide to continue to work take time off later on

If you need time off

9.33 It s best to let the Trust know as soon as you can if you need to take time off.

9.34 You should try to follow the Trust's usual process for informing management If you feel unable to contact them, you could ask someone else to do it for you, a family member or close friend for example.

What you should tell the Trust

9.35 It s a good idea to let the Trust know how you d like to be in contact while you re off. For example, tell them if phone or email is best, and how often you want to be in touch, if you want others at work to know, and if they can contact you if you need any information or support from the Trust.

9.36 It s up to you how much you tell the Trust about the death, and whether you want others at work to know. It might be difficult to know how long you will need off work at first. Keeping in touch with the Trust can help to plan your return to work when you re ready.

Leave and pay

9.37 Check your contract or Trust policy to see if further leave or pay for bereavement is offered.

Returning to work

9.38 It s a good idea to talk to the Trust before you return to work to discuss:

9.38.1 When you think you will be ready to return

9.38.2 Anything you re concerned about when you return

9.38.3 If the death has changed anything that might affect your work, ; for example, if you now have more caring responsibilities outside of work and want to discuss flexible working options

10.0 SHARED PARENTAL LEAVE

- 10.1 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave.

Parental Pay

- 10.2 Employees may be eligible to apply for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if they are having a baby or adopting a child.
- 10.3 To qualify employees must share responsibility for the child with one of the following:
- 10.3.1 Their husband, wife, civil partner or joint adopter
 - 10.3.2 The child's other parent
 - 10.3.3 Their partner (if they live with you and the child)