

FAMILY AND PARENTAL LEAVE POLICY

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As part of our focus on diversity and inclusion, BDAT pledges that our policies will seek to promote equality, fairness, and respect for all staff and students. Our policies reflect the BDAT ICARE values of inclusion, compassion, aspiration, resilience, and excellence. By working closely with a range of stakeholders, such as our school, union, and HR colleagues, we have ensured that BDAT's policies do not unlawfully discriminate against anybody.

Introduction

This policy has been provided as a Trust level resource for BDAT and does not form part of an employee's terms and conditions of employment. This policy applies to all BDAT employees alongside the NJC (Green Book) Conditions of Service for Non-teaching staff and the Burgundy Book (Conditions of Service for School Teachers in England and Wales), for Teaching staff.

The purpose of this policy is to provide details about entitlements to leave and pay for the following circumstances: maternity leave, paternity leave, adoption, parental leave.

Maternity leave and pay (including surrogates)

- (a) *Your right to Maternity Leave and your eligibility for Maternity Pay are determined by your length of continuous service. The trust recognises all previous continuous service as defined by the Green Book, Burgundy Book, and statutory legislation. This means your prior service in recognised sectors counts toward your entitlements here as if it were service with the Trust*
- (b) *Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.*
- (c) *If a premature birth and death occur prior to 24 weeks and the birth is registered, then this is also classed as childbirth.*

Eligibility

All staff employed by BDAT who are pregnant are entitled to maternity leave regardless of length of service or hours worked each week. Benefits will vary depending on length of service, hours or pay. Volunteers and Agency Workers are not covered by this policy.

Ante-natal care

All staff members who are pregnant, regardless of their length of service, or hours of work, are entitled to reasonable time off with pay for ante-natal appointments made on the advice of a registered medical practitioner, midwife or health visitor. The Line Manager should be notified of the pregnancy as soon as it has been confirmed, and the date and time of any ante-natal appointments, evidence of appointments will be required.

Duties during pregnancy

Once informed in writing of an employee's pregnancy, an individual Maternity Risk Assessment will be carried out, in consultation with the employee, to identify any risk to the employee or the baby's health. A template is included within Appendix A. Regular health and safety discussions will be carried

out between the employee and their line manager until maternity leave commences. All staff members who are pregnant, regardless of their length of service or hours of work, are entitled to be offered alternative duties if at any time during their pregnancy they become unable for health and safety reasons to continue to perform some or all of the duties for which they are employed. If alternative work is not available, they may be suspended on full pay for as long as they are unable to perform their duties. Medical evidence that they are unable to perform their duties will normally be required.

Statutory Maternity Pay (SMP)

- (i) All staff members who have been continuously employed by the Trust for 26 weeks at the beginning of the 15th week before the expected week of confinement (EWC) are entitled to statutory maternity pay, provided they earn the minimum amount specified by law (which is subject to review annually).
- (ii) The rate of SMP is 90% of average weekly earnings for the first 6 weeks, followed by a rate equivalent to the current rate of Statutory Sick Pay (which is subject to review annually) for a further period of up to 33 weeks. SMP is not payable before the employee has ceased work because of pregnancy or after they have returned to work.
- (iii) To qualify for the right to maternity pay, the employee must notify the line manager, in writing, that they are pregnant and of the expected week of childbirth and produce the Mat B1 Certificate signed by a doctor or registered midwife confirming the expected week of childbirth. The employee must also provide by the 15th week (notification week) before the EWC, in writing, the date when they intends to take leave.
- (iv) If an employee does not qualify for SMP, please request a form SMP1 from the HR Manger/School Business Manager detailing the reasons why. This should be taken to the local Jobcentre Plus Office as it is likely that they will be entitled to either Maternity Allowance or Incapacity Benefit. For further details of any state benefits, contact their local Jobcentre Plus or <https://find-your-nearest-jobcentre.dwp.gov.uk/>

Occupational Maternity Pay (OMP)

Occupational Maternity Pay (OMP) is available to employees who have completed at least one year's continuous service at the 11th week before the EWC and who confirm in writing their intention to return to work after maternity leave.

Non-teaching staff

For non-teaching staff, staff entitled to OMP will receive half pay plus SMP for a further 12 weeks. However, half pay plus SMP cannot exceed full pay. The Trust expects non-teaching staff to return to their role or another school/ role within the Trust for at least 3 months. If a staff member does not do this the Trust may require the staff member to refund some or all of the OMP that they have received. They will not be required to refund any SMP pay that forms part of their OMP. This does not represent a detriment to the Green Book in any way.

Therefore, non-teaching staff who qualify for OMP will be entitled to receive:

- For the first six weeks of leave, they will be entitled to 9/10ths (90%) of their week's pay
- If the employee has declared their intention to return to work, they will be entitled to 12 weeks of leave at half pay (or alternative equivalent arrangement – see above) plus the lower rate SMP which is paid at the lower of:
 - 90% of average weekly earnings, or
 - the statutory rate set by government as long as the total maternity pay does not exceed full pay.

Teaching staff

For teaching staff OMP is paid on the understanding that the employee will return to their role or another school/ role within the Trust for at least 13 weeks (or longer equivalent period if they return on fewer hours than they were previously working) excluding any period of unpaid parental leave.

A teacher who qualifies for OMP will be entitled to receive:

- Full pay for the first four weeks of leave (off-set against SMP)
- Two weeks paid at 9/10ths (90%) of their week's pay (off-set against SMP)
- If the employee has declared their intention to return to work, they will be entitled to 12 weeks of leave at half pay (or alternative equivalent arrangement – see above) plus the lower rate SMP which is paid at the lower of:
 - 90% of average weekly earnings, or
 - the statutory rate set by government as long as the total maternity pay does not exceed full pay.

The twelve week's half pay is generally paid between weeks 7 and 18 on top of SMP, without any deduction of SMP. However, half pay plus SMP cannot exceed full pay.

Where an employee has multiple posts, the OMP applies on all of their established posts at the time they are going on maternity leave.

The Statutory and Occupational Maternity Pay provisions for both non-teaching and teaching staff are summarised in the table below:

Teaching Staff:

	First 4 weeks	Next 2 weeks	Next 12 weeks	Next 21 weeks	Next 13 weeks
At least 1 year's continuous service at the 11 th week before EWC (with one or more Local Authorities) and <i>at least</i> 26 weeks' continuous service with BDAT by the end of the 15 th week before EWC	Full pay (inclusive of SMP)	90% of a week's pay (inclusive of SMP)	Half pay plus SMP (capped at normal salary)	SMP	No pay

At least 1 year's continuous service at the beginning of the 11 th week before EWC (with one or more Local Authorities) but <i>less than 26 weeks'</i> continuous service with BDAT by the end of the 15 th week before EWC	Full pay (inclusive of SMP)	90% of a week's pay (inclusive of SMP)	Half pay plus MA if eligible (capped at normal salary)	MA if eligible	No Pay
Less than 1 year's continuous service at the beginning of the 11 th week before the EWC (with one or more Local Authorities) and <i>at least 26 weeks'</i> continuous employment with BDAT	Higher Rate SMP (6 weeks)	Lower Rate SMP (33 weeks)		No Pay	
Less than 1 year's continuous service at the beginning of the 11 th week before the EWC (with one or more Local Authorities) <i>and less than 26 weeks'</i> continuous employment with BDAT by the end of the 15 th week before EWC	Statutory Maternity Allowance (MA) may be payable, dependent on National insurance contributions. Maximum 52 weeks leave				

Non-teaching staff:

	First 6 weeks	Next 12 weeks	Next 21 weeks	Next 13 weeks
At least 1 years continuous service at the beginning of the 11 th week before the EWC (and intends to return)	90% of a week's pay (offset against SMP or MA)	Standard rate of SMP (if eligible) plus half pay (capped at normal salary)	Standard rate of SMP (if eligible)	No Pay
At least 26 weeks continuous service at the end of the 15 th week before the EWC	90% of a week's pay (offset against SMP or MA)	Standard rate of SMP (if eligible)		No Pay
Less than 26 weeks' continuous service at the beginning if the 11 th week before EWC	Statutory Maternity Allowance (MA) may be payable, dependent on National insurance contributions. (Maximum 52 weeks' leave)			

Maternity Pay Period (including for surrogates)

The following applies both to BDAT maternity pay and to SMP.

- (i) Staff members can choose within limits when they wish their maternity pay period to begin. It

can begin at any time from the beginning of the 11th week before the EWC until the date the child is born. It will begin automatically if the employee is absent from work because of her pregnancy at any time after the beginning of the fourth week before the EWC (see 5.6 (iii) below).

- (ii) Maternity pay will be paid monthly at the same time and in the same way as the normal salary.

Maternity Leave (including for surrogates)

- (i) All women in employment have the right to 52 weeks statutory maternity leave. The leave is broken into two parts:
 - (a) 'Ordinary' Maternity Leave (26 weeks): there are no service qualifications for maternity leave, but the employee should give notice to the Line Manager of her intention to take leave at the 15th week (notification week) before the EWC. An employee is allowed to adjust the start of their maternity leave as long as they give 4 weeks' notice.
 - (b) 'Additional' Maternity Leave (26 weeks): this continues ordinary maternity leave. The right of return is to the same job, but if this is not practicable, then a similar job, with no less favourable terms and conditions will be offered.
- (ii) The maternity leave period begins either on the date when the employee notifies the Line Manager they wish it to begin (which can be no earlier than the beginning of the 11th week before the week the baby is due) or on the first day the employee is absent from work for a pregnancy related reason during the last 4 weeks before the baby is due.
- (iii) During the maternity leave period, the contract of employment remains in existence and the employee is entitled to her benefits under the terms of her contract of employment except for remuneration/pay.
- (iv) To qualify for the right to maternity leave, the employee must give to BDAT written notice that they are pregnant and of the expected week of childbirth and produce the Mat B1 Certificate signed by a doctor or registered midwife confirming the expected week of childbirth. The employee must also give in the written notice the date when they intend the maternity leave to begin. At least 28 days' notice must be given or as much notice as possible if 28 days' notice cannot be given. The employee must also give 28 days' notice if they want to make any changes to the agreed start of their leave. Alternatively, if the maternity leave period begins automatically because of absence from work for a pregnancy related reason, the employee must notify the Line Manager of this fact as soon as possible.
- (v) BDAT will always consider cases of hardship and the Line Manager is available to give help and assistance in cases of uncertainty or difficulty.

Performance Management/Pay Progression

Any discussions around performance management/pay progression should take maternity leave into account. Objectives may need to be adjusted and pay progression should be awarded as if the absence

did not take place. It may be appropriate to complete any review prior to an employee starting maternity leave.

Return to Work

- (i) The date is agreed before maternity leave starts. BDAT will write to the employee within 28 days of receiving the application for maternity leave, stating the return to work date. The right of return, from 'ordinary' maternity leave, is to the same job on the same terms and conditions. If the employee chooses to take additional maternity leave (up to 26 weeks), then they still have the right to return to the same job on the same terms and conditions, but if it is not practical to keep her job open, then they have the right to return to a suitable alternative job.
- (ii) The maternity leave period can last for up to 52 weeks. The employee may, if they wish return before the end of the 26 weeks ordinary leave or the full 52 weeks, provided that they have given the Trust at least eight weeks written notice of their intention to do so. However, they may not return to work from their maternity leave in the period of two weeks beginning with the birth of her baby and the maternity leave period may be extended accordingly.
- (iii) The employee may change their mind after the baby is born about how much leave they take. Notice of change should be given in accordance with the provisions of the Burgundy Book (Teachers) or Green Book (Non-teaching staff)
- (iv) Before returning to work, an employee should let the Trust know in writing if they are breastfeeding. A risk assessment should be completed in consultation with them and consider whether there are any specific risks to them for as long as they are breastfeeding. Employers are legally required to provide a space for mothers who are breastfeeding to lie down and rest if they need to; HSE guidance states that toilets are not a suitable space for this.

Redundancy Protection

Employees returning from maternity, adoption or shared parental leave continue to benefit from enhanced statutory redundancy protection. In line with current legislation, redundancy protection begins when the employee notifies the Trust of their pregnancy and continues until 18 months after the child's date of birth or placement. During this protected period, if a redundancy situation arises, the Trust must offer the employee priority consideration for any suitable alternative vacancies before other employees. This right applies whether the individual has taken ordinary or additional maternity leave and ensures that employees returning from family leave are not placed at a disadvantage when organisational changes occur.

Annual leave

An employee continues to accrue all their paid annual leave (including bank holidays where applicable) while on maternity leave.

Stillbirth and Neonatal Loss Leave

We are committed to supporting all staff who suffer the loss of a pregnancy. This policy does not assume how you might feel during or after pregnancy loss, and instead aims to detail the support

that is available, should you need it. We appreciate that this will look different for everyone, and we aim to be flexible according to the situation.

Provided you have followed the requirements set out in this policy regarding who you need to notify about your pregnancy and when, you are entitled to maternity leave:

- If your child is stillborn after 24 weeks of pregnancy
- If your child is born alive at any stage of pregnancy but doesn't survive (known as neonatal loss)

If your labour begins at work and you experience a stillbirth, we encourage you to:

- Let your line manager know that you need to leave school to seek urgent medical attention. If you feel comfortable doing so, tell them what's happening
- Come and wait in a suitable and comfortable location for this, such as a medical area that can be made temporarily private, with access to a toilet, while we notify your preferred contact and arrange for any medical care and/or for you to leave the premises.

Your maternity leave will start the day after you give birth. If this happens before your maternity leave was originally due to start, please let us know the date of birth in writing as soon as possible so we can arrange this for you.

We understand that, due to the distressing nature of a neonatal loss or stillbirth, it may not be possible for you to notify us immediately afterwards. We will work with you to take care of the administrative side of things so you can focus on processing and recovering from the loss of your pregnancy.

Bereavement Leave for Parents and Partners

1. Loss of a Child (Parental Bereavement Leave):

In accordance with statutory law, all employees have a Day 1 right to two weeks' Parental Bereavement Leave if they lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy. This leave can be taken as a single block or two separate weeks within 56 weeks of the bereavement. The Trust provides this leave at full pay

Note: Statutory pay requires 26 weeks of service, but the Trusts policy provides full pay regardless of service length.

2. Loss of a Partner (Bereaved Partner's Paternity Leave):

If an employee's partner (the mother or primary adopter of their child) dies within the first year of the child's birth or placement, the employee is entitled to Bereaved Partner's Paternity Leave. This is a Day 1 right allowing for up to 52 weeks of leave to care for the child. The two weeks will be paid leave.

Flexible Working Arrangements

Any employee intending to return to work following maternity leave who may wish to consider submitting a flexible working request should refer to the Flexible Working Policy.

Contact During Maternity Leave

During maternity leave, an employer may make reasonable contact with an employee, and in the same way, an employee may contact their employer. Before an employee goes on maternity leave, the line manager should have a meeting with them to talk about how they would like to stay in touch.

While on maternity leave, the employee should be kept informed about:

- any jobs that are being advertised
- any promotion opportunities
- if they are planning redundancies or reorganisation

The line manager and employee can also agree what other things to keep the employee updated about, for example, staff bulletins or information about staff social events.

Keeping in Touch Days

- (i) Keeping in touch can help to make it easier for both employee and employer when it becomes time to return.
- (ii) The employee is not obliged to do any work or attend any events during maternity leave but if both employer and employee agree, they can do up to 10 days work during their maternity leave. These are known as 'Keeping in Touch Days'. They are not limited to the employee's usual job – they could be used for training or other events. It may be helpful for the employee to use some 'Keeping in Touch Days' to ease their return to work, although, they still cannot work during the first two weeks after the birth.
- (iii) Both employer and employee must agree which days will be worked and what that work will be.
- (iv) The employee cannot be required to take up 'Keeping in Touch Days' and the employer may not be able to offer them. The employee cannot be penalised for refusing to take up a 'Keeping in Touch Day'.
- (v) If an employee is not in receipt of BDAT Maternity Pay, then arrangements will be made to ensure that they receive their normal rate of pay for any such days. To calculate a day's pay for support staff, the FTE equivalent salary should be divided by 260 days. If the pro-rata salary is used for part-time roles, then the number of days should be pro-rated by the same proportion. It is important to note that this payment can be offset against statutory payments, for example SMP, so we advise that employees check with whether this is the case to ensure that you are fully aware of any financial implications.

Paternity Leave and Pay (including for intended fathers following surrogacy)

To be eligible, you must expect to have some responsibility for the child's upbringing and be the:

Child's biological father

Partner of the person having a baby (including same-sex partner)

Child's adopter, or the partner of the child's adopter

Intended parent (if you are having a baby through surrogacy)

Person who a child is placed with under a fostering for adoption arrangement by the local authority or the partner of the person who a child is placed with

You are entitled to unpaid time off work to go to two antenatal appointments (capped at 6.5 hours per appointment). Although the employer is not entitled to request evidence of these appointments, but they can ask for a declaration from employees confirming their relationship with the mother and details about appointments. It is at the Trust's discretion to allow additional time off work for more than two antenatal appointments.

Statutory Paternity Leave

Paternity Leave is a day 1 right, meaning staff members are entitled to take paternity leave regardless of their length of service, provided they meet the eligibility criteria relating to their relationship to the child and responsibility for their upbringing. Staff members may take up to two weeks of paternity leave, which can be taken either as one continuous two-week block or as two separate one-week blocks. Paternity leave can be taken after Shared Parental Leave

Staff members must give two types of notice:

1. Notice of Entitlement — This is due by the 15th week before the Expected Week of Childbirth (EWC) and provides the employer with advance notification that the employee intends to take paternity leave.
2. Notice of Dates — Employees are now required to give 28 days' notice of the specific date they intend their leave to start.

Paternity Pay

- (i) To qualify for Statutory Paternity Pay (SPP), employees must still have 26 weeks of continuous service by the 15th week before the EWC and meet the earnings threshold set by law. Employees who meet the criteria for leave but not the criteria for pay may still take unpaid paternity leave
- (ii) The employee must give the Line Manager 28 days' notice of the start of their paternity leave and pay and complete a certificate confirming that they are in a relationship with the child's mother. The Inland Revenue has provided a form, SC3.
- (iii) If the employee's partner is adopting a child, and they are asking for statutory adoption pay and leave, then they must also have been employed for 26 weeks before the week in which the matching certificate is issued and remain employed by BDAT until the child starts living with the adopter.
- (iv) This is given for one or two weeks at the same rate as the flat rate of SMP, or 90% normal earnings if these are less than the standard rate of statutory paternity pay.

You receive the same amount of leave even if you have more than 1 child, e.g. twins.

Adoption Leave (including for intended parents following surrogacy)

The rules for adoption are different depending on whether the child is adopted from the UK or overseas. The following guidance applies to UK adoptions; for advice or information relating to arrangements for overseas adoption, please contact the Line Manager. An eligible employee has the right to 52 weeks statutory adoption leave and 39 weeks' pay. The leave is broken into two parts:

- (i) 'Ordinary' Leave (26 weeks): the right of return, from 'ordinary' adoption leave, is to the same job, on the same terms and conditions.
- (ii) 'Additional' Leave (26 weeks): this continues ordinary adoption leave. The right of return is to the same job, but if this is not practicable, then a similar job, with no less favourable terms and conditions will be offered.

Adoption leave and pay are not available when one partner formally adopts the child of the other partner.

In **surrogacy** cases, you are entitled to adoption leave if:

- A surrogate mother gives birth to a child who is biologically your child, the child of your spouse or partner, or both, and
- You expect to be given parental responsibility for the child under a parental order from the court. The child must live with you and you must apply for the parental order within 6 months of the child's birth

To be eligible for statutory adoption leave or pay, staff members must have 26 weeks' service with the BDAT before the week in which the matching certificate is issued. A matching certificate is issued by an approved adoption agency confirming that the individual has been matched with a child for adoption. The employee should notify the Line Manager no more than seven days after they are matched for placement of when they intend to take leave and the date the child is expected for placement. If the employee cannot meet this deadline, they should contact the Line Manager as soon as possible.

If an employee qualifies for adoption leave, they are entitled to time off work to attend adoption appointments after they have been matched with a child. In the case of joint adopters, the primary adopter is entitled to paid time off to attend five adoption appointments and the secondary adopter is entitled to unpaid time off for two appointments.

Either one of the couple may take the equivalent of statutory maternity leave and pay, and the other, the equivalent of statutory paternity pay and leave.

- (i) There are no additional rights if more than one child is adopted.
- (ii) If the employee is taking statutory adoption leave, they may choose to start leave on the day the child is placed with them for adoption or at a predetermined date not earlier than 14 days

before the expected date of placement and no later than the expected date of placement. They should discuss this with the Line Manager the date with him/her. On receipt of the employee's request, the Line Manager will then write to the employee confirming the date on which leave will start and the expected date of return from ordinary or additional adoption leave. If the employee wishes to return to work earlier than the agreed date, they must give the BDAT eight weeks' notice.

Exceptions

You do not qualify for statutory adoption leave or pay if you:

- Arrange a private adoption
- Become a special guardian or kinship carer
- Adopt a stepchild or a family member

Shared parental leave and pay

Shared parental leave can be complex, so please speak to your line manager or a member of the school's / trust's HR team if you are thinking about taking shared parental leave and have any questions.

How it works

Eligible staff members and their partners can share up to 50 weeks of leave and up to 37 weeks of pay between them. (Note that the first 2 weeks of leave and pay, starting from the day the baby is born, must be reserved for the person taking maternity or adoption leave). You need to share the pay and leave in the first year after your child is born or placed with your family.

You or your partner (whichever of you is taking maternity or adoption leave) needs to take less than:

- 52 weeks of maternity or adoption leave and use the rest as shared parental leave
- 39 weeks of maternity or adoption pay (or maternity allowance) and take the rest as statutory shared parental pay

To take shared parental leave and pay, you and your partner:

- Must share the leave and pay in the first year after your child is born or placed with your family
- Can take the leave all in **one** go, or book up to 3 separate blocks of leave
- Can choose to be off work together, or stagger your leave and pay

Note that once you or your partner start shared parental leave or pay, you cannot switch back to the original type of leave or pay (e.g. maternity or paternity leave or pay) you were taking.

See the government's [shared parental leave and pay planning tool](#) to check when you and your partner can take your leave.

Amount of pay

Any shared parental pay due during shared parental leave will be paid at a rate set by the government for the relevant tax year, or at 90% of the staff's average weekly earnings, if this figure

is lower than the government's weekly rate. See the latest amount on <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>.

Eligibility

You and your partner need to meet the eligibility criteria set out on the government website – the criteria are different for [birth parents](#), [adoptive parents and parents using a surrogate](#).

Applying for leave and pay

To start shared parental leave (birth parents):

- Both you and your partner must, with at least 8 weeks' notice before the date you wish to start your shared parental leave, give written opt-in notice, including:
 - The name of both parents
 - If you are the child's **mother**: the start and end dates of your maternity leave
 - If you are the child's **father or mother's partner**: the start and end dates of the mother's maternity leave, or start and end dates of any statutory maternity pay or maternity allowance period
 - The total shared parental leave available, which is 52 weeks minus the number of weeks' maternity leave, statutory maternity pay or maternity allowance period taken or to be taken
 - How many weeks of the available shared parental leave will be allocated to you, and how many to the other parent
 - **If you are claiming statutory shared parental pay**: the total available, which is 39 weeks minus the number of weeks of the statutory maternity pay or maternity allowance
 - The start and end dates of each period of shared parental leave that you are requesting. You can change your mind later about how much shared parental leave or pay you plan to take and when you want to take it, as long as you give at least 8 weeks' notice before the date you intend to start your shared parental leave
 - Declarations by you and the other parent that you both meet the statutory conditions to enable you to take shared parental leave and statutory shared parental pay

To start shared parental leave (adoption and parents using a surrogate):

- Both you and your partner must, with at least 8 weeks' notice before the date you wish to start your shared parental leave, give written opt-in notice, including:
 - Your name
 - Your partner's name
 - In a **UK adoption case**: the date the adoption agency notified you of a match, the expected date of a placement and the actual date of placement. If the child has not yet been placed with you, give the actual date of placement as soon as you can, before you take shared parental leave

- In an **overseas adoption case**: the date you received official notification and the date the child entered Great Britain for adoption purposes. If the child has not yet entered Great Britain, give the actual date of entry as soon as you can, before you take shared parental leave
- If you **are taking adoption leave**: your adoption leave start and end dates
- If you **are not taking adoption leave**: your partner's adoption leave start and end dates
- If your **partner is not entitled to adoption leave**: the start and end dates of their statutory adoption pay
- The total shared parental leave available, which is 52 weeks minus the number of weeks' adoption leave or statutory adoption pay taken or to be taken by you or your partner
- How many weeks of the available shared parental leave will be allocated to you, and how many to your partner (you can change the allocation by giving us a further written notice, and you don't have to use your full allocation)
- If you are claiming statutory shared parental pay: the total statutory shared parental pay available, which is 39 weeks minus the number of weeks of statutory adoption pay taken or to be taken
- How many weeks of the available statutory shared parental pay will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you don't have to use your full allocation)
- An indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions
- Declarations by you and your partner that you both meet the statutory conditions to enable you to take shared parental leave and statutory shared parental pay

For birth parents, adoptive parents and parents using a surrogate

- The person taking maternity or adoption leave must give their employer 'binding notice' of the date when they plan to end their maternity or adoption leave (unless they have already returned to work). They must give this notice at least 8 weeks before their planned return to work

They can only withdraw the binding notice if the planned end date has not passed and they have not already returned to work, **and**:

- They discover that they and their partner are **not** entitled to shared parental leave or statutory shared parental pay, and they withdraw the notice within 8 weeks of giving the notice, or
- They gave the notice before the birth or placement of the child and withdraw it within 6 weeks of the child's birth or placement, or
- Their partner has died

To start shared parental pay: the person taking maternity or adoption leave must give their employer 'binding notice' of the date when they plan to end their maternity or adoption pay. You can start shared parental pay while your partner is still on maternity pay, adoption pay or maternity allowance, as long as they have given binding notice to end it.

Note that once you or your partner start shared parental leave or pay, you cannot switch back to the original type of leave or pay (e.g. maternity or paternity leave or pay) you were taking.

Fraudulent claims

The Trust can, where there is a suspicion that fraudulent information may have been provided or where the Trust has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual Trust investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

Discussions regarding Shared Parental Leave

A staff member considering/taking SPL is encouraged to contact the Academy Business Leader for school staff or the Chief Financial Officer for central team staff to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Trust to support the individual.

The ABL/CFO may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the staff member to talk about their intentions and how they currently expect to use their SPL entitlement.

Upon receiving a leave booking notice the ABL/CFO will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the staff member's notice booking leave, a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic, then another date will be arranged if possible. If an alternative date cannot be arranged, then the meeting may be held over the telephone.

At the meeting the staff member may, if they wish, be accompanied by a workplace colleague, trade union representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the staff member is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the staff member and the Trust, and what the outcome may be if no agreement is reached.

Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP, a staff member must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The staff member has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the staff member intends to return to work between periods of leave.

[Allowing a staff member to submit three notifications to book/vary leave is the statutory minimum and employers may find it preferable to specify a higher/unlimited number of notifications]

SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday. Where a staff member returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The staff member must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

Continuous leave notifications

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

A staff member has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

A staff member may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the staff member returns to work (for example, an arrangement where a staff member will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the Trust or the staff member may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the staff member and the Trust (see "Discussions regarding Shared Parental Leave" above).

The Trust will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the staff member can either withdraw it within 15 days of giving it or can take the leave in a single continuous block.

Responding to a Shared Parental Leave notification

Once the ABL/CFO receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the staff member and to the Trust against any adverse impact to the business.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another staff member to be granted a similar pattern of SPL.

The staff member will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Trust may propose a modified version of the request.

If a discontinuous leave pattern is refused then the staff member may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the staff member chooses to take the leave in a single continuous block, the staff member has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the staff member does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

Variations to arranged Shared Parental Leave

The staff member is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Trust in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the staff member, including notice to return to work early, will usually count as a new notification reducing the staff member's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the Trust requesting it be changed, and the staff member being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Trust.

Statutory Shared Parental Pay (ShPP)

Eligible staff may be entitled to take up to 37 weeks ShPP while taking SPL. The number of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, a staff member seeking to claim ShPP must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the staff member must intend to care for the child during the week in which ShPP is payable;

- the staff member must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the staff member must remain in continuous employment until the first week of ShPP has begun;
- the staff member must give proper notification in accordance with the rules set out below.

Where a staff member is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the staff member and their partner each intend to claim, and a non-binding indication of when the staff member expects to claim ShPP;
- a signed declaration from the staff member confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the Trust should they cease to be eligible.

It must be accompanied by a signed declaration from the staff member's partner confirming:

- their agreement to the staff member claiming ShPP and for the Trust to process any ShPP payments to the staff member;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (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.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

Terms and conditions during Shared Parental Leave

During the period of SPL, the staff member's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the staff member is receiving ShPP but not during any period of unpaid SPL. Staff member contributions will be based on actual pay, while the Trust's contributions will be based on the salary that the staff member would have received had they not been taking SPL.

Annual Leave

SPL is granted in addition to a staff member's normal annual holiday entitlement. Staff are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the staff member should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the staff member's holiday year.

Contact during Shared Parental Leave

Before a staff member's SPL begins, the Trust will discuss the arrangements for them to keep in touch during their leave. The Trust reserves the right in any event to maintain reasonable contact with the staff member from time to time during their SPL. This may be to discuss the staff member's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

Shared Parental Leave in Touch days

A staff member can agree to work for the Trust (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The Trust has no right to require the staff member to carry out any work and is under no obligation to offer the staff member any work during the staff member's SPL. Any work undertaken is a matter for agreement between the Trust and the staff member. A staff member taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the staff member is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

A staff member, with the agreement of the Trust, may use SPLIT days to work part of a week during SPL. The Trust and the staff member may use SPLIT days to effect a gradual return to work by the staff member towards the end of a long period of SPL or to trial a possible flexible working pattern.

Returning to work after Shared Parental Leave

The staff member will have been formally advised in writing by the Trust of the end date of any period of SPL. The staff member is expected to return on the next working day after this date, unless they notify the Trust otherwise. If they are unable to attend work due to sickness or injury, the Trust's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the staff member wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Trust at least eight weeks' notice of their date of early return. This will count as one of the staff member's notifications. If they have already used their three notifications to book and/or vary leave then the Trust does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the staff member is entitled to return to the same job if the staff member's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks

or less, they will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the staff member is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the staff member also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the staff member's right to return and the staff member will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the staff member will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

Special Circumstances and further information

In certain situations a staff member's rights and requirements regarding SPL and ShPP may change. In these circumstances the Trust will abide by any statutory obligations and a staff member should refer to the documents listed below and/or clarify any issues or queries with HR.

Law relating to this document:

- The Shared Parental Leave Regulations 2014 (updated 2020)
- The Shared Parental Pay (General) Regulations 2014 (updated 2020)
- The Maternity and Adoption Leave (Curtilment of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010
- Coronavirus Job Retention Scheme 2020

Neonatal care leave and pay

You may be eligible for statutory neonatal care leave and pay if you or your partner have a baby that needs neonatal medical care. Neonatal care leave is a day one right, meaning there is no minimum service requirement.

The baby must have been born on or after 6 April 2025, and must:

- Receive neonatal care for a minimum of 7 uninterrupted days, **and**
- Enter neonatal care within 28 days of being born

Neonatal care covers:

- Hospital treatment, including any treatment in a special care baby unit (SCBU), local neonatal unit (LNU) or neonatal intensive care unit (NICU)
- Treatment in a maternity home, clinic or hospital outpatient department
- Ongoing monitoring and home visits from healthcare professionals, directed by a consultant and arranged by the hospital where the child was an inpatient
- End-of-life (palliative) care

Eligibility for leave

You're eligible for neonatal care leave if you're taking leave to care for a child and you are:

- The mother or birth parent
- The father
- Married to, the civil partner of, or partner of the mother or birth parent – this includes same-sex partners
- Adopting a child, including fostering to adopt
- Intended parents in a surrogacy

You must also have or expect to have responsibility for the child's upbringing – or in the case of partners, the main responsibility apart from the child's mother or adopter. You are eligible for neonatal care leave from the first day of employment at BDAT. Each eligible parent will be entitled to a separate amount of leave. This includes parents who work for the same employer.

When leave can start

You can start neonatal care leave after the baby has received 7 uninterrupted days of neonatal care, not counting the day on which the neonatal care started.

The first week of neonatal care before you can start neonatal care leave is called the "waiting period".

You can take neonatal care leave at any time after the waiting period, but you must take all leave within 68 weeks of the baby's date of birth.

During the waiting period you will most likely already be on maternity, paternity, adoption, or shared parental leave. However, if this is not the case and you need to take time off, please speak to your line manager. We will do our best to accommodate your needs, and you'll likely be able to take paid annual leave or unpaid time off for dependents.

How much leave you can take

The minimum period of neonatal care leave you can take is 1 week, and the maximum is 12 weeks.

Each uninterrupted week of neonatal care is called a "qualifying week". Part weeks are not included.

If you're adopting: a qualifying week only includes the time that the child spends in neonatal care after the date the child was placed with you or, for adoption from overseas, after the date the child entered Great Britain.

How it works

You must take any period of neonatal care leave in full weeks (meaning 7 consecutive days).

There are 2 tiers of leave:

Tier-1 leave starts after the waiting period and lasts until 7 days after the baby has left neonatal care.

You can either:

- Take tier-1 leave in 1 continuous period, **or**
- Split the leave into multiple periods of 1 or more whole weeks

If the child is discharged from neonatal care, but neonatal care starts again within the first 28 days after birth for a further qualifying week or more, the tier-1 period will resume until 7 days after neonatal care ends.

Tier-2 leave:

- Applies to any leave you take after the tier-1 period ends
- Can be taken up to 68 weeks after the child's birth
- Must be taken in 1 continuous block, in whole weeks

Giving notice to leave

We understand that it may be distressing to have a baby in neonatal care, and that it may be difficult for you to give us the necessary notice for neonatal care leave. If this is the case, please speak to your manager as soon as possible, and the school/Trust will work with you to come up with an arrangement that works for you – this may, in certain circumstances, include an agreement to waive the requirement to give notice for leave.

Tier-1 leave (from when the baby has been in neonatal care for 7 consecutive days, until 7 days after they've left neonatal care)

- You must give us notice of neonatal care leave before you are due to start work. If you've already started work, the neonatal care leave will start on the following day
- If you need leave to continue, you must give us notice again by the end of the previous week
- You should tell us when the baby leaves neonatal care as soon as possible
- The notice does not need to be in writing
- Someone other than the employee will be permitted to tell the employer, such as the employee's friend or family member.

Tier-2 leave (when the baby left neonatal care more than 1 week ago)

- If you wish to take 1 week of leave, you must give us at least 15 days' notice before the first day of leave
- If you wish to take 2 or more weeks of leave, you must give us at least 28 days' notice before the first day of leave
- You should give us notice for leave in writing

Neonatal care pay

Eligibility

Staff eligible for neonatal care leave may also qualify for statutory neonatal care pay if they have:



**Bradford Diocesan
Academies Trust**

- Been continuously employed by the school/Trust for at least 26 weeks by the end of the “relevant week”, which is the 15th week before the:
 - Expected week of childbirth, or
 - Week in which the adoption agency or local authority notified them of a match, or
 - Week before neonatal care starts (in any other cases)
- Received normal weekly earnings of not less than the government’s “lower earnings limit”, over an 8-week period ending with the “relevant week” (see above). See the government’s website for the latest “lower earnings limit”: <https://www.gov.uk/employers-neonatal-care-pay-leave/eligibility>

How much pay you can get

You can find the latest statutory weekly rate of neonatal care pay on the government’s website – <https://www.gov.uk/employers-neonatal-care-pay-leave>.

Staff can only be paid statutory neonatal care pay for the whole weeks of neonatal care leave that they take.

Giving notice for neonatal care pay

Tier-1 period (from when the baby has been in neonatal care for 7 consecutive days, until 7 days after they’ve left neonatal care): you must give notice for pay within 28 days after the start of your neonatal care leave.

Tier-2 period (when the baby left neonatal care more than 1 week ago): if you want to take:

- 1 week of pay, you must give us at least 15 days’ notice before the first day of your tier-2 neonatal care leave
- If you wish to take 2 or more weeks of leave, you must give us at least 28 days’ notice before the first day of leave

Details you should provide when giving notice of neonatal care leave and pay

You should provide the following details to us, in writing, within 28 days after the start of your neonatal care leave:

- Your name
- The child’s date of birth
- The start and end dates of any period of neonatal care (if known)
- The date the period of neonatal care leave started or will start
- The number of weeks you have taken, or intend to take, neonatal care leave
- **UK adoption cases:** date of the placement
- **Overseas adoption cases:** the date the child entered Great Britain

You must also provide:

- A declaration that the purpose of your leave is to care for the child

- A declaration that you have parental responsibility for the child, if this is the first time you're giving notice for neonatal care pay and leave

Cancelling neonatal care leave

You **can**:

- Cancel any future planned weeks of neonatal care leave that are due to start in tier 2. You should give written notice of at least 15 days for 1 week of leave, and at least 28 days for 2 or more weeks of leave
- Return early from tier 2 neonatal care leave by telling the school/Trust at least 1 week in advance. However, you cannot return part-way through a week of neonatal care leave, as it must be taken in whole weeks

You **cannot** cancel notice for leave if the baby is in neonatal care or in the first week after the baby has left neonatal care.

Taking neonatal care leave with other types of family leave

Taking neonatal care leave does not affect your entitlement to other types of family leave and pay, including:

- Maternity leave and pay
- Adoption leave and pay
- Paternity leave and pay
- Shared parental leave and pay
- Unpaid parental leave

If you are taking any of these types of family leave at the time the child starts neonatal care, you can take neonatal care leave after the other type of family leave ends. You should give the relevant period of notice.

If your neonatal care leave is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave, unpaid parental leave or shared parental leave):

- During a tier-1 period (where the baby is in neonatal care or it ended within the last week), you can resume the interrupted neonatal care leave period straight away after the other leave ends
- During a tier-2 period (where the neonatal care ended more than a week ago), you must add the remainder of the interrupted neonatal care leave onto any further period of neonatal care leave that you are intending to take

You must make sure that any neonatal care leave you're taking later than a week after the baby leaves neonatal care is not interrupted by the start of another period of family leave that you've booked. This is because you can only take tier-2 leave in a single block.

Employment protections

While you are taking neonatal care leave, you are entitled to:

- return to the same job or, if not reasonably practicable, a suitable alternative
- protection from dismissal or detriment due to taking or seeking to take neonatal care leave
- continue accruing benefits such as pay rises and holiday entitlement during neonatal care leave

Additional support

Our schools/Trust acknowledges that each staff member's circumstances may differ. If you need additional support, please discuss this with your line manager and we will do our best to help you.

APPENDIX 1

CONDUCTING A RISK ASSESSMENT FOR NEW / EXPECTANT MOTHERS – A GUIDE FOR HEAD TEACHERS/PRINCIPALS

Steps to take when conducting a risk assessment for new /expectant mothers

Step 1	Read through the employee or volunteer's job description
Step 2	Arrange a suitable time to meet with employee or volunteer. In the case of an expectant mother, this should be as soon as possible after you receive written notification of the employee's pregnancy.
Step 3	Using the guidance on workplace hazards and the risks they pose to new and expectant mothers, assess all aspects of the role with the employee and the risks associated with each of the items listed.
Step 4	Document the findings on the Risk Assessment Form for Maternity-related Risks. The list is not exhaustive and if you identify other risks you should use the blank rows on the form to record them. Make sure a copy of the completed form is kept as a record on the employee's personal file. Give the employee a copy of the completed form if it is requested.
Step 5	Take appropriate action where significant risks are identified. Consult your HR Advisor if you need to consider finding alternative work. If you need further advice on identifying or making adaptations for risks identified, contact your HR Advisor or occupational health as appropriate.
Step 6	Review the assessment at appropriate intervals, particularly if there is a change in either the employee's circumstances or the work environment and also when the employee returns to work after maternity leave.

Avoiding Exposure of New / Expectant Mothers to Risks in the Workplace

When a hazard has been identified by the risk assessment that could pose a risk to the health and/or safety of a new and/or expectant mother and/or her baby, it will need to be considered what action should be taken to ensure the risk is either avoided or, where this is not possible, reduced to the lowest acceptable level.

The options may include:-

- Removing the hazard;
- Removing the employee from the hazard to prevent any exposure to it;
- Reducing or removing the effect of the associated risk.

Examples of Adjustments to avoid or reduce risks

- Temporarily adjusting working hours / working conditions so as to avoid exposure to a risk or reduce the effects of a risk;
- Temporarily assigning some duties to other employees (e.g.: manual handling duties) or providing aids to help with some duties;
- If it is necessary to make adjustments, this should be discussed with the employee and asked whether they feel the changes are suitable.

Any changes to an existing employment contract – for example, changes in hours, should be agreed with the employee and then confirmed in writing. Please contact HR Support Services Team for further advice.

Specific considerations for Teachers

- Are there clean and comfortable facilities for the employee or volunteer to rest and where appropriate, breastfeed or express and store milk? Is there somewhere that they can lie down, if necessary?
- Has the employee or volunteer been offered extra assistance with lifting for the duration of the pregnancy?
- Has it been identified that the employee or volunteer is at particular risk of assault, either by students or members of the public? If so, have measures been taken to eliminate that risk?
- If there is a possibility that the employee or volunteer has been exposed to the rubella virus, chickenpox, measles or Slapped cheek disease (Parvovirus) in the early months of pregnancy, has they been advised to consult her doctor? If the doctor so advises, the employee is entitled to remain absent from the academy on full pay until the danger has passed. Teachers in this situation may, however, be required to teach in another academy where there is no such risk.
- Have arrangements been made for the employee or volunteer to have more frequent toilet breaks, if necessary?
- Have risks associated with farm visits, in particular contact with sheep, been assessed?
- Have particular risks associated with the teaching of PE been addressed?
- Have risks associated with crowded corridors been assessed?
- Where the employee or volunteer is working until shortly before the birth, has the issue of fatigue been addressed, particularly in the context of playground duties, academy visits and after-school meetings?
- Have risks associated with assisting or leading swimming lessons been assessed?

Where adjustments to the role cannot be made

Where it is not possible to make changes that would avoid the risk, or the risk cannot be reduced to an acceptable level, suitable alternative work options should be considered.

Where there is no suitable alternative work available, consideration should be given to suspending the employee or volunteer from work for as long as necessary to protect her health and safety and/or the health and safety of her baby.

In all circumstances where alternative employment or medical suspension is being considered, a HR Advisor should be contacted for advice.

IDENTIFYING WORKPLACE HAZARDS

The following gives a list of some possible workplace hazards and their associated risks, along with suggested suitable avoidance measures. The list is not exhaustive and there may be other hazards to consider. Please contact your HR or Occupational Health Advisor for more information.

Use this form to help you complete the actual risk assessment form.

Hazard	Risk	Avoidance Measure
Shocks, vibration or movement	Regular exposure may increase risk of miscarriage. May be increased risk of premature birth or low birth weight. Breastfeeding mothers are at no greater risk than other workers.	Avoid work likely to involve uncomfortable whole body vibration or where abdomen is exposed to shocks or jolts.
Lifting, moving and handling of loads	Pregnant workers or volunteers are especially at risk as hormonal changes can affect ligaments and postural problems may increase as pregnancy progresses. There are possible risks for those who have recently given birth, especially after a Caesarean section because there are limitations lifting and carrying activities. Breastfeeding mothers are at no greater risk than other workers	Varies according to circumstances. Alter tasks to reduce risks, or address specific needs of the individual or provide aids to reduce risks. Consider assigning some duties to other employees. Offer assistance with lifting.
Noise	No specific risk but prolonged exposure to high noise levels may lead to increased blood pressure and tiredness. There is no evidence of noise affecting who have recently given birth or who are breastfeeding.	Pregnant women should avoid working in noisy environments for prolonged periods.
Ionising Radiation (X Rays etc)	If nursing mothers work with radioactive liquids or dust, these can cause exposure of the child, particularly through contamination of the mother's skin. Significant exposure to ionising radiation can be harmful to the foetus. Also there may be a risk to the foetus from significant amounts of radioactive contamination breathed in or ingested by the mother and transferred across the placenta.	Pregnant women should avoid exposure to ionising radiation where possible.
Non-ionising Electromagnetic Radiation (PC Screens)	Pregnant women are at no greater risk than other workers. Radio frequency radiation (within current recommendations) is not known to cause harm to the foetus or the mother.	Avoidance measures are unlikely to be required.

Hazard	Risk	Avoidance Measure
Extremes of Heat or Cold	When pregnant, women tolerate heat less well and may more readily faint or be liable to heat stress. Breastfeeding may be impaired by dehydration. No specific problems from working in extreme cold.	Avoid exposure to periods of prolonged heat. If a pregnant woman does have to work in a hot environment, rest facilities and access to refreshments should be provided.
Fatigue and Stress	Fatigue is associated with miscarriage, premature birth and low birth weight. Excessive physical or mental pressure may cause anxiety, stress and raised blood pressure. Standing for long periods can cause dizziness, faintness and fatigue. It can also increase chances of premature birth or miscarriage. Sitting for long periods increases the chance of thrombosis.	Ensure that hours, volume and pacing of work are not excessive and that, where possible, workers have some control over how their work is organised. Provide seating where appropriate and ensure that the woman is not expected to stand or sit in one position for long periods of time. Provide regular rest breaks. Provide clean and comfortable facilities for rest and, where appropriate, breastfeed or express and store milk. Is there somewhere to lie down? Ensure regular toilet breaks are available. Review playground/break duties, visits, attendance at after school meetings.
Hazardous Substances / infection risks and chemicals	Listeria In pregnant women it may terminate the pregnancy or damage the foetus. Biological Agents eg Hepatitis B, HIV, herpes, tuberculosis, chicken pox, typhoid If infected during pregnancy, the unborn child can be affected. For most workers, the risk of infection is not higher whilst at the academy than in the community although the exposure may be higher in a academy environment. Chemical Agents eg Pesticides, benzene, mercury, lead	Ensure that food and personal hygiene guidance and precautions are provided. Consider hygiene measures or vaccinations. If there is a high risk of exposure to a highly infectious agent, the worker should avoid exposure completely. Please contact Health and Safety if there is likely to be exposure to chemical agents whilst at the Academy. Please contact Health and Safety if there is likely to be exposure to carbon monoxide.

Hazard	Risk	Avoidance Measure
	Organic mercury compounds could have adverse effects on the foetus, slow the growth of the unborn baby, disrupt the nervous system and cause the mother to be poisoned. Carbon Monoxide Carbon monoxide readily crosses the placenta and can result in the foetus being starved of oxygen, both the level and duration of exposure are important factors in assessing the risk.	
Contact with virus	If there is a possibility that the pregnant woman may be exposed to the rubella virus, chickenpox, measles or Slapped Cheek Disease (Parvovirus) in the early months of pregnancy there is the potential for harm to the unborn child.	Early warning where possible. Inform pregnant woman of any outbreaks in the academy. Consult with doctor. Consider redeployment to an academy without the risk,
School trips	Consider risks associated with farm visits, in particular sheep and swimming trips.	Risk assessments to be undertaken
Ergonomics	Workplace design, layout of workstation and design of work equipment may affect the safety of pregnant workers. Hormonal changes during and shortly after pregnancy can affect ligaments and increase risk of injury.	Consider effects of pregnancy on the body e.g. increase in size/problems with reach/ability to bend or stretch. Regular workstation assessments should be conducted and consideration of any aids required as appropriate. Consider particular risks associated with teaching PE/swimming and carry out risk assessment.
Violence	Potential miscarriage or premature birth.	Risk assessments should be made. Teachers are normally considered to be high risk. Consider restriction to some duties/team working/personal alarms etc as appropriate.

Hazard	Risk	Avoidance Measure
Working at Heights	Because of the risk of fainting and high blood pressure, it is hazardous for pregnant women to work at heights.	Avoid climbing up and down ladders and stepladders where possible.
Evacuation of Premises	Pregnant women may find it more difficult to evacuate premises due to mobility issues or congestion of exit routes	Re-assess building evacuation procedures for the employee's circumstances. Consider assigning another individual responsibility for assisting a pregnant employee in building evacuation.



RISK ASSESSMENT - PREGNANCY/UP TO 6 MONTHS FROM RETURN TO WORK/NURSING MOTHER

Employee/volunteer name:

Assessor:

Employee/volunteer is pregnant/during 6 months from RTW/a nursing mother*

Date assessment carried out:

* Delete as applicable

HAZARD/TOPIC	RISK IDENTIFIED	SIGNIFICANT		FURTHER ACTION REQUIRED/NOTES
		YES	NO	
Shocks, vibration or movement				
Lifting, moving and handling of loads				
Noise				
Ionising Radiation (X Rays etc)				
Non-ionising Electromagnetic Radiation (Display Screen Equipment)				

Extremes of Heat or Cold (see guidance https://www.gov.uk/workplace-temperatures)				
HAZARD/TOPIC	RISK IDENTIFIED	SIGNIFICANT		FURTHER ACTION REQUIRED/NOTES
		YES	NO	
Fatigue and Stress				
Hazardous Substances / infection risks and chemicals				
Ergonomics				
Violence				
Working at Heights				
Evacuation of Premises				

Signed:..... Head Teacher/Principal (or representative)

Signed: (Employee)

ASSESSOR GUIDANCE NOTES

The risk assessment form should be used as soon as an employee or volunteer tells you that they are pregnant and/or on return to work from maternity leave, particularly where that they are breastfeeding. The risk assessment process should be used for employees and volunteers from the date they tell you they are pregnant up until 6 months from the date they return to work or until they stop breastfeeding, whichever is later.

The risk assessment should be reviewed periodically together with the employee or volunteer to ensure that any changes will be noted and actions taken to reduce the risks as appropriate.

To complete the risk assessment – read through each hazard and risk with the employee or volunteer and consider which if any are relevant in relation to her job role. Where any possible hazard and risks are identified, you should consider what adaptations can be made to mitigate as much as possible any risk. For example, Movement/Posture – Long periods of standing – statutory obligation to provide rest facilities – discuss when and how they can be accessed. Using the guidance it will help you in determining whether there is a risk. A copy of this completed form should be retained on the employee's personal file and a copy given to the employee.

If you should experience any problems in carrying out the risk assessment or you want more advice, you should contact your HR or H&S Advisor and in certain cases it may be helpful to involve the trade union representative..



APPENDIX 2 - Shared parental leave form

Use this form to opt into the shared parental leave scheme following the birth of a child. A separate form is available for adoptive parents.

If you are the child's mother, you must also submit a signed curtailment notice to bring your maternity leave entitlement to an end.

It may be useful to discuss this form, in particular dates in sections B and C with your manager before completing this form.

Section A: Basic information		
Guidance notes. Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.		
A1	Staff member's name	
A2	I am the child's mother*/child's father*/mother's partner* (*delete as appropriate)	
A3	Child's expected week of birth	
A4	Child's actual date of birth (if known)	
A5	Child's place of birth (if known)	
A6	Child's name (if known)	
Section B: Maternity leave, statutory maternity pay or maternity allowance		
Guidance notes. If you are the mother, please give your maternity leave (ML) dates below. If you are still on ML you must also submit a maternity leave curtailment notice to bring your ML to an end. If you are the child's father or the mother's partner, please give the mother's ML dates. If they are not entitled to statutory ML (for example, because they are an agency worker, self-employed or unemployed), give the dates they started and ended (or will end) her statutory maternity pay		

(SMP) or maternity allowance (MA) period as applicable. They must give her employer notice to curtail her ML or SMP period or give notice to the Department for Work and Pensions to curtail her MA period as appropriate.

B1	ML / SMP / MA start date	
B2	ML / SMP / MA end date	
B3	Total ML / SMP / MA (weeks)	

Section C: Shared parental leave

Guidance notes. The total shared parental leave (SPL) available is 52 weeks minus the mother's ML, SMP, or MA period (see B3).

The first period of shared parental leave cannot start until at least two weeks after the child is born and at least eight weeks after you submit this opt-in notice.

C1	Total SPL available (whole weeks).	
C2	Number of whole weeks' SPL intended to be taken by you.	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with.	
C4	Indication of dates you would like to take shared parental leave.	
C5	The dates in C4 will be treated as a non-binding until a period of leave notice is given. If you want to treat this notice as a period of leave notice to take SPL on the dates given in C4 tick here. 	

Section D: Statutory shared parental pay

Guidance notes. The total statutory shared parental pay (SSPP) available is 39 weeks minus the mother's SMP or MA period (see B3).

D1	Total SSPP available (whole weeks).	
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D2	Number of whole weeks' SSPP intended to be taken by child's mother.	
D3	Number of whole weeks' SSPP intended to be taken by child's father/mother's partner.	
D4	Indication of dates you would like to take SSPP.	
D5	The dates in D4 will be treated as a non-binding until a notice to take SSPP is given. If you want to treat this notice as a notice to take SSPP on the dates given in D4 tick here.	
Section E: Staff member's declaration		
Guidance notes. "Child" means the child referred to in Section A. "Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.		
I am the child's mother and I am entitled to statutory ML. I have submitted a curtailment of maternity leave notice (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).* or I am the child's father or the child's mother's partner.* (*delete one as applicable.) I had at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then. My normal weekly earnings in the eight-week period ending with the 15th week before the EWC were not less than the lower earnings limit at the time of SPL.)). (delete if not applicable) I expect to share the main responsibility for the care of the child with the person who has completed Section F. I intend to care for the child during each week that I am on shared parental leave and receiving SSPP.		

I will immediately inform Human Resources if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or SSPP.

The information I have given in this notice is accurate.

Signed

Date

Section F: Declaration by person taking shared parental leave with staff member

Guidance notes. "The staff member" and "the child" are the staff member and child referred to in Section A.

If the staff member is the child's mother, you must be the child's father or the mother's partner.

If the staff member is not the child's mother, you must be the child's mother.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

Name	
Address	
National Insurance number	
You employer's name and address (if employed) or your business address if self-employed.	

I am the mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your staff member starts parental leave.*

or

I am the child's father.*

or

I am the partner of the child's mother.*

(*delete as applicable)

I expect to share the main responsibility for the care of the child with your staff member.

I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC.

My average weekly earnings are at least £30, taking the 13 highest-earning weeks in the 66 weeks immediately before the EWC.

I consent to your staff member taking shared parental leave and claiming SSPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.

I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

Signed

Date

