

Maternity, paternity and Family Leave Policy

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1. Purpose

The Balcarras Trust (“the Trust”) is committed to supporting employees through pregnancy, maternity, paternity, and neonatal care.

This policy sets out the statutory and occupational provisions that apply to all staff and ensures consistent treatment across all academies within the Trust.

The Trust complies with:

- Employment Rights Act 1996;
- Maternity and Parental Leave etc. Regulations 1999;
- Paternity and Adoption Leave Regulations 2002;
- The *Burgundy Book* and *School Teachers’ Pay and Conditions Document (STPCD)* for teachers;
- The *Green Book* (National Joint Council for Local Government Services) for support staff;
- The *Neonatal Care (Leave and Pay) Act 2023*; and
- The Equality Act 2010.

2. Scope

This policy applies to all employees of The Balcarras Trust, including permanent, fixed-term, full-time, and part-time staff.

- Teachers are covered by the *Burgundy Book* and *STPCD* provisions.
- Support staff are covered by the *Green Book* (NJC) terms.
Where conditions differ, the relevant national scheme applies.

3. Definitions

Term	Meaning
EWC	Expected Week of Childbirth.
OML	Ordinary Maternity Leave (first 26 weeks).
AML	Additional Maternity Leave (weeks 27–52).
SMP	Statutory Maternity Pay.
OMP	Occupational Maternity Pay.
SPL	Shared Parental Leave.

Term	Meaning
KIT Days	Keeping in Touch days – up to 10 workdays during maternity leave.
Paternity Leave	Leave for partners or nominated carers following the birth or adoption of a child.
Neonatal Care	Specialist hospital care for a baby aged 28 days or under for at least 7 consecutive days.

4. Notification Requirements

Employees must notify the HR Advisor and their Headteacher no later than the 15th week before the EWC (or as soon as practicable) of:

- the pregnancy;
- the EWC (supported by form MAT B1); and
- the intended start date of maternity leave.

The Trust will confirm the agreed arrangements in writing within 28 days.

5. Maternity Leave Entitlement

All employees are entitled to up to 52 weeks' maternity leave, regardless of service:

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

Leave may start no earlier than 11 weeks before the EWC, unless automatically triggered by pregnancy-related absence after the 36th week of pregnancy.

6. Maternity Pay

A. Teachers (Burgundy Book)

Teachers with at least 1 year's continuous service by the 11th week before the EWC are entitled to:

Period	Pay
Weeks 1–4	100% of salary (including SMP)
Weeks 5–6	90% of salary (including SMP)
Weeks 7–18	50% of salary + SMP (not exceeding full pay)
Weeks 19–39	SMP only

Period	Pay
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Weeks 40–52	Unpaid
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Teachers must return for at least 13 weeks (paid service) to retain Occupational Maternity Pay.

B. Support Staff (Green Book)

Support staff with at least 1 year's continuous local government service by the 11th week before the EWC are entitled to:

Period	Pay
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Weeks 1–6	90% of average weekly earnings (including SMP)
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Weeks 7–18	50% pay + SMP (not exceeding full pay)
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Weeks 19–39	SMP only
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Weeks 40–52	Unpaid
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Support staff with less than 1 years' service receive SMP only (if eligible).

7. Statutory Maternity Pay (SMP)

Eligibility requires:

- 26 weeks' continuous service by the 15th week before the EWC; and
- average weekly earnings at or above the lower earnings limit.

SMP is payable for 39 weeks (6 weeks at 90% pay and 33 weeks at the statutory flat rate).

8. Annual Leave

Support staff continue to accrue annual leave during maternity leave.

Teachers' annual leave entitlement is deemed to occur during school closure periods.

Any accrued leave should be taken before or after maternity leave by agreement.

9. Keeping in Touch (KIT) Days

Up to 10 KIT days may be agreed between the employee and manager for training or meetings during maternity leave.

Payment will be at the employee's normal daily rate and offset against SMP/OMP where applicable.

10. Antenatal Care

Pregnant employees are entitled to reasonable paid time off to attend antenatal appointments. Partners are entitled to unpaid time off for up to two antenatal appointments. Evidence of appointments may be requested.

11. Health and Safety

The Trust will conduct a risk assessment for pregnant and new mothers. If a risk cannot be mitigated, the employee will be offered suitable alternative work or suspended on full pay.

12. Stillbirth, Miscarriage, and Early Birth

- If a pregnancy ends after 24 weeks, full maternity rights apply.
- If before 24 weeks, sickness and compassionate leave provisions apply.
- If the baby is born early, maternity leave begins the day following birth.

13. Return to Work

Employees must give 8 weeks' notice if returning early. Employees returning after 52 weeks do not need to give notice unless changing the return date. Employees have the right to return to the same post or a suitable alternative with equivalent terms. Service and pay progression continue unaffected.

14. Flexible Working and Support on Return

The Trust will consider flexible working requests following maternity or paternity leave. Facilities for breastfeeding or expressing milk will be provided where practicable. The Trust offers access to wellbeing and employee assistance services for returning parents.

15. Paternity Leave and Pay

15.1 Eligibility

Employees may be entitled to paternity leave if they:

- have or expect to have responsibility for the child's upbringing; and
- are the baby's father, partner, or nominated carer of the mother; and
- have 26 weeks' continuous service by the 15th week before the EWC.

15.2 Entitlement

- Up to 2 weeks' paternity leave may be taken, either as one block or two separate one-week blocks (for births on or after 6 April 2024).
- Leave must be taken within 52 weeks of the birth or placement (for adoption).
- Employees may also take unpaid time off to attend up to two antenatal appointments.

15.3 Pay

Eligible employees will receive:

- Statutory Paternity Pay (SPP) at the statutory rate or 90% of average weekly earnings if lower. Employees not eligible for SPP may take unpaid leave.

15.4 Notification

Employees should notify the HR Advisor:

- by the 15th week before the EWC (or as soon as practicable), confirming:
 - the EWC;
 - intended start date; and
 - whether they wish to take one or two weeks' leave.

15.5 Terms and Conditions During Leave

- All contractual benefits (other than pay) continue during paternity leave.
- Continuous service is preserved for pension and pay purposes.
- Employees have the right to return to the same or equivalent post.

16. Shared Parental Leave (SPL)

Eligible employees may curtail maternity or adoption leave to take shared parental leave, enabling both parents to share up to 50 weeks of leave and 37 weeks of pay.

A separate Shared Parental Leave Policy sets out the full details.

16.1 Overview of Shared Parental Leave (SPL)

SPL allows eligible parents to share up to 50 weeks of leave and 37 weeks of pay following the birth or adoption of a child.

This enables parents to:

- Take leave separately or together;
- Take leave in one continuous block or in several shorter blocks;
- Share caring responsibilities flexibly in the first year of the child's life or adoption placement.

16.2 Eligibility Criteria

An employee is eligible for SPL if they:

1. Share responsibility for the child with their partner or joint adopter;
2. Are entitled to maternity or adoption leave (or their partner is entitled to it);
3. Have curtailed their maternity or adoption leave (or pay) to create SPL entitlement;
4. Have 26 weeks' continuous service with the Trust by the end of the 15th week before the EWC (or adoption placement); and
5. Remain employed by the Trust at the start of SPL.

The employee's partner must also meet an "employment and earnings test", meaning they worked for at least 26 of the 66 weeks before the EWC and earned above the lower earnings limit in 13 of those weeks.

16.3 Amount of Leave Available

- Up to 50 weeks of SPL are available, minus any maternity or adoption leave already taken.
- The mother or primary adopter must take at least 2 weeks' compulsory leave immediately following the birth or placement.
- SPL must be taken within 52 weeks of the child's birth or adoption.

16.4 Shared Parental Pay (ShPP)

Eligible employees may receive up to 37 weeks of Statutory Shared Parental Pay (ShPP) at the statutory rate or 90% of average weekly earnings (whichever is lower).

To qualify, both parents must:

- Meet the eligibility requirements for SPL; and
- Have earnings above the lower earnings limit.

Occupational pay under the Burgundy or Green Books does not extend to SPL; the Trust mirrors statutory entitlements only.

16.5 Notification Requirements

Employees must provide the following written notices to the HR Advisor:

(a) Maternity/Adoption Leave Curtailment Notice

The mother/adopter must give at least 8 weeks' notice to end maternity or adoption leave early to create SPL entitlement.

(b) Notice of Entitlement and Intention to Take SPL

Given at least 8 weeks before the first period of SPL begins, confirming:

- Names of both parents;
- EWC or adoption placement date;
- Total amount of SPL available and how much each parent intends to take; and
- Intended start and end dates for each period of leave.

(c) Period of Leave Notice

A formal request for specific leave dates, provided at least 8 weeks in advance.

Employees can submit up to three separate requests to vary or book leave.

16.6 Patterns of Leave

Weeks of SPL may be taken in one block or in up to three separate blocks (subject to Trust agreement and operational requirements) up to the first child's first birthday (or within one year of adoption placement). The Trust will grant continuous requests automatically, but discontinuous requests may be declined if operationally impractical.

Managers and the HR Advisor will work collaboratively with staff to find workable arrangements.

16.7 Changing or Cancelling SPL

An employee may vary or cancel agreed SPL by giving at least 8 weeks' notice before the new start date. Employees are permitted to make up to three notifications in total (including initial requests and any changes).

16.8 Terms and Conditions During SPL

During SPL:

- All contractual terms (except pay) continue, including pension, annual leave, and continuous service.
- Employees will continue to accrue statutory annual leave.
- Teachers' leave continues to be tied to school closure periods.

- Upon return, employees are entitled to the same or equivalent role with no detriment to pay, benefits, or seniority.

16.9 Shared Parental Leave In Touch (SPLIT) Days

Employees may agree to work up to 20 SPLIT days without ending SPL or affecting pay.

These are in addition to the 10 KIT days available during maternity/adoption leave.

SPLIT days are voluntary and subject to agreement with the line manager.

Payment will be at the normal daily rate.

16.10 Return to Work

- Employees returning after continuous SPL of 26 weeks or less have the right to return to the same job.
- If leave exceeds 26 weeks or is combined with other parental leave, return will be to the same or an equivalent job on equivalent terms.

Employees must give 8 weeks' notice of early return from SPL.

16.11 Flexible Working and Support

The Trust will consider flexible working requests to help manage work-life balance.

All requests will be considered under the Flexible Working Policy.

The Trust will also provide access to wellbeing support through its Employee Assistance Programme (EAP).

16.12 Equality and Non-Discrimination

No employee will be treated less favourably or dismissed for exercising their right to SPL or ShPP.

All decisions must comply with the Equality Act 2010 and the Trust's Equality, Diversity, and Inclusion Policy.

16.13 Record Keeping

The HR Advisor will maintain accurate records of:

- Notices of entitlement and leave;
- ShPP payments; and
- Correspondence relating to SPL.

All records will be kept confidentially and in line with GDPR.

17. Neonatal Care Leave and Pay

17.1 Purpose

The Balcarras Trust recognises the challenges faced when a newborn requires extended hospital care. This section provides support for parents during such periods.

17.2 Eligibility

Employees are eligible if:

- their baby is 28 days old or younger, and
- admitted to hospital for at least 7 consecutive days immediately after birth.

This applies to one or both parents, including adoptive and intended parents.

17.3 Entitlement

- Up to 12 weeks' Neonatal Care Leave for each affected child.
- Must be taken within 68 weeks of the birth.
- Leave is in addition to maternity, paternity, and shared parental leave.

17.4 Pay

Employees with at least 26 weeks' continuous service and sufficient earnings will receive Statutory Neonatal Care Pay (SNCP) for up to 12 weeks at the statutory rate.

Others may take unpaid leave; the Trust may offer discretionary support.

17.5 Notification and Evidence

Employees must notify the HR Advisor as soon as reasonably practicable, providing:

- confirmation of the birth, and
- hospital documentation confirming the admission.

Leave may be taken in one block or in shorter periods by agreement.

17.6 Relationship to Other Leave

Neonatal leave may follow maternity, paternity, or adoption leave and does not affect other entitlements.

17.7 Return to Work

Employees retain the right to return to the same or an equivalent post.

Continuous service, pay progression, and pension rights are unaffected.

17.8 Wellbeing Support

The Trust offers access to pastoral and counselling services via its Employee Assistance Programme for any employee affected by neonatal care circumstances.

18. Procedure Summary

Stage	Action	Responsibility
Notification of pregnancy / paternity intention	Written notice to HR/Headteacher	Employee
HR Advisor confirms entitlements in writing	Within 28 days	HR Advisor
Leave commences	On agreed date	Employee
KIT/SPLIT/Neonatal care days	By mutual agreement	Line Manager & Employee
Return to work	At agreed or statutory date	Employee
Post-return meeting	Within 4 weeks	Line Manager

19. Policy Review

This policy will be reviewed every two years or sooner if legislation changes.