Applecroft School



Family & Parental Leave Policy

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Person Responsible:	**Headteacher**
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This document is based on the 'The Key's' model policy of the same name that has been approved by Forbes Solicitors and developed with the NAHT union.

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Family & Parental Leave Policy

1) Introduction:

School Vision:
'To be a positive and inspiring community that nurtures each individual and empowers leaders for life'.

School Mission Statement:
'Nurturing Potential, Inspiring Minds, Changing Lives'.

School Values:

- Ambition and Leadership
- Kindness and Supportiveness
- Respect and Honesty
- Determination and Resilience.

Applecroft School recognises that family responsibilities are a normal and valued part of life. We are committed to supporting staff through pregnancy, adoption, surrogacy, caring responsibilities and family emergencies through flexible, compassionate and legally compliant employment practices.

2) Aims:

This policy aims to:

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

This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time following consultation with the NAHT.

The school is committed to ensuring all family-related leave provisions are applied fairly and without discrimination, regardless of sex, gender reassignment, sexual orientation, marital status, pregnancy and maternity, religion or belief, age, disability or race.

3) Legislation and Guidance:

This policy meets the requirements of:

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

It also reflects best practice guidance set out in:

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

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

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

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

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

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

4) Eligibility:

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

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

5) Data Protection:

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

6) Roles and Responsibilities:

6.1 Headteacher

The Headteacher is responsible for making sure that:

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

6.2 Finance & Business Manager

The Finance & Business Manager is responsible for:

- Liaising with payroll promptly if a staff member's pay needs to be adjusted as a result of them taking maternity, paternity, adoption or shared parental leave, or other types of family-related leave

6.3 Line Managers

Line managers have day-to-day responsibility for this policy. If staff have questions about this policy, they should refer to their line manager in the first instance.
Line managers are responsible for:

- Considering all valid requests for time off equally and fairly
- Supporting staff to understand this policy

- Supporting staff and managing family-related leave and matters confidentially and sensitively, and in line with the Data Protection Act 2018
- Taking family-related leave and responsibilities into account when monitoring staff's workload, and promoting positive working arrangements
- Maintaining effective communication with staff, including while staff are on leave
- Giving due regard to equality legislation and taking any protected characteristics into consideration.

6.4 The Board of Trustees

The Board of Trustees will hold the Headteacher to account for its implementation of this policy.

The Board of Trustees has delegated the approval of this policy to the Pupil and Personnel Welfare (PPW) Committee.

6.4 Other Staff

Staff are expected to:

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

7) Maternity Leave and Pay (including for surrogates):

Full details of employee's entitlements in respect of maternity pay and leave under both the statutory and contractual schemes can be found in the schools "Maternity Leave Policy"

8) Paternity Leave and Pay:

The school's "Paternity Leave Policy" sets out statutory paternity leave and pay entitlements and also details the schools occupational paternity leave and/or pay in addition to statutory entitlements.

9) Adoption Leave and Pay (including for intended parents following surrogacy):

The schools "Adoption Leave Policy" sets out the entitlements of employees in respect of adoption leave and adoption pay under both statutory and occupational schemes.

10) Shared Parental Leave and Pay:

The school has a dedicated "Shared Parental Leave (Birth) Policy" which sets out your rights to shared parental leave and pay. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Shared parental leave can be complex, so please speak to the Finance & Business Manager if you are thinking about taking shared parental leave and have any questions.

11) Antenatal Care:

All pregnant staff are entitled to take reasonable time off work, with full pay, to attend medical, antenatal appointments.

To be entitled to this, the school will ask you to produce a certificate from your doctor, nurse or midwife that states that you are pregnant. Except for the first appointment, you should advise of any such appointment in advance by producing evidence of the appointment, such as an appointment card.

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

You are entitled to paid time off to accompany the pregnant person to 2 antenatal appointments. You can take up to 6 and a half hours per appointment. This does **not** apply to partners of pregnant staff who are surrogates.

The school will request to see evidence of these appointments.

11.2 Antenatal Care when having a Child through IVF

You will be allowed time off for antenatal care only after the fertilised embryo has been implanted. For information on time off for fertility treatment and IVF, please see school's Staff Sickness and Absence Policy.

12) Health and Safety Risk Assessments During and After Pregnancy:

After a staff member has notified their line manager that they are pregnant, the school will review its workplace risk assessment in line with the staff member's role to make necessary adjustments. We will then conduct a risk assessment at least every 3 months until the employee begins maternity leave. We will carry this out more frequently for employees who are struggling in their role or receive updated medical advice.

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

- Returning to work fewer than 6 months after giving birth
- Breastfeeding (read more about support for staff who are breastfeeding in section 13 below).

13) Breastfeeding:

If you intend to continue breastfeeding after returning to work from maternity leave, please speak to the Headteacher as soon as possible so that we can support you the best we can.

The school will provide a suitable area where staff who are breastfeeding can rest.

Note that this area should:

- Include somewhere to lie down
- Be hygienic, safe, secure and private, so staff can express milk if they choose to – toilets are not a suitable place for this
- Include somewhere to store their milk, for example a fridge.

Staff who are breastfeeding are entitled to more frequent breaks. We encourage you to talk to your Headteacher so you can agree the timing and frequency of breaks.

14) Unpaid Parental Leave:

14.1 What staff are entitled to?

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

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

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

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

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

In an emergency or unexpected event, you may be required to take time off for dependants (as outlined in section 19) as opposed to unpaid parental leave or time off work.

You may be allocated more leave if your child is disabled, or for situations otherwise agreed.

14.2 Eligibility

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

- Have been working at the school continuously for 1 year or more
- Are named on the child's birth or adoption certificate, or you have or are expected to have parental responsibility by way of parental order or legal guardianship
- Are not a foster parent (unless you have secured parental responsibility through the courts)

14.3 Giving Notice

You must give the Headteacher at least 21 days' written notice before the day you intend to start your leave.

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

14.4 Postponing Leave

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

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

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

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

14.5 Staff Rights during Leave

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

Where you are on unpaid parental leave for:

- **4 weeks or less**: you are guaranteed the same job in which you were employed under your original contract, and on terms and conditions that are at least as favourable

- **More than 4 weeks**: you are guaranteed the same job in which you were employed under your original contract, unless the school has a good reason to offer another job. If the job no longer exists or there have been changes to the organisation, the school may offer you a suitable alternative job that has the same or better terms or conditions, if available

15) Time Off for Dependants:

Staff have the right to take a reasonable amount of unpaid time off to help a dependant in an unexpected event or emergency.

The right to time off for dependants will, in most cases, be one or two days. You must actively seek alternative longer-term arrangements for the care of a dependant as soon as possible after the emergency occurs. If you are unable to make alternative arrangements, you must contact your line manager/Headteacher and explain why further absence is required.

If you need time off, notify your line manager as soon as possible so that the best next steps can be arranged.

A dependant may include your:

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

A dependent may also be someone who:

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

An unexpected event may include:

- Where a dependent falls ill, is injured or assaulted (this could be as a result of a deterioration of an existing condition) or has to go to hospital because they go into labour unexpectedly
- Dealing with an unexpected disruption or breakdown of care arrangements for a dependent – e.g., if a childminder or nurse fails to turn up as arranged, or the nursery or nursing home has to close unexpectedly
- Dealing with an unexpected incident involving your child during school hours
- Dealing with the death of a dependent. Read more about taking compassionate leave in 'Staff Healthy & Attendance Policy'.

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

16) Carer's Leave:

The school recognises that some of their staff may have caring responsibilities that may require the school's support to combine work with your caring responsibilities. Our "Carer's Leave Policy" contains all the information staff require.

17) Neonatal Care (Leave and Pay):

The school recognises the challenges that parents face when their newborns require extended hospital stays and ensuring they can be present at critical times. As such our dedicated "Neonatal Care Policy" should be referred to when required.

18) Early Career Teachers (ECTs): Extending the Induction Period to Reflect Leave Periods:

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

Maternity leave

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

The ECT should seek advice before deciding, by discussing the situation with their line manager.

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

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

19) Flexible Working:

All staff can request flexible working, not just parents and carers. However, becoming a parent or carer and looking after children might make you think again about your flexible working options.

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

20) Monitoring Arrangements:

This policy will be reviewed annually by the Policy Review Committee.

21) Links to Other Policies:

This policy links to the following policies:

- Carer's Leave Policy,
- Data Protection Policy,
- Equality Information Objectives Policy
- Flexible Working Policy,
- Health and Safety Policy,
- Menopause Policy,
- Staff Code of Conduct Policy,
- Staff Mental Health and Wellbeing Policy,
- Staff Health & Absence Policy.