



Family Friendly Policy & Procedure

Last Update: September 2022 (version 2.0)

Document Control

Changes History

Version	Date	Amended by	Recipients	Purpose
1.0	May 2020	New Policy	All Plymouth CAST staff	New Policy
2.0	September 2022	HR	All Plymouth CAST staff	Policy review

Approvals

This policy requires the following approvals:

Board	Chair	CEO	Date Approved	Version	Date for Review
x			29/05/2020	1.0	May 2022
x			22/7/2022	2.0	September 2023

National/Local Policy

☐ This policy must be localised by Academies

☐ This policy must not be changed, it is a CAST/National Policy (only change logo, contact details and any yellow highlights)

Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement? ☒ Yes ☐ No If yes, the policy status is: ☒ Consulted and Approved ☐ Consulted and Not Approved ☐ Awaiting Consultation

Distribution

This draft document has been distributed to:

Position	Date	Version

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1. Vision and Values

- 1.1 Plymouth CAST is a multi-academy trust of Catholic schools which is part of the mission of the Catholic Church dedicated to human flourishing and the building of a kingdom of peace, truth and justice. The Trust is to be conducted in all aspects in accordance with canon law and the teachings of the Roman Catholic Church and at all times to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
- 1.2 Our vision and values are derived from our identity as a Catholic Trust. Central to our vision is the dignity of the human person, especially the most vulnerable. Our academies are dedicated to providing an education and formation where all our pupils and young people flourish in a safe, nurturing, enriching environment. All governors in our academies are expected to be familiar with the vision, mission, values and principles of the Trust and not in any way to undermine them. They should support and promote the vision and conduct themselves at all times in school and on school business according to the vision and principles of the Trust
- 1.3 Plymouth CAST expects all its employees to recognise their obligations to each school within the Multi-Academy Trust, the public, pupils and other employees and to provide consistently high standards of education and performance at all times and in accordance with Plymouth CAST's vision, mission and principles.

2. Introduction

- 2.1. Plymouth CAST recognises that a supportive approach in relation to employees managing work and family life is important in maintaining good employment relationships and staff retention.

3. Purpose

- 3.1. The Trust also recognises the importance of maintaining a safe, healthy and productive work life balance for all employees and ensures that it complies with statutory obligations underpinning employees managing their work and family life.
- 3.2. The Trust wants to ensure that appropriate support is in place for staff in a range of 'family' situations. This policy sets out the Trust's approach to maternity, paternity, adoption, shared parental and parental leave and pay and other family related matters.
- 3.3. The policy aims to ensure that all employees are treated fairly and consistently when undertaking a period of maternity, paternity, adoption, shared parental or parental leave and to ensure that all staff are aware of their rights and entitlements for these situations.
- 3.4. Employees wishing to request a change to their working pattern should put their request in writing to the relevant Line Manager/Headteacher/Executive Headteacher. All requests will be considered fairly and in line with business needs.

4. Scope

- 4.1. This policy relates to all staff employed by Plymouth CAST who meet the specific eligibility criteria as set out below.
- 4.2. Statutory entitlements are those that are provided for in employment law.
- 4.3. Contractual entitlements are those that are provided for within the employee's contract of employment.
- 4.4. Whilst an employee is on maternity, paternity, adoption, shared parental or parental leave all contractual benefits, except pay, will continue as normal.
- 4.5. No-one who makes a request for maternity, paternity, adoption, shared parental or parental leave will be subjected to any detriment or have any career development opportunities withheld by the Trust as a result.
- 4.6. This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation with staff and recognised trade unions.

5. Maternity Leave and Pay

- 5.1. To qualify for maternity leave, the employee must inform the Trust by the end of the 15th week before the expected week of childbirth (EWC) of their intention to take maternity leave. Ideally, they will also provide the date from which they wish to do so. However, if they are unable to provide the date, they intend to commence their maternity leave, they must do so as soon as possible and no later than 28 days before the start date.
- 5.2. The employee should also supply their line manager with a MAT B1 form (this is a certificate provided by a registered medical practitioner or certified midwife stating the EWC).
- 5.3. The Trust has a duty of care to all employees in relation to health and safety. Once the Trust has been informed of the employee's pregnancy, a suitable risk assessment of the workplace will be undertaken, and applicable adjustments will be put in place to support the employee and mitigate risks. It may also be necessary for further risk assessments to be conducted during the period prior to maternity leave being taken. In some cases, if risks cannot be avoided, this may mean offering the employee suitable alternative work (if available) temporarily on terms and conditions that are not less favourable.
- 5.4. Pregnant employees have the right to 52 weeks maternity leave, regardless of their length of service. The first 26 weeks leave is known as 'Ordinary Maternity Leave' (OML) and the last 26 weeks is known as 'Additional Maternity Leave' (AML).
- 5.5. The earliest that the maternity leave can commence is 11 weeks before the Expected Week of Childbirth (EWC), unless the baby is born prematurely.
- 5.6. Employees must take at least 2 weeks maternity leave after the birth of their baby before returning to work known as 'Compulsory Maternity Leave' (CML).

- 5.7. When the baby is born earlier than the intended start date of maternity leave, the maternity leave will commence the day after the birth. The employee should let the Trust know if this occurs as soon as possible.
- 5.8. When the employee is absent from work for pregnancy related reasons during the 4 weeks prior to the expected week of childbirth (EWC), their maternity leave will start automatically.
- 5.9. In circumstances where the baby is stillborn after the 24th week of pregnancy, or where a baby dies after birth, the employee will still qualify for maternity leave and pay, subject to the normal eligibility criteria.
- 5.10. Employees may be entitled to statutory and contractual maternity pay subject to their length of continuous service. Entitlements are outlined in **Appendix 1** for teaching staff and **Appendix 2** for support staff. Contractual entitlements are based on length of continuous service with all public authorities to which the Local Government Redundancy Payments Modification Order 1999 applies.
- 5.11. Pregnant employees are entitled to paid time off for routine antenatal appointments. However, employees are expected to arrange antenatal appointments at dates and times which minimise the impact on working time as far as possible.
- 5.12. An expectant father or partner of a pregnant woman is able to take paid time off work to attend two antenatal appointments. Employees are expected to arrange antenatal appointments at dates and times which minimise the impact on working time as far as possible. In cases where the pregnant woman experiences complication or requires further medical intervention, further paid time off may be granted at the discretion of the Headteacher/Executive Headteacher/Line Manager
- 5.13. An employee has the right to request up to 10 Keeping in Touch Days (KIT), these days are optional and can be used throughout the maternity leave period. Whilst the Trust is not obliged to facilitate paid KIT days, it is recognised that maintaining contact during maternity leave is important to ensure that the employee is kept up to date with developments in the workplace. This is beneficial to both parties to ensure the employee is well equipped to return to work following maternity leave as effectively and successfully as possible. However, such KIT days are different to the reasonable contact that employers and employees may make with one another and as such, the Trust will only utilise and approve the use of paid Keeping In Touch days (maximum of 10) where there is clear business justification for the Keeping In Touch day to take place. Therefore, the purpose of any KIT days will need to be discussed between the employee and line manager in order to establish how they will be best utilised to assist the employee to return to work effectively.
- 5.14. Both parties should be aware when discussing KIT day proposals that:
- 5.14.1. The use of KIT days would need to be approved by Line Manager/Headteacher/Executive Headteacher;
- 5.14.2. Where a KIT day has taken place, provided authorised in advance in accordance with Trust procedure, an employee is entitled to their normal rate of pay.
- 5.15. All employees who have been on Ordinary Maternity Leave (1st to 26th week of maternity leave) have a right to return to the same job that they were employed in prior to their leave and on terms and conditions no less favourable than they would have been had they not been on maternity leave. Employees who have been on Additional Maternity Leave (27th to 52nd week of maternity leave), have a right to return to the same job role that they were employed in prior to their leave

and on terms and conditions no less favourable than they would have been had they not been on maternity leave or, where this is not possible, to a suitable alternative role.

- 5.16. An employee is not required to give notice of their intention to return to work following maternity leave unless they return before the end of the 52nd week period, in which case they must give at least 28 days' notice of their intention to return. The Trust will also require 28 days' notice if the employee wishes to change their intended date of return.
- 5.17. In circumstances where an employee has received full contractual maternity pay entitlements, it is expected that they will return to work for at least 13 weeks. In the event of the employee not being available, or being unable to return to her job for the required period, she shall refund such sum after the first six weeks' payment as the employer at their discretion may decide. Payments made by way of SMP are not refundable. If the employee has returned to work on reduced hours, the 13-week period will be extended proportionately.
- 5.18. If the employee wishes to resign their employment, the normal contractual notice period applies.

6. Paternity Leave and Pay

- 6.1. Employees may be entitled to paternity leave and pay if they and their partner are having a baby, adopting a child or having a baby through a surrogacy arrangement.
- 6.2. Employees are entitled to paternity leave if they have worked for the Trust continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth and:
 - 6.2.1. are either the baby's biological father or are the spouse, civil partner or partner of the expectant mother; and
 - 6.2.2. are taking the time off to support the mother or care for the child; and
 - 6.2.3. have, or expect to have, responsibility for the upbringing of the child.
- 6.3. Employees must inform the Trust no later than the 15th week before the expected week of childbirth of their intention to take paternity leave.
- 6.4. Eligible employees who have provided the appropriate notice are entitled to take 1 or 2 weeks paternity leave; this can be taken as 1 single week or as 2 consecutive weeks. For this purpose, a week is deemed to be the same number of days an employee ordinarily works in a week.
- 6.5. Paternity leave must not start before the birth, but can start:
 - 6.5.1. on the actual date of birth
 - 6.5.2. on an agreed number of days after the birth
 - 6.5.3. on an agreed number of days after the expected week of childbirth.
- 6.6. Paternity leave must finish within 56 days of the birth or due date where the baby has been born early. This does not apply to adoption leave.

- 6.7. Employees entitled to paternity leave may also be entitled to statutory paternity and contractual pay as follows:
 - 6.7.1. First week of paternity leave – full contractual pay
 - 6.7.2. Second week of paternity leave – statutory paternity pay (provided the employee earns an average of at least the Lower Earnings Limit (LEL)).
- 6.8. In circumstances where the baby is born early, employees are entitled to paternity leave, provided that they have worked for the Trust continuously for at least 26 weeks by the expected week of childbirth.
- 6.9. In circumstances where the baby is stillborn after the 24th week of pregnancy, or where a baby dies after birth, the employee will still qualify for paternity leave and pay provided they met the eligibility criteria.
- 6.10. Employees who are the baby's father, expectant mother's spouse or partner or intended parents of a surrogacy arrangement are able to take paid leave to attend up to 2 antenatal appointments. Employees are expected to arrange antenatal appointments at dates and times which minimise the impact on working time as far as possible.

7. Adoption Leave and Pay

- 7.1. Employees have the right to 52 weeks adoption leave, regardless of their length of service. The first 26 weeks leave is known as 'Ordinary Adoption Leave' and the last 26 weeks is known as 'Additional Adoption Leave'.
- 7.2. Employees are entitled to adoption leave when they provide proof of adoption and when they have informed the Trust of their intention to take adoption leave within 7 days of being 'matched with a child' or receiving 'official notification' if adopting from overseas. The Trust requires the following information from employee's:
 - 7.2.1. an indication of how much leave they intend to take.
 - 7.2.2. the date with which they intend to start their leave.
 - 7.2.3. date of placement.
- 7.3. The Trust will write to the employee within 28 days to confirm the start and end dates of Adoption Leave.
- 7.4. Employees must tell the Trust within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.
- 7.5. If the employee jointly adopts a child with their partner, one will be entitled to take adoption leave and the other will be entitled to take paternity leave, subject to the eligibility criteria outlined above. Alternatively, shared parental leave can be considered.
- 7.6. Adoption leave can commence:
 - 7.6.1. up to 14 days before the date the child starts living with the employee (UK adoptions)
 - 7.6.2. no later than the date of placement for the child (UK adoptions)

- 7.6.3. when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- 7.6.4. the day the child is born or the day after (if a surrogate has been used)
- 7.7. Adoption leave must last a minimum of 2 weeks from the date the adopted child is placed.
- 7.8. Employees must give the Trust at least 28 days' notice if they wish to change the date in which they intend to return to work.
- 7.9. Employees may be entitled to statutory and contractual adoption pay subject to their length of continuous service and earnings level. Adoption leave pay will commence on the date that the employee takes up adoption leave. Entitlements are outlined in **Appendix 1** for teaching staff and **Appendix 2** for support staff.
- 7.10. Contractual entitlements are based on length of continuous service with all public authorities to which the Local Government Redundancy Payments Modification Order 1999 applies.
- 7.11. If an employee is the main adopter, they are entitled to paid time off to attend 5 adoption appointments which can be taken once a child to adopt has been identified but prior to adopting the child.
- 7.12. Employees are not eligible for adoption leave if:
 - 7.12.1. an adoption has been arranged privately
 - 7.12.2. they become a special guardian or kinship carer
 - 7.12.3. they adopt a stepchild
 - 7.12.4. they adopt a family member
- 7.13. Where a surrogacy arrangement is in place and an employee wishes to take adoption leave for such circumstances, the Trust will require notice of the employee's intention to take adoption leave at least 15 weeks before the expected due date. The Trust will request a statutory declaration that confirms the employee's application or intention to apply for a parental/adoption order in the 6 months after the child's birth.
- 7.14. Adoption Keeping in Touch Days (KIT) – the same principle applies for adoption KIT days as outlined for KIT days under section 5.13. Where a clear business justification has been identified for the adoption KIT day(s) to go ahead (up to a maximum of 10) this will need to be in agreement with the Line Manager/Headteacher/Executive Headteacher. When an adoption KIT day has taken place, provided authorised in advance in accordance with Trust procedure, the employee is entitled to their normal rate of pay.

8. Shared Parental Leave

- 8.1. Subject to eligibility, shared parental leave (SPL) is available to each parent of the child and allows both parents the opportunity to play an active role in caring for the child during the first year of birth or adoption. Both parents must share the main responsibility for the care of the child at the time of the birth/placement of adoption. SPL can only be used by:

- 8.2.
 - 8.2.1. the mother/adopter and
 - 8.2.2. one of the following:
 - the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/adopter.
- 8.3. An employee who is intending to take shared parental leave must give their Line Manager/Headteacher/Executive Headteacher notification of their entitlement and intention to take SPL at least 8 weeks before they can take any period of SPL. The eligibility criteria requires the employee to provide the following:
 - 8.3.1. the name of the employee;
 - 8.3.2. the name of the other parent;
 - 8.3.3. the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
 - 8.3.4. the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
 - 8.3.5. the amount of SPL the employee and their partner each intend to take
 - 8.3.6. a non-binding indication of when the employee expects to take the leave.
- 8.4. The employee must also provide the Trust with a signed declaration stating:
 - 8.4.1. that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
 - 8.4.2. that the information they have given is accurate;
 - 8.4.3. if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
 - 8.4.4. that should they cease to be eligible they will immediately inform the Trust.
- 8.5. The employee must provide the Trust with a signed declaration from their partner confirming:
 - 8.5.1. their name, address and national insurance number (or a declaration that they do not have a national insurance number);
 - 8.5.2. that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
 - 8.5.3. that they satisfy the 'employment and earnings test' (see "Who is eligible for Shared Parental Leave?" above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
 - 8.5.4. that they consent to the amount of SPL that the employee intends to take;
 - 8.5.5. that they consent to the Trust processing the information contained in the declaration form; and

- 8.5.6. (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 8.6. The Trust within 14 days of SPL entitlement notification being given, request:
- 8.6.1. the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
 - 8.6.2. In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
 - 8.6.3. in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
- 8.7. To be entitled to SPL, the employee must produce this information within 14 days of the Trust's request.
- 8.8. Shared parental leave can be taken during one set continuous period of time or in block periods (maximum of 3 per parent, minimum of 1 week per block period). Subject to eligibility, a set, continuous period of shared parental leave will be accepted. Any requests for discontinuous leave (block periods) will need to be considered in line with the business needs of the Trust.
- 8.9. The amount of shared leave available is 52 weeks less the amount of maternity/adoption leave the mother/adopter has already taken during the 52-week period of entitled maternity/adoption leave. A mother must take the minimum period of 2 weeks following the birth. There is also a minimum period of 2 weeks following the date in which a child is placed for adoption. Therefore, a maximum of 50 weeks of Shared Parental Leave will be available.
- 8.10. Any shared parental leave that is not taken by the first birthday of the child or first anniversary of placement for adoption will be lost.
- 8.11. In addition to the eligibility criteria outlined in paragraph above, the following criteria must also be satisfied
- 8.11.1. the employee or their partner must be entitled to take maternity, paternity or adoption leave; and
 - 8.11.2. the employee must have at least 26 weeks continuous employment with the Trust by the end of the Qualifying Week; and
 - 8.11.3. the employee must still be employed by the Trust in the week before the leave is to be taken.
- 8.12. Employees are eligible for statutory shared parental pay if they:
- 8.12.1. are eligible for statutory maternity or adoption pay
 - 8.12.2. are eligible for statutory paternity pay and the employee's partner is eligible for statutory maternity pay.

- 8.13. In addition to the above outlined eligibility criteria, during the 66 weeks before the baby's due date (or the date that an employee is matched with an adopted child) an employee's partner must meet the 'employment earnings test':
- 8.13.1. have been working for at least 26 weeks (this does not have to be in a row)
 - 8.13.2. have earned at least the statutory minimum salary in 13 of the 66 weeks.
- 8.14. Shared parental leave can only start once the child has been born or placed with the employee for adoption and after the initial 2-week compulsory period of maternity or adoption leave has taken place.
- 8.15. To commence shared parental leave the mother or the person on adoption leave has to either:
- 8.15.1. return to work, or;
 - 8.15.2. provide the Trust with 'binding notice' that they intend to return to work before commencing shared parental leave. Maternity/adoption leave and pay must have also come to an end.
- 8.16. Shared parental leave and pay can commence whilst an employee's partner may still be on maternity or adoption leave, as long as the 'binding notice' has been served to end the leave. The Trust will request proof of this binding notice in order to allow the employee to commence shared parental leave.
- 8.17. Written notice of entitlement to take shared parental leave, pay and relevant documentation must always be provided to the Trust at least 8 weeks before the intended start date of the shared parental leave. 8 weeks' notice is also required for any change in plans to shared parental leave.
- 8.18. Although eligible employees are entitled to shared parental leave, a discussion must take place with the Trust before confirming the final leave dates. Discontinuous shared parental leave may be refused for justified business reasons; in such circumstances a continuous period of leave will be authorised.
- 8.19. Shared parental leave will be paid in line with statutory entitlements.
- 8.20. Decisions to withdraw binding notice to end maternity or adoption leave by the employee can be made under special circumstances, these being:
- 8.20.1. the planned end date for maternity or adoption leave hasn't passed;
 - 8.20.2. the employee hasn't already returned to work after a period of maternity or adoption leave; and one of the following must also apply:
 - 8.20.3. an employee finds out during the 8-week notice period before commencing shared parental leave that neither they nor their partner is entitled to shared parental leave or pay;
 - 8.20.4. the mother's or main adopter's partner has died;
 - 8.20.5. the mother tells the Trust less than 6 weeks after giving birth (whilst also having given the correct maternity notice before the birth).

- 8.21. In circumstances where the baby is born early and notice of shared parental leave has been confirmed between employee and employer, the employee may continue with the arrangements that have been made.
- 8.22. In circumstances where the baby is born 8 weeks or more earlier than the expected due date and notice of shared parental leave hasn't been received from the employee, there is no requirement to give 8 weeks' notice, but should be given as soon as practicably possible after the birth.
- 8.23. Shared Parental Leave in Touch Days (SPLIT) – the same principle applies for SPLIT days as outlined for KIT days at paragraph 5.13. Where a clear business justification has been identified for the SPLIT day(s) to go ahead (20 maximum per employee, 20 per partner), this will need to be in agreement with Line Manager/Headteacher/Executive Headteacher. When a SPLIT day has taken place, provided authorised in advance in accordance with Trust procedure, the employee is entitled to their normal rate of pay.
- 8.24. In circumstances where the child dies before, during or after birth, and employees have already opted into shared parental leave, they will still be entitled to take the leave. Where an employee has not yet submitted notice of their eligibility at the point of the child passing away, they cannot opt into shared parental leave. If employees wish to return to work before the end of the agreed shared parental leave dates, they will need to provide the Trust with 8 weeks' notice.
- 8.25. Shared parental leave will immediately cease in circumstances where an employee is no longer responsible for caring for the child (except when the child has died), employees in these circumstances must inform the Trust immediately they cease to care for the child.
- 8.26. If an employee's employment comes to an end whilst they are still entitled and claiming shared parental leave and pay, then any remaining weeks of pay will usually remain payable unless the employee commences employment elsewhere.

9. Contact

- 9.1. Prior to the period of leave commencing the Trust will discuss arrangements with the employee for how contact will be maintained during the period of leave. The Trust reserves the right to maintain reasonable contact with the employee from time to time.
- 9.2. This 'contact' does not constitute 'work' and such contact will not bring the period of leave to an end.
- 9.3. During the period of leave, line managers must keep employees informed about promotion opportunities and information relating to the job which the employee would normally be aware of when working.
- 9.4. Where possible employees should be sent copies of all staff newsletters and any relevant information relating to the school or their place of work.

10. Parental Leave

- 10.1. Parental leave is available to eligible employees to look after their child's welfare.

10.2. Employees are eligible for parental leave if:

10.2.1. they have been employed by the Trust for more than one year; and

10.2.2. they fulfil one of the following three requirements:

- they are named on the child's birth or adoption certificate; or
- they have or expect to have parental responsibility**; or
- they are a foster parent who has secured parental responsibility through the courts.

10.2.3. and the child is under 18

***A mother automatically has parental responsibility for her child from birth. A father usually has parental responsibility if he is married to the child's mother or is listed on the birth certificate.*

10.3. Parental leave is unpaid.

10.4. Employees are entitled up to 18 weeks parental leave per child up to their 18th birthday.

10.5. Employees can take a maximum of 4 weeks in any year for each child. Therefore, for example, an employee with twins can take up to 8 weeks in any one year.

10.6. Parental leave must be taken as whole weeks not individual days. Whole weeks are classed as the number of days the employee normally works during a 7-day period.

10.7. Where it may be required, the Trust will ask for documentation to prove the employee's parental responsibility to the child before agreeing the leave dates. Examples of documentation include:

10.7.1. Child's birth certificate;

10.7.2. Papers confirming the child's adoption or date of placement for adoption.

10.7.3. Parental order for surrogate parents.

10.8. Employees are required to provide written notice to the Trust outlining their intention to take parental leave. 21 days' notice is required before the intended leave date. In circumstances when a baby is due to be born or is placed for adoption, the employee is required to provide 21 days' notice before the due date/placement date. Start dates and end dates of intended leave are required from the employee to ensure the Trust can plan accordingly for the period of absence.

10.9. The Trust can delay or postpone parental leave where there is a significant business reason to do so. If this is the case the Trust will write to the employee within 7 days of receiving the request stating the reasons for postponement and providing alternative dates for leave to be taken.

11. Annual leave for staff

11.1. The annual leave year for employees runs from September to August. All employee's will accrue annual leave throughout the whole period of their maternity, adoption or paternity leave.

- 11.2. The annual leave can be offset against any period of school closure that has taken place in the leave year in question, that is both before and after the maternity leave period.
- 11.3. Teachers have a statutory right to 28 days of holiday. Schools generally have closure periods of 65 days per year. For teaching staff, it is therefore considered that statutory annual leave is taken during school closure periods.
- 11.4. Statutory annual leave holiday entitlement cannot be taken during periods of ordinary maternity leave or additional maternity leave. However, if due to taking maternity leave the teacher is unable to use her statutory holiday within the particular holiday year, she would be able to carry over the untaken statutory entitlement into the following holiday year. Payment in lieu of annual leave cannot be made in circumstances where a teacher resumes her job at the end of her maternity leave.
- 11.5. Support staff employed to work all year round accrue annual leave entitlements during maternity, paternity, adoption, shared parental leave and parental leave. Support staff employed to work less than all year round have their annual leave entitlement built into their pay as an additional sum.
- 11.6. A discussion relating to annual leave will take place with those employees who work all year round prior to the commencement of leave to plan how this will be taken.
- 11.7. Where possible, it is advised that employees take any outstanding annual leave before they go on maternity/adoption or paternity leave.
- 11.8. If employees have concerns relating to when they will be able to take their annual leave these matters should be raised as soon as possible with their line manager/Headteacher/Executive Headteacher.

12. Multiple Children in One Birth

- 12.1. Employees are not entitled to additional leave or pay entitlements for maternity, paternity, adoption, shared parental and/or parental leave if they are expecting more than one child within the same birth/adoption. The eligibility criteria and entitlements are the same regardless of the number of children in one birth.

13. Breastfeeding

- 13.1. The Trust recognises its duty and legal obligation to support breastfeeding mothers in their return to work and therefore, in discussion with the employee, will provide appropriate facilities for the mother whilst continuing to breastfeed which are mindful to both privacy and hygiene.
- 13.2. Prior to an employee's return to work the employee will need to inform the Trust in writing of their intention to continue breastfeeding. This will enable the Trust to discuss and consider temporary adjustments or working arrangements with the employee if they wish to express breastmilk during their working day whilst also giving consideration to the everyday operation of the Trust.
- 13.3. On return to work, employees will be asked if they need suitable refrigerator storage for expressed milk and if so, the Trust will provide adequate facilities.

14. Foster Parents

- 14.1. The Trust recognises the positive role that foster parents can play in young people's lives. Whilst there is no statutory right to paid time off for employees who foster a child, except in a "foster to adopt" situation, employees with at least 26 weeks' continuous service may make a request to the Trust for flexible working. Eligible foster carers will be able to use the Flexible Working request process to seek a working pattern that fits with their caring responsibilities.
- 14.2. Employees who have a child placed with them in a "foster to adopt" situation may be entitled to adoption leave and pay.

15. Surrogacy Arrangements

- 15.1. If an employee acquires an Adoption Order as a result of a surrogacy arrangement which results in them being the legal parent of the child with parental responsibility, they may be entitled to adoption leave and pay.
- 15.2. Employees who have adopted a child as a result of a surrogacy arrangement may also be entitled to unpaid Parental Leave.

16. Appraisal

- 16.1. The Trust is committed to ensuring all staff receive an annual appraisal and will consider the appraisal cycle when employees are taking a period of maternity, adoption, paternity, parental or shared parental leave. Depending on when the employee commences their period of leave, the appraisal will be done on the basis of the employee's performance prior to and/or following the period of leave in accordance with the Trust's Appraisal Policy and procedures. It is therefore recommended that the 'appraiser' (usually the employee's line manager) discusses the appraisal cycle with the employee and conducts a review with the employee if appropriate, prior to the period of leave commencing.
- 16.2. Upon the employee's return work following the period of leave the appraiser will agree the objectives and expectations of the employee for the remainder of that review period and will review them as part of the next appraisal period.

17. Review

- 17.1. The content of this procedure may be subject to revision from time to time following consultation with the recognised trade unions.
- 17.2. History of policy changes

Date	Page	Details of the change	Agreed by
	All	Board Approval for adoption	CAST Board

Policy to be reviewed by the Plymouth CAST Board in consultation with the JCC in March 2021 or when legislation changes or operational reasons arise.

Appendix 1 - Teacher Maternity/ Adoption Leave and Pay Entitlements	What service do I have?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to?
	Less than 26 weeks service , as at the 15 week before the expected week of childbirth. (Irrespective of hours worked)	Option A I would like to return to work	Up to 52 weeks' absence in total including up to 11 weeks before the expected week of childbirth	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
		Option B I would like to resign at the end of my maternity leave	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
	26 weeks or more as at 15th week before expected week of childbirth And less than 1 years' service as at the 11 th week before the expected week of childbirth (EWC) (Irrespective of hours worked)	Option C I would like to return to work	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
		Option D I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: - Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
		Option E I would like to resign at the end of my maternity leave	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: - Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP
	At least 1 year's continuous service as at the 11 th week before the expected week of childbirth. (Irrespective of hours worked)	Option F I would like to return to work	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	4 weeks at full pay and 2 weeks at 90% of full pay, followed by, 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings: - 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
		Option G I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings: - 33 weeks lower rate SMP and the remainder unpaid. The 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks
		Option H I would like to resign at the end of my maternity leave	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings: - 33 weeks lower rate SMP

Appendix 2 - Support Staff Maternity/Adoption Leave and Pay Entitlements	What service do I have?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to?
	Less than 26 weeks service , as at the 15 week before the expected week of childbirth. (Irrespective of hours worked)	Option A I would like to return to work	Up to 52 weeks' absence in total including up to 11 weeks before the expected week of childbirth	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
		Option B I would like to resign at the end of my maternity leave	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
	26 weeks or more as at 15th week before expected week of childbirth And less than 1 years' service as at the 11 th week before the expected week of childbirth (EWC) (Irrespective of hours worked)	Option C I would like to return to work	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: - Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
		Option D I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: - Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
		Option E I would like to resign at the end of my maternity leave	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: - Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP
	At least 1 year's continuous service as at the 11 th week before the expected week of childbirth. (Irrespective of hours worked)	Option F I would like to return to work	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	4 weeks at full pay and 2 weeks at 90% of full pay, followed by, 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings: - 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
		Option G I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: - 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP and the remainder unpaid. 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks
		Option H I would like to resign at the end of my maternity leave	Up to 52 weeks leave in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: - 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP.