



HET Maternity, Paternity, Adoption, Parental and Shared Parental Leave Policy

Reviewed on	April 2026	Review frequency	3 yearly
Next review due	April 2029	Template Yes / No	No
Owner	Deputy CEO	Approved by	Executive

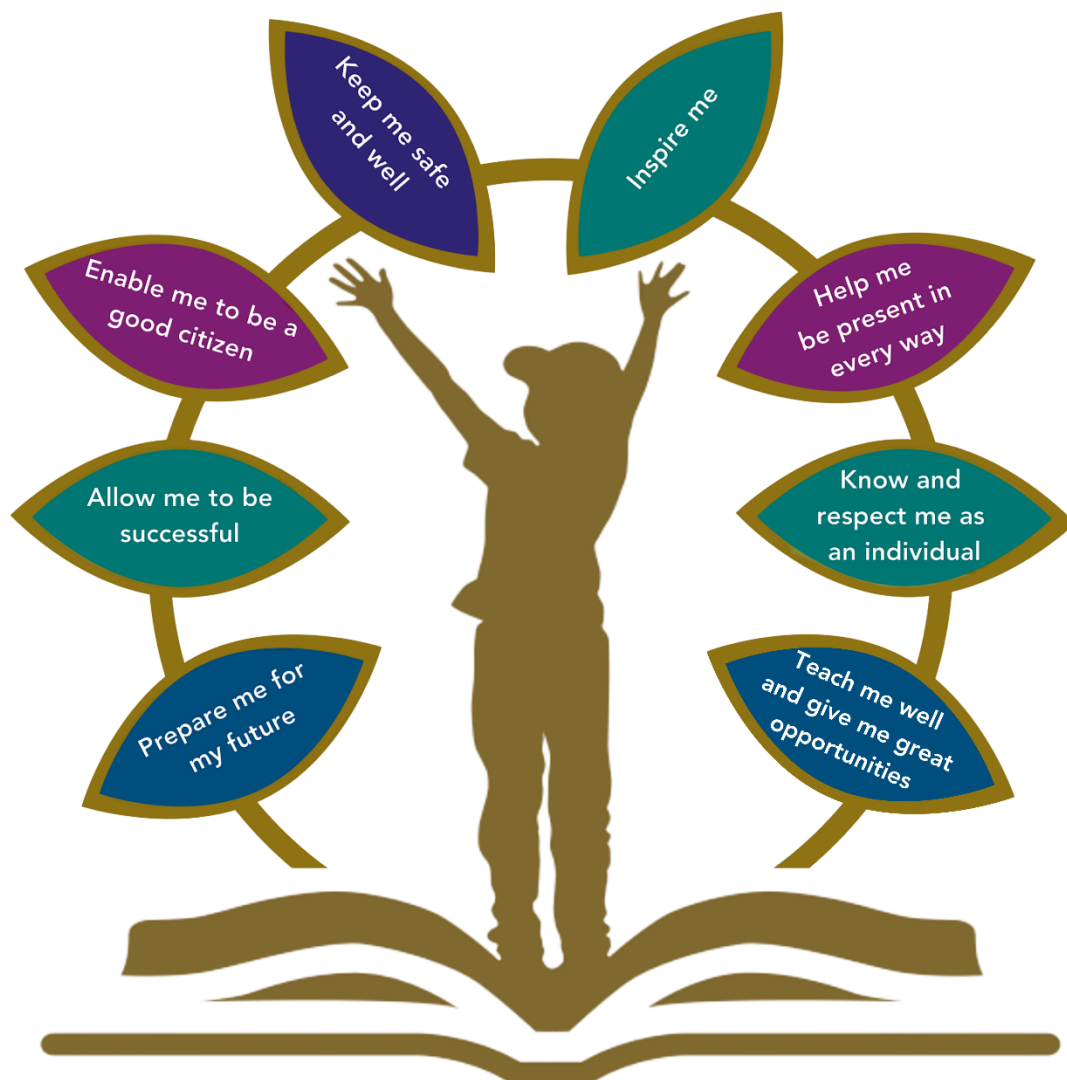
Contents

Section A: General Introduction	7
1. Introduction.....	7
2. Scope of the policy.....	7
3. Monitoring and review of the policy	7
4. Retention and data protection	7
5. Definitions	7
Section B: Maternity Leave and Pay	9
1. Introduction.....	9
2. Notification.....	9
3. Time off for antenatal care.....	9
4. Sickness.....	9
5. Health and safety	9
6. Entitlement to maternity leave	10
7. Neonatal care	10
8. Stillbirth and neonatal loss	10
9. Starting maternity leave.....	10
10. Statutory maternity pay	11
11. Contractual maternity pay.....	12
12. Terms and conditions during OML and AML.....	13
13 Annual leave	13
14 Pensions	14
15 Redundancies during or after pregnancy and maternity leave	15
16 Keeping in touch	15
17. Expected return date.....	15
18. Returning early.....	16
19. Returning late	16
20 Deciding not to return.....	16
21 The employee's rights when they return	16
22 Breastfeeding	17
23 Requests to change the working pattern	17
24 Shared parental leave	18
25. Appendices	18
Appendix 1 - New & Expectant Mothers Risk Assessment.docx.....	18
Appendix 2 - Notification of Pregnancy.docx	18

Appendix 3 - Acknowledgement of pregnancy leave letter TEMPLATE.docx	18
Appendix 4 - Details of statutory and occupational maternity pay.docx.....	18
Appendix 5 - Keeping in Touch Claim Form.docx	18
Appendix 6 - Employee's notification to return to work.docx	18
Appendix 7 - Frequently Asked Questions.docx	18
Section C: Paternity Leave and Pay	19
1. Introduction.....	19
2. Time off to accompany for antenatal care	19
3. Entitlement to paternity leave	20
4. Neonatal care leave	20
5. Stillbirth and neonatal loss	20
6. Bereaved partners' paternity leave.....	21
7. Paternity leave - timing and eligibility	22
8. Notification of paternity leave	23
9. Changing the dates of paternity leave or cancelling leave	24
10. Paternity pay.....	24
11. Terms and conditions during paternity leave and BPPL	25
12. Annual leave	25
13. Pensions	26
14. Returning to work	26
15. Requests to change the working pattern	26
16. Deciding not to return.....	26
17. Appendices	26
Appendix 1 - Notification of paternity leave form.docx.....	27
Appendix 2 - Details of statutory and occupational paternity pay.docx.....	27
Section D: Adoption Leave and Pay	28
1. Introduction.....	28
2. Entitlement to adoption leave	28
3. Neonatal care leave	29
4. Time off for adoption appointments	29
5. Notification of intention to take leave.....	29
6. Overseas adoptions	30
7. Starting adoption leave	31
8. Statutory Adoption Pay.....	31
9. Enhanced Adoption Leave Pay.....	32
10. Terms and conditions during OAL and AAL	32

11. Annual leave	33
12. Pensions.....	34
13. Redundancy situations during or after adoption leave	34
14. Disrupted adoption	34
15. Keeping in touch	34
16. Expected Return Date	35
17. Returning early.....	35
18. Returning late	35
19. Deciding not to return.....	36
20. The employee's rights when they return	36
21. Requests to change the working pattern	36
22. Shared parental leave	36
23. Appendices	36
Appendix 1 - Notification of Adoption.docx	37
Appendix 2 - Acknowledgement of adoption leave letter TEMPLATE.docx.....	37
Appendix 3 - Details of statutory and occupational adoption pay.docx	37
Appendix 4 - Keeping in Touch Claim Form.docx	37
Appendix 5 - Employee's notification to return to work.docx	37
Appendix 6 - Frequently Asked Questions.docx	37
Section E: Parental Leave	38
1. Introduction.....	38
2. Entitlement to parental leave.....	38
3. Timing of parental leave	38
4. Notification requirements	39
5. Evidential requirements	39
6. The school leader/line manager's right to postpone parental leave	39
7. Terms and conditions during parental leave	40
8. Pensions — teaching staff	40
9. Pensions — support staff	40
10. Returning to work	41
11. Abuse of this policy	41
Section F: Shared Parental Leave and Pay	42
1. Introduction.....	42
2. What is shared parental leave?	42
3. Entitlement to SPL when a child is born.....	42
4. Entitlement to SPL when a child is adopted	43

5.	Opting in to shared parental leave and pay	44
6.	Ending maternity or adoption leave	45
7.	Ending the mother's maternity leave or the partner's adoption leave	46
8.	Evidence of entitlement.....	46
9.	Notification of SPL dates	47
10.	Procedure for requesting discontinuous (split) periods of SPL	47
11.	Changing the dates or cancelling SPL	48
12.	Shared parental pay	48
13.	Other terms during shared parental leave	49
14.	Pensions	49
15.	Annual leave	49
16.	Redundancy situations during or after shared parental leave	50
17.	Keeping in touch	50
18.	Returning to work	51
	Appendix 1 – Flow Chart – Shared Parental Leave and Pay Process	52
	Appendix 2 - ACAS Forms.....	53



Sam's Entitlement

Section A: General Introduction

1. Introduction

- 1.1 This policy sets out statutory and contractual rights in relation to maternity, paternity, adoption, parental leave, and shared parental leave for employees at Hamwic Education Trust (HET). It covers rights and responsibilities, arrangements for leave and pay, and provisions for return to work. This policy reflects our commitment to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. No-one will be discriminated against, be subject to detriment, or lose career development opportunities by taking leave under this policy.

2. Scope of the policy

- 2.1 This policy is for all employees working within a HET school or establishment (which for ease of reference are referred to throughout this document as 'schools') or the HET Managed Service (MS) Team.

3. Monitoring and review of the policy

- 3.1 This policy will be reviewed annually or whenever a change in employment legislation necessitates a review, whichever is sooner. We will monitor the application and outcomes of this policy to ensure it is working effectively.

4. Retention and data protection

- 4.1 When managing an employee's leave and pay under this policy, HET processes personal data collected in accordance with its data protection policy. Data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the leave and pay. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time.
- 4.2 Records will be kept in accordance with our workforce privacy notice, our record retention schedule and in line with the requirements of data protection legislation.

5. Definitions

The following definitions apply in this policy:

- 'HET' refers to all schools within HET and the managed services team.
- 'HR' in this policy, means Hamwic Education Trust HR.
- 'Local Governing Committee' in this policy, where reference is made to the Governing Committee, this means the Local Governing Committee of the school, or the Trust in the case of a school where no Local Governing Committee is present. Where a Governing Committee is not present in a school, or numbers are low, Governors from other schools/partnerships may be used.
- 'Manager' in this policy, is anyone as identified in the staffing structure with line management responsibilities.

- 'Representative' in this policy means a representative of a professional association or trade union who is accredited to accompany a member when the member is subject to formal policies where they are entitled to be represented. Staff may also be accompanied by an appropriate work colleague.

Expected Week of Childbirth	the week, starting on a Sunday, in which the doctor or midwife expects the employee (or their spouse, civil partner or partner) to give birth.
Qualifying Week	the 15th week before the Expected Week of Childbirth, or the week in which the employee is notified in writing by an adoption agency of having been matched with a child.
Intended Start Date	the date on which the employee would like to start their maternity, paternity or adoption leave.
Expected Return Date	the date HET will expect the employee to return to work if they take their full entitlement to maternity leave or adoption leave.
Relevant Period	an 8-week period ending with the Qualifying Week, in birth cases, or the 8-week period ending with the week in which the employee or their spouse, civil partner or partner were notified of being matched with a child, in adoption cases.
Ordinary Maternity Leave (OML)	a period of 26 weeks' leave available to all employees who qualify for maternity leave.
Additional Maternity Leave (AML)	a further period of up to 26 weeks' leave immediately following OML
Partner	someone (whether of a different sex or the same sex) with whom the employee lives in an enduring family relationship, but who is not their parent, grandparent, sister, brother, aunt or uncle, niece or nephew.
Parent	one of two people (whether of a different sex or the same sex) who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father.)
Expected Placement Date	the date on which an adoption agency expects that it will place a child into the employee's care with a view to adoption.
Ordinary Adoption Leave (OAL)	a period of up to 26 weeks' leave available to all employees who qualify for adoption leave.
Additional Adoption Leave (AAL)	a further period of up to 26 weeks' leave immediately following OAL.

Section B: Maternity Leave and Pay

1. Introduction

- 1.1 This section outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth, including setting out the arrangements for pregnancy-related sickness, health and safety and maternity leave.

2. Notification

- 2.1 The employee must inform the school leader/line manager as soon as possible that they are pregnant. This is important as there may be various health and safety considerations.
- 2.2 Before the end of the Qualifying Week or as soon as reasonably practical afterwards, the employee must tell their school leader / line manager in writing:
- 2.2.1 That they are pregnant.
 - 2.2.2 The Expected Week of Childbirth.
 - 2.2.3 The date on which they would like to start their maternity leave (Intended Start Date).
- 2.3 The employee must also provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming their Expected Week of Childbirth (this is not available before the 20th week of pregnancy and is usually provided around the 26th week of pregnancy).

3. Time off for antenatal care

- 3.1 If the employee is pregnant, they may take reasonable paid time off during working hours for antenatal care. This may include any relaxation or parenting classes that their doctor, midwife or health visitor has advised them to attend. The employee should try to give HET as much notice as possible of the appointment and, wherever possible, try to arrange them near to the start or end of the working day.

4. Sickness

- 4.1 Periods of pregnancy-related sickness absence shall be paid in accordance with the employee's contract of employment in the same manner as any other sickness absence.
- 4.2 Periods of pregnancy-related sickness absence from the start of the employee's pregnancy until the end of their maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.
- 4.3 If the employee is absent due to sickness for a pregnancy-related reason during the 4 weeks before their expected week of childbirth, their maternity leave will usually start automatically (see paragraph 9, Starting maternity leave).

5. Health and safety

- 5.1 HET have a general duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to identify and assess the workplace risks to women who are pregnant

(once the employee has notified the school leader/line manager of their pregnancy), have given birth within the last 6 months, or are still breastfeeding.

The school leader/line manager will provide the employee with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If the school leader/line manager consider that, as a new or expectant mother, they would be exposed to health hazards in carrying out their normal duties, the school leader/line manager will take reasonable steps necessary (for as long as necessary) to avoid those risks which could affect the health and safety of the employee or their baby. This may involve:

- 5.1.1 Changing the employee's working conditions or hours of work.
- 5.1.2 Offering suitable alternative work on terms and conditions that are the same or not substantially less favourable.
- 5.1.3 Suspending the employee from duties, which will be on full pay, unless they have unreasonably refused suitable alternative work.

6. Entitlement to maternity leave

- 6.1 All employees, regardless of hours worked or length of service, are entitled to up to 52 weeks' maternity leave which is divided into:

- 6.1.1 Ordinary Maternity Leave of 26 weeks (OML).
- 6.1.2 Additional Maternity Leave of a further 26 weeks immediately following OML (AML).

provided that the employee complies with the notification requirements set out in paragraph 2.

7. Neonatal care

- 7.1 If the employee's child receives neonatal care that starts within 28 days of birth and lasts for a minimum of 7 consecutive days, they may also be entitled to neonatal care leave and pay which can be taken after their maternity leave. For further information please refer to HET neonatal care leave policy.

8. Stillbirth and neonatal loss

- 8.1 The employee is entitled to maternity leave and if eligible, pay, in accordance with this policy if their child is stillborn after 24 weeks of pregnancy or born alive at any stage of pregnancy but does not survive (neonatal loss).

9. Starting maternity leave

- 9.1 The earliest date the employee can start maternity leave is 11 weeks before the Expected Week of Childbirth (unless their child is born prematurely before that date). Maternity leave can commence on any day of the week.
- 9.2 The employee must notify their school leader / line manager in writing of their Intended Start Date before the end of the Qualifying Week (in accordance with paragraph 2.2). The school leader/line manager will then write to the employee within 28 days to inform them of the date they will expect

the employee to return to work if they take their full entitlement to maternity leave (Expected Return Date).

- 9.3 The employee can postpone their Intended Start Date by informing the school leader/line manager in writing at least 28 days before the original Intended Start Date or, if that is not possible, as soon as reasonably practicable.
- 9.4 The employee can bring forward the Intended Start Date by informing the school leader/line manager at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.
- 9.5 Maternity leave shall start on the earlier of:
 - 9.5.1 The employee's Intended Start Date (if notified to the school leader/line manager in accordance with this policy).
 - 9.5.2 The day after any day on which the employee is absent for a pregnancy-related reason during the 4 weeks before the Expected Week of Childbirth.
 - 9.5.3 The day after the employee gives birth.
- 9.6 If the employee gives birth before their maternity leave was due to start, they must let their school leader / line manager know the date of the birth in writing as soon as possible.
- 9.7 The law prohibits the employee from working during the 2 weeks following childbirth.
- 9.8 Shortly before maternity leave starts, the employee and their line manager will discuss the arrangements for covering their work and how they will remain in contact, should the employee wish to do so, during their leave. Unless they request otherwise, the employee will remain on circulation lists for internal news, job vacancies, training and work-related social events.

10. Statutory maternity pay

- 10.1 Statutory maternity pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if the employee returns to work (except where they are simply keeping in touch in accordance with paragraph 16). The employee is entitled to SMP if:
 - 10.1.1 They have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed by HET during that week.
 - 10.1.2 Their average weekly earnings during the 8 weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the government.
 - 10.1.3 They provide HET with a doctor's or midwife's certificate (MAT B1 form) stating their Expected Week of Childbirth.
 - 10.1.4 They give at least 28 days' notice (or, if that is not possible, as much notice as they can) of their intention to take maternity leave.
 - 10.1.5 They are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.
- 10.2 SMP is calculated as follows:

Weeks 1–6	90% of their average weekly earnings, calculated over the Relevant Period. This is called the earnings-related rate.
Weeks 7–39	The prescribed rate which is set by the Government for the relevant tax year, or the earnings-related rate (90% of their average weekly earnings) if this is lower.

10.3 SMP accrues from the day on which the employee commences their OML and, thereafter, at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, national insurance and pension contributions shall be deducted as appropriate.

10.4 The employee shall still be eligible for SMP if they leave employment for any reason after the start of the Qualifying Week (for example, if they resign or are made redundant). In such cases, if their maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:

10.4.1 The week following the week in which employment ends.

10.4.2 The 11th week before the Expected Week of Childbirth.

10.5 If the employee becomes eligible for a pay rise before the end of their maternity leave, they will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that their SMP will be recalculated and increased retrospectively, or that they may qualify for SMP if they did not previously qualify. HET shall pay the employee a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the earnings-related rate (if any) will also be increased, as necessary. Nothing in this paragraph affects the entitlement to or the calculation of contractual maternity pay. Terms relating to contractual maternity pay are set out in paragraph 11 below. If the employee becomes eligible for any pay rise before the end of their maternity leave, it will be taken into account for the purposes of contractual maternity pay from the date the pay rise takes effect.

11. Contractual maternity pay

Teachers

11.1 Teaching staff with at least twelve months continuous service at the 11th week before the EWC, will be entitled to receive contractual maternity pay as follows, in addition to payments set out in paragraph 10 (if eligible):

Weeks 1 - 4	Full pay (offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP).
Weeks 5 - 6	90% of salary (offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP).
Weeks 7 - 18	50% of salary plus any prescribed rate SMP to which the employee is entitled, paid without deduction, except by the extent to which the combined pay and SMP exceeds full pay.

- 11.2 The employee must return to their job for at least 13 consecutive calendar weeks, inclusive of school closure periods, as a qualifying condition to receive this contractual maternity pay. If they do not return to work for the 13-week period, they will be required to refund the amount paid to them for this period.
- 11.3 Any period of shared parental leave (SPL) does not count towards the required return to work period of 13 consecutive calendar weeks following resignation.
- 11.4 If the employee requests to reduce their hours on their return and their request is agreed, this 13-week period will be extended to equate to 13 weeks of service based on the number of hours they worked prior to their reduction in hours.

Support staff

- 11.5 Support staff with 12 months continuous service at the 11th week before the EWC will be entitled to receive contractual maternity pay as follows, in addition to payments set out in paragraph 10:

Weeks 1–6	90% of salary (offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP)
Weeks 7–18	50% of salary plus any Prescribed Rate SMP to which the employee is entitled, paid without deduction, except by the extent to which the combined pay and SMP exceeds full pay.

- 11.6 The employee must return to their job for at least 3 months as a qualifying condition to receive this contractual maternity pay. If they do not return to work for the 3-month period, they will be required to refund the amount paid to them for this period.
- 11.7 Any period(s)* of shared parental leave (SPL) does/do* not count towards the required return to work period of 3 consecutive calendar months following resignation.
- 11.8 If the employee requests to reduce their hours on their return and their request is agreed, this 3-month period will be extended to equate to 3 months of service based on the number of hours they worked prior to their reduction in hours.

12. Terms and conditions during OML and AML

- 12.1 All the terms and conditions of employment remain in force during OML and AML, except for the terms relating to pay. In particular:
- 12.1.1 Benefits in kind, such as life insurance shall continue.
- 12.1.2 Annual leave entitlement under the employee's contract shall continue to accrue where applicable (see paragraph 13, Annual leave).
- 12.1.3 Pension benefits shall continue (see paragraph 14, Pensions).

13 Annual leave

- 13.1 All employees continue to accrue annual leave during maternity leave at the rate provided under their contract of employment.

Teachers

- 13.2 The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.
- 13.3 The employee's accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after their maternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that they have accrued during the maternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate the employee's outstanding annual leave entitlement, they will be entitled to take any remaining leave during term time at a time mutually agreed with the school leader / line manager.

Support staff — term time only/term time plus

- 13.4 The salary calculation for support staff contracted to work term time only, or term time plus additional working weeks, includes proportionate annual leave entitlement, and there is no entitlement to annual leave except during school closure periods.
- 13.5 The employee's accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after their maternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that they have accrued during the maternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate their outstanding annual leave entitlement, they will be entitled to take any remaining leave during term time at a time mutually agreed with the school leader / line manager.

Support staff — full working year

- 13.6 Annual leave entitlement will continue to accrue at the rate provided under the employee's contract. If their maternity leave will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting their maternity leave can be carried over to the next holiday year and must be taken immediately before returning to work, unless the school leader/line manager agrees otherwise. The employee should try to limit carryover to 1 week's holiday or less. Carryover of more than 1 week is at the school leader/line manager's discretion. The employee should discuss their holiday plans with the school leader/line manager in good time before starting maternity leave. All holiday dates are subject to approval by the line manager. Our holiday year runs from 1 September to 31 August.

14 Pensions

- 14.1 During OML and any further period of paid maternity leave, HET shall continue to make the relevant employer pension contributions. Employee contributions are usually made based on the pay they are receiving whilst absent. If the employee wishes to increase their contributions to make up any shortfall from those based on their normal salary, then please contact the pensions administrator directly. For teaching staff, this will be Teachers' Pensions on 0345 606 6166, and for support staff, this will be LGPS scheme for Hampshire LGPS on 01962 845588 and Dorset LGPS on 01305 224845.
- 14.2 During any period of unpaid maternity leave, HET shall not make any employer pension contributions, and the period shall not count as pensionable service. If the employee is a member of support staff, they may, if they wish, make up any contributions for the unpaid period. If they

choose not to, they will not build up any membership for this period, and this will affect their pension benefits. If the employee is a member of teaching staff, they do not have the option of paying contributions during any period of unpaid maternity leave, but they can purchase additional pension on top of their normal contributions in multiples of £250, up to a maximum set by Teachers' Pensions.

15 Redundancies during or after pregnancy and maternity leave

- 15.1 If the employee's role is affected by a redundancy situation during their leave, the school leader/line manager will write to the employee to inform them of any proposals and will invite them to a meeting as part of the process before any final decision is reached in respect of any redundancies.
- 15.2 If the employee's role is affected by a redundancy situation and they have notified the school leader/line manager of their pregnancy, or they are on maternity leave or they are within 18 months of the date of birth (or the start of the EWC if they have not advised the school leader/line manager of the date of birth), they shall be offered a suitable alternative vacancy that is appropriate to their skills, if one is available.

16 Keeping in touch

- 16.1 The school leader/line manager may make reasonable contact with the employee from time to time during their maternity leave.
- 16.2 The employee may work (including attending training) for up to 10 days during ordinary or additional maternity leave without bringing their maternity leave or SMP to an end. These are known as keeping in touch (KIT) days. The arrangements, including hours and pay, would be set by agreement with their school leader / line manager. The employee will receive SMP plus payment for KIT Day or number of hours worked.
- 16.3 Any work the employee does as a KIT day, even as little as an hour, for example, will be counted as a whole KIT day. They can be taken as single days, consecutive days or in blocks. Once the employee has used up their 10 KIT days, if they do any further work, they will lose a week's SMP for the week in which they have done that work.
- 16.4 KIT days are by agreement. The employee is not obliged to undertake any such work during maternity leave. Equally the school leader/line manager may refuse a request from the employee for them to work a KIT day. In any case, the employee must not work during the 2 weeks following the birth of their child.
- 16.5 Shortly before the employee is due to return to work, the school leader/line manager may invite them to have a discussion (whether in person or by telephone) about the arrangements for their return. This could be one of their KIT days. This may cover:
 - 16.5.1 Updating the employee on any changes that have occurred during their absence.
 - 16.5.2 Any training needs the employee might have.
 - 16.5.3 Any changes to working arrangements (for example, if the employee has made a request to work part-time).

17. Expected return date



- 17.1 Once the employee has notified the school leader/line manager in writing of their Intended Start Date, the school leader/line manager shall send them a letter within 28 days to inform them of their Expected Return Date. If the employee's start date has been changed (either because they gave notice to change it, or because maternity leave started early due to illness or premature childbirth), the school leader/line manager shall write to them within 28 days of the start of maternity leave with a revised Expected Return Date.
- 17.2 The school leader/line manager will expect the employee back at work on their Expected Return Date unless they tell the school leader/line manager otherwise. It will help the school leader/line manager if, during maternity leave, the employee is able to confirm that they will be returning to work as expected.

18. Returning early

- 18.1 If the employee wishes to return to work earlier than the Expected Return Date, they must provide 21 days' prior notice in writing. If not enough notice is provided, the school leader/line manager may postpone the employee's return date until 21 days after they provided the school leader/line manager with notice or to the Expected Return Date, if sooner.

19. Returning late

- 19.1 If the employee wishes to return later than the Expected Return Date, they may request unpaid parental leave in accordance with Section E, parental leave, giving the school leader/line manager as much notice as possible but not less than 21 days.
- 19.2 Alternatively, employees who have annual leave entitlement remaining (where applicable) may request paid annual leave in accordance with their contract, which will be at the school leader/line manager discretion.
- 19.3 If the employee is unable to return to work due to sickness or injury, this will be treated as sickness absence and HET's sickness absence policy will apply.
- 19.4 In any other case, late return will be treated as unauthorised absence.

20 Deciding not to return

- 20.1 If the employee does not intend to return to work or is unsure, it is helpful if they discuss this with the school leader/line manager as early as possible. If they decide not to return, they should give notice of resignation in accordance with their contract. The amount of maternity leave left to run when they give notice must be at least equal to their contractual notice period; otherwise, the school leader/line manager may require them to return to work for the remainder of the notice period.
- 20.2 Once the employee has given notice that they will not be returning to work, they cannot change their mind without the school leader/line manager agreement.
- 20.3 This does not affect the employee's right to receive SMP.

21 The employee's rights when they return

- 21.1 The employee is normally entitled to return to work in the same position as they held before commencing leave. The employee's terms of employment shall be the same as they would have been had they not been absent.

- 21.2 However, if the employee has taken any period of AML or more than 4 weeks' parental leave and it is not reasonably practicable for the school leader/line manager to allow them to return into the same position; the school leader/line manager may give the employee another suitable and appropriate job on terms and conditions that are not less favourable.

22 Breastfeeding

- 22.1 HET is concerned to protect the health and safety of all its employees. In particular, employees who are pregnant or breastfeeding or who have recently given birth have the right to be supported and protected against any risks to their health or safety.
- 22.2 HET is dedicated to providing all possible support and facilities to employees who are pregnant or who have returned to work after a period of maternity leave, to assist their transition back to work. HET/school will provide a rest room for pregnant employees and new mothers. These facilities may be particularly useful for employees whose babies are at a nursery nearby or where the employee's home is close to the workplace. Employees can use this room to:
- Breastfeed or bottle-feed their babies — sterilising equipment, heating facilities for bottled milk and a refrigerator are provided
 - Express milk
 - Change their babies
- 22.3 A rest room will be made available for employees who are pregnant or have recently given birth and who wish to use it will be provided access. Toilets will be located nearby.
- 22.4 An employee who returns to work after maternity leave should inform their school leader / line manager if they wish to use the dedicated rest room. Employees should also let their school leader / line manager know of any recommendation that their doctor has made in relation to their health and wellbeing during pregnancy, or during the period following the birth of the baby.
- 22.5 The school leader / line manager will ensure (while also taking the needs of the school/managed services into account) that pregnant employees and new mothers are allowed reasonable flexibility in their working hours, and rest breaks to allow them to make use of the facilities. An employee who wishes to request flexibility to, for example, go home to feed their baby (if they live close to the school/office should speak to their school leader / line manager. While the school leader / line manager cannot guarantee that they will be able to agree to every request for flexibility, it will give favourable consideration to requests and endeavour, within reason, to accommodate employees' wishes.
- 22.6 HET is committed to providing all reasonable support to employees who are pregnant or new mothers. Colleagues should be sensitive to this issue and should also adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are pregnant or who have recently given birth. It is a requirement of this policy that all employees of HET respect this principle.

23 Requests to change the working pattern

- 23.1 The school leader/line manager will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no right to insist on working part-time, but the employee does have a statutory right to request flexible working. The school leader/line manager will consider the request in accordance with the provisions

of this statutory right, bearing in mind the needs of the organisation. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our flexible working policy.

24 Shared parental leave

- 24.1 In some cases, the employee and their spouse or partner may be eligible to opt into the SPL scheme which gives them more flexibility to share the leave and pay available in the first year after birth. The employee's partner should check with their employer if they are eligible.
- 24.2 The employee would need to provide at least 8 weeks' written notice to end their maternity leave and opt into SPL. The employee can give this notice before or after the birth, but they must remain on maternity leave until at least 2 weeks after birth. They would then be able to share any remaining leave with their partner. For further information about how SPL works, see Section F.

25. Appendices

[Appendix 1 - New & Expectant Mothers Risk Assessment.docx](#)

[Appendix 2 - Notification of Pregnancy.docx](#)

[Appendix 3 - Acknowledgement of pregnancy leave letter TEMPLATE.docx](#)

[Appendix 4 - Details of statutory and occupational maternity pay.docx](#)

[Appendix 5 - Keeping in Touch Claim Form.docx](#)

[Appendix 6 - Employee's notification to return to work.docx](#)

[Appendix 7 - Frequently Asked Questions.docx](#)

Section C: Paternity Leave and Pay

1. Introduction

This section sets out employees' entitlement to accompany a pregnant woman to appointments to receive antenatal care, paternity leave, and pay. This section can apply to eligible employees of either gender, for the purpose of caring for a child or supporting the child's other parent subject to the qualifying conditions as set out below.

From 6 April 2026, paternity leave is a day-one employment right and there is no minimum service requirement. This applies to births or adoption placements on or after 6 April 2026 or births before 6 April 2026 where the EWC starts on or after 5 April 2026. However, where the child is born before 6 April 2026, the paternity leave cannot start until 6 April 2026.

2. Time off to accompany for antenatal care

2.1 Employees are entitled to take unpaid time off during their working hours to accompany a pregnant woman to up to two appointments to receive antenatal care, lasting no more than 6½ hours each (including travel and waiting time), if they:

2.1.1 Are the biological father of the child.

2.1.2 Are the spouse or civil partner of the pregnant employee.

2.1.3 Live with the pregnant employee in an enduring family relationship and are not a relative.

2.1.4 The pregnant employee has undergone assisted conception and, at that time, the employee is the wife or civil partner or gave the required legal notices to be treated in law as the second female parent.

2.1.5 They are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.

2.2 Agency workers who have completed their 12-week qualifying period in the same role, with no breaks during or between assignments, and who meet the criteria at 2.1 have the same right to accompany.

2.3 The appointments may include any relaxation or parenting classes but must have been made on the advice of the pregnant woman's doctor, midwife or health visitor.

2.4 If the employee is eligible and wish to take time off for this purpose, they must provide the school leader/line manager with a signed employee declaration confirming:

2.4.1 That they have a qualifying relationship (see paragraph 2.1 above) with a pregnant woman or her expected child.

2.4.2 That they wish to take time off to accompany the pregnant woman to an appointment to receive antenatal care which has been made on the advice of their doctor, midwife or health visitor.

2.4.3 The date and time of the appointment.

- 2.5 The employee should try to give the school leader/line manager as much notice as possible of the appointment and, wherever possible, try to arrange them as near to the start or end of the working day.

3. Entitlement to paternity leave

- 3.1 Both men and women can request paternity leave for the purpose of caring for a child, or supporting the child's other parent, in the following cases:

- 3.1.1 On the birth of a child, where either:

- a) The employee is the biological father and expect to have some responsibility for the child's upbringing.
- b) The mother is the employee's partner, and they expect to have main responsibility with her for the child's upbringing.

- 3.1.2 On the adoption of a child, where the employee expects to have the main responsibility (with their partner) for the child's upbringing.

- 3.1.3 On the birth of a child to a surrogate mother and either the employee or their partner is one of the biological parents of the child, and they anticipate obtaining a parental order that will grant both them and their partner responsibility for the child.

- 3.1.4 Where a local authority places a child with the employee and/or their partner under a fostering for adoption arrangement and they expect to have main responsibility (with their partner) for the child's upbringing.

- 3.2 In adoption, fostering for adoption, and surrogacy cases, the employee may wish to consider adoption leave instead (see Section D, Adoption leave and pay). Only one parent can take adoption leave, however, an exception applies so the employee should discuss this with their partner. The employee cannot take both paternity leave and adoption leave.

- 3.3 In the event that the child's mother or adopter passes away within a year of the birth or adoption, the employee may be entitled to bereaved partner's paternity leave (BPPL) (see paragraph 6, below).

- 3.4 In some cases, the employee may be eligible to opt into the shared parental leave scheme, which gives them and their partner more flexibility to share the leave and pay available in the first year.

- 3.5 The employee may be eligible to take shared parental leave after paternity leave. Further details are set out in Section F, shared parental leave and pay.

4. Neonatal care leave

- 4.1 If the employee's child receives neonatal care that starts within 28 days of birth and lasts for a minimum of 7 consecutive days, they may also be entitled to neonatal care leave and pay, which can be taken after their paternity leave. For further information please refer to HET neonatal care leave policy.

5. Stillbirth and neonatal loss

- 5.1 If eligible, the employee is entitled to paternity leave and if eligible, pay, in accordance with this policy if their child is stillborn after 24 weeks of pregnancy or born alive, at any stage of pregnancy, but does not survive (neonatal loss). However, the employee may have less time in which to take their paternity leave under paragraph 8.7.

6. Bereaved partners' paternity leave

- 6.1 If the child's mother, adopter or intended parent in a surrogacy situation passes away either during childbirth or within 52 weeks of the birth or adoption, the employee may be entitled to bereaved partner's paternity leave (BPPL). This is a single continuous period of leave of up to 52 weeks which can start at any time after the bereavement and must start and end with the paternity leave eligibility period (which is 52 weeks starting the day after the date of birth or adoption placement). It must be taken during the first year after the child's birth or adoption placement, except if the bereavement takes place in the last two weeks of that 52-week period, in which case the employee may take BPPL for up to two weeks after the bereavement.
- 6.2 The employee is eligible for BPPL if they are taking leave to care for the child and they are either the child's biological father or the spouse, civil partner or partner of the child's primary carer or primary adopter.
- 6.3 If the employee has already taken shared parental leave in respect of the same child, they remain eligible for BPPL. If they have not yet taken shared parental leave and they are eligible to do so, this may be more beneficial than BPPL. The employee should speak to their school leader/line manager to discuss their options.
- 6.4 The notice requirements depend on when the BPPL will be taken, as follows:

	BPPL within the first 8 weeks after the bereavement	BPPL more than 8 weeks after the bereavement
Initial notice to be given	Notify the school leader/line manager as soon as possible and no later than the day the employee would otherwise be due to attend work on the first day of BPPL. This notice does not need to be in writing and may be a phone call or text message. The school leader/line manager will ask them to provide written notice (see paragraph 6.5) no more than eight weeks after the bereavement or at least one week before their return to work, whichever is earlier.	At least one week's written notice (see paragraph 6.5) to the employee's school leader/line manager.
Changing or cancelling BPPL	Notify employee's school leader/line manager as soon as possible and no later than the day before the original or new start date (whichever is earlier).	If the employee wishes to change the start date or cancel leave that is more than 8 weeks after the bereavement, they are to give one weeks' written notice.

- 6.5 A written notice under 6.3 and 6.4 above, should include the date of bereavement, the child's date of birth or placement for adoption, the date the employee started or intends to start BPPL, the date they intend to return to work and confirmation that they meet the eligibility conditions set out above.
- 6.6 If the employee is entitled to SPP and has not yet received it, they may claim it during their BPPL, subject to the eligibility conditions and at the rates set out in paragraph 10 (Paternity pay).
- 6.7 Other than any SPP to which the employee is entitled, they will continue to be paid their normal rate of pay for up to 4 weeks' full pay (inclusive of any SPP payable)
- 6.8 The school leader/line manager may make reasonable contact with the employee from time to time during their BPPL. The employee may work (including attending training) for up to 10 KIT days during their BPPL without bringing their BPPL to an end. KIT days are not compulsory and the arrangements, including hours and pay, would be set by agreement with their school leader/line manager.
- 6.9 Should the employee need additional time off beyond BPPL, they may request annual leave (if applicable) or parental leave (please see Section E of this policy).

7. Paternity leave - timing and eligibility

7.1 Paternity leave must be taken as either:

- 7.1.1 A single period of leave of either 1 or 2 weeks.
- 7.1.2 Two non-consecutive periods of leave of a week each.

7.2 Paternity leave can be taken from the date of the child's birth or adoption placement, or a later date of their choosing, but must end:

- 7.2.1 In birth cases, within 52 weeks of the child's birth or, if they were born before the first day of the Expected Week of Childbirth, within 52 weeks of the first day of the Expected Week of Childbirth.
- 7.2.2 In adoption cases, within 52 weeks of the child's placement.

7.3 The employee is entitled to paternity leave if they meet all the following conditions:

7.3.1 The employee:

- a) Is the biological father of the child.
- b) Has been matched with a child by an adoption agency.
- c) Has had a child placed with them by a local authority under a fostering for adoption arrangement.
- d) Is the spouse, civil partner or partner of the child's mother.
- e) Is the spouse, civil partner or partner of someone who has been matched with a child by an adoption agency.
- f) Their spouse, civil partner or partner is one of the child's biological parents on the birth of a child to a surrogate mother, and they expect to obtain a parental order giving them and/or their partner responsibility for the child.

- g) Is the spouse, civil partner or partner of a child placed with them by a local authority under a fostering for adoption arrangement.

7.3.2 The employee:

- a) Expects to have main responsibility (with the child's mother or their partner) for the child's upbringing.
- b) Is the child's biological father and they are expecting to have some responsibility for the child's upbringing.
- c) Is taking leave for the purpose of caring for the child or supporting the child's mother or their partner in caring for the child.

8. Notification of paternity leave

- 8.1 If the employee is eligible and wishes to take paternity leave in relation to a child's birth or the adoption of a child, they must give the school leader/line manager notice in writing of their intention to do so by the end of the Qualifying Week or no more than 7 days after they and/or their partner were notified by the adoption agency of having been matched with the child or, if this is not possible, as soon as reasonably practicable.

8.2 The employee must confirm:

- 8.2.1 The Expected Week of Childbirth or the date on which they and their partner were notified of having been matched with the child, together with the Expected Placement Date.
- 8.2.2 They meet the statutory conditions for entitlement to Statutory Paternity Leave (see paragraph 3.1) by providing a signed declaration.

8.3 The employee can choose to start their leave on:

- 8.3.1 The day of the child's birth or the day on which the child is placed with them or the adopter.
- 8.3.2 A day which is a specified number of days after the child's birth or placement.
- 8.3.3 A specific date later than the first date of the Expected Week of Childbirth or the Expected Placement Date.

- 8.4 For each period of leave the employee intends to take, they must give the school leader/line manager notice in writing at least 28 days before the first day they have chosen in respect of the above options (see paragraph 9.3) or, if a domestic adoption, notice period no more than 7 days after they and/or their partner were notified of having been matched with the child or, if this is not possible, as soon as they can.

8.5 The employee must confirm:

- 8.5.1 Whether they intend to take 1 week's leave or 2 consecutive weeks' leave;
- 8.5.2 When they would like to start their leave.

- 8.6 After initial notice has been provided, the employee may vary these dates to take the leave at a later stage to best suit the needs of their family by giving at least 28 days' notice in writing. They must include confirmation that the new period of leave is to care for the child or support the mother or adopter in caring for the child within the written notice.
- 8.7 The employee will still be able to take paternity leave on their chosen dates if their child dies or is stillborn, if an adoption placement is ended, or (in surrogacy cases) if a parental order is not sought within six months of birth or an application for a parental order is refused. If they wish to vary the dates they have chosen for their paternity leave period, they should speak to their school leader/line manager. The employee may also be entitled to take parental bereavement leave see HET Leave of Absence Policy.

9. Changing the dates of paternity leave or cancelling leave

- 9.1 Where the employee is to take paternity leave in respect of a child's birth or adoption, they are able to provide written notice to vary the start date of their leave from that which they originally specified in the notice given under paragraph 8. This notice should be given:
- 9.1.1 Where they wish to vary their leave to start on the day of the child's birth/placement, at least 28 days before the first day of the Expected Week of Childbirth/Expected Placement Date.
 - 9.1.2 Where they wish to vary their leave to start a specified number of days after the child's birth/placement, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth/Expected Placement Date.
 - 9.1.3 Where they wish to vary their leave to start on a specific date (or a different date from that the employee originally specified), at least 28 days before that date.
- 9.2 If the employee is unable to give 28 days' written notice of the wish to vary the start of their leave, as set out above, they should give written notice of the change as soon as reasonably possible.
- 9.3 The employee can cancel a period of leave by giving the school leader/line manager written notice at least 28 days before the start date or as soon as reasonable.

10. Paternity pay

- 10.1 HET an enhanced paternity pay of two weeks' pay at the rate of the employee's normal basic salary during paternity leave and includes any SPP that may be due for that period. There is no minimum service requirement.
- 10.2 If the employee takes paternity leave in accordance with this policy, they will be entitled to statutory paternity pay (SPP) if they have been continuously employed for at least 26 weeks at the end of the Qualifying Week and, during the Relevant Period, their average weekly earnings are not less than the lower earnings limit set by the government. Please note that whilst paternity leave is a day-one right for births or adoption placements on or after 6 April 2026, the 26-week continuous employment requirement continues to apply for SPP eligibility.
- 10.3 SPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of the employee's average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please visit www.gov.uk/paternity-pay-leave.

11. Terms and conditions during paternity leave and BPPL

- 11.1 All the terms and conditions of employment remain in force, except for the terms relating to pay during paternity leave and BPPL. In particular:
- 11.1.1 Benefits in kind such as life insurance shall continue.
 - 11.1.2 Annual leave entitlement under the employee's contract shall continue to accrue where applicable (see paragraph 12, Annual leave).
 - 11.1.3 Pension benefits shall continue (see paragraph 13, Pensions).

12. Annual leave

- 12.1 All employees continue to accrue annual leave during paternity leave and BPPL at the rate provided under their contract of employment.

Teachers

- 12.2 The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.
- 12.3 The accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after the employee's paternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that they have accrued during the paternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate their outstanding annual leave entitlement; they will be entitled to take any remaining leave during term time at a time mutually agreed with the school leader/line manager.

Support staff - term time only/term time plus

- 12.4 The salary calculation for support staff contracted to work term time only, or term time plus additional working weeks, includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.
- 12.5 The accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after the employee's paternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that they have accrued during the paternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate their outstanding annual leave entitlement, they will be entitled to take any remaining leave during term time at a time mutually agreed with the school leader/line manager.

Support staff – full working year

- 12.6 Annual leave entitlement will continue to accrue at the rate provided under the employee's contract. If they are taking a period of paternity leave which will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting their leave can be carried over to the next holiday year and must be taken immediately before returning to work, unless the school leader/line manager agrees otherwise. Leave carried over is limited to 1 week's holiday or less.

Carryover of more than 1 week is at school leader/line manager's discretion. Please discuss holiday plans with the school leader/line manager in good time before commencing paternity leave. All holiday dates are subject to approval by the school leader/line manager. HET's holiday year runs from 1 September to 31 August.

13. Pensions

- 13.1 During any period of paid paternity leave, HET shall continue to make the relevant employer pension contributions. Employee contributions are usually made based on the pay the employee is receiving whilst absent. If the employee wishes to increase their contributions to make up any shortfall from those based on their normal salary, please contact the pensions administrator directly. For teaching staff, this will be Teachers' Pensions on 0345 606 6166, and for support staff, this will be LGPS scheme for Hampshire LGPS on 01962 845588 and Dorset LGPS on 01305 224845.
- 13.2 During any period of unpaid paternity leave, HET shall not make any employer pension contributions, and the period shall not count as pensionable service. Support staff may, if they wish, make up any contributions for the unpaid period. If they choose not to, they will not build up any membership for this period, and this will affect their pension benefits. Teaching staff do not have the option of paying contributions during any period of unpaid paternity leave but can purchase additional pension on top of their normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

14. Returning to work

- 14.1 Employees are normally entitled to return to work following paternity leave and BPPL to the same position they held before commencing leave. Their terms of employment will be the same as they would have been had they not been absent.
- 14.2 However, if the employee has taken paternity leave straight after or straight before a period of parental leave of more than 4 weeks, and it is not reasonably practicable for the employee to return to the same job, the employee may given another suitable and appropriate job on terms and conditions that are not less favourable.
- 14.3 If the employee is also taking shared parental leave in respect of the same child, see Section F, shared parental leave and pay for information about rights on return to work.

15. Requests to change the working pattern

- 15.1 The school leader/line manager will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis, in accordance with HET flexible working policy. The school leader/line manager will try to accommodate the employee's request, unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

16. Deciding not to return

- 16.1 If the employee does not intend to return to work or is unsure, it is helpful to discuss this with the school leader/line manager as early as possible. If they decide not to return, they should submit their resignation in accordance with their contract. Once they have done so they will be unable to change their mind without HET's agreement. This does not affect their right to receive SPP.

17. Appendices



[Appendix 1 - Notification of paternity leave form.docx](#)

[Appendix 2 - Details of statutory and occupational paternity pay.docx](#)



Section D: Adoption Leave and Pay

1. Introduction

- 1.1 This section outlines the statutory rights and responsibilities of employees who adopt, foster a child with a view to possible adoption, or have a child through a surrogate mother¹.

2. Entitlement to adoption leave

- 2.1 All employees, regardless of hours worked or length of service, are entitled to up to 52 weeks' adoption leave, which is divided into:

2.1.1 Ordinary adoption leave of 26 weeks (OAL).

2.1.2 Additional adoption leave of a further 26 weeks immediately following OAL (AAL).

- 2.2 Adoption leave is only available if the employee is a local authority foster parent who has been approved as a prospective adopter or they are adopting through a UK or overseas adoption agency (for overseas adoptions see paragraph 6). It is not available if there is no agency involved, for example, if the employee is formally adopting a stepchild or other relative.

- 2.3 The employee is entitled to adoption leave if they meet all the following conditions:

2.3.1 An adoption agency or a local authority has given the employee written notice that it has matched them with a child for adoption, or that it will be placing a child with the employee under a fostering for adoption arrangement and tells them the Expected Placement Date.

2.3.2 They have notified the agency that they agree to the child being placed with them on the Expected Placement Date.

2.3.3 Their spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave and/or shared parental leave).

There is no right to statutory adoption leave or pay for private adoptions or for stepparents adopting their stepchildren.

- 2.4 In relation to surrogacy, the employee is entitled to adoption leave if all of the following conditions are met:

2.4.1 A surrogate mother gives birth to a child who is biologically their child, the child of their spouse or partner, or the child of both of them.

2.4.2 They expect to be given parental responsibility for the child under a parental order from the court. The child must live with the employee, and they must apply for the parental order within 6 months of the child's birth.

There is no right to statutory leave or pay for parents who have a child with the help of a surrogate, but who are not eligible for a parental order (for example, where neither of them has supplied the genetic material for the child).

¹ Please note: Every pregnant employee has the right to 52 weeks' maternity leave and to return to their job after this. Section A — maternity Leave and Pay will apply to surrogate mothers, even if they are not genetically related to the baby.

3. Neonatal care leave

- 3.1 If the employee's child receives neonatal care that starts within 28 days of birth and lasts for a minimum of 7 consecutive days after the child has been placed with them, they may also be entitled to neonatal care leave and pay, which can be taken after their adoption leave. For further information please refer to HET neonatal care leave policy.

4. Time off for adoption appointments

- 4.1 The employee is entitled to take time off during their working hours to attend adoption appointments that take place after an adoption agency has notified them that a child is or is expected to be placed with them for adoption. These appointments must be made by an adoption agency:
- 4.1.1 So that the employee can have contact with that child.
 - 4.1.2 For any other purpose connected with that adoption.
- 4.2 Agency workers who have completed their 12-week qualifying period in the same role, with no breaks during or between assignments, and who meet the criteria at 0 have the same right to attend.
- 4.3 The employee is entitled to paid time off to attend up to five appointments lasting no more than 6½ hours (including travel and waiting time) each during working hours if they are:
- 4.3.1 Adopting on their own.
 - 4.3.2 Adopting as part of a couple and have been elected as the main adopter.
- 4.4 The employee will be entitled to unpaid time off to attend up to two appointments lasting no more than 6½ hours each during working hours if they are adopting a child as part of a couple and have not been elected as the main adopter.
- 4.5 If the employee is eligible and wishes to take time off for this purpose, they must provide the school leader/line manager with written confirmation:
- 4.5.1 That they wish to take time off to attend an adoption appointment that has been made by or at the request of the adoption agency.
 - 4.5.2 The date and time of the appointment.
 - 4.5.3 Whether they are adopting a child alone or jointly with another person.
 - 4.5.4 If they are adopting with another person, whether they are electing to take paid or unpaid time off.
- 4.6 Agency workers need to notify the agency they have been placed at the school by.
- 4.7 The employee should give us as much notice as possible of the appointment and, wherever possible, try to arrange them as near to the start or end of the working day.

5. Notification of intention to take leave



- 5.1 The employee must give the school leader/line manager notice in writing of:
 - 5.1.1 The Expected Placement Date.
 - 5.1.2 Their Intended Start Date for adoption leave (Intended Start Date) (see paragraph 7).
- 5.2 This notice should be given not more than 7 days after the agency or local authority notified the employee in writing that it has matched them with a child.
- 5.3 At least 28 days before the employee's Intended Start Date (or, if this is not possible, as soon as they can), they must also provide the school leader/line manager with:
 - 5.3.1 A matching certificate from the adoption agency confirming:
 - a) The agency's name and address.
 - b) The date they were notified of the match.
 - c) The Expected Placement Date.
 - 5.3.2 Written confirmation that the employee intends to take statutory adoption leave and not statutory paternity leave.
- 5.4 The school leader/line manager will write to the employee within 28 days to confirm the date they would be due to return to work, based on them taking their full entitlement to adoption leave.
- 5.5 In relation to surrogacy, the employee must inform the school leader/line manager in writing of their intention to take adoption leave and give the expected week of childbirth (EWC). The employee must give this information by the end of the 15th week before the EWC or, if that is not reasonably possible, as soon as is reasonably practicable. The employee must also complete a declaration confirming their entitlement. The school leader/line manager will write to the employee within 28 days of receiving their notification to confirm their Expected Return Date, assuming they take their full entitlement to adoption leave. When the child is born the employee must tell the school leader/line manager the date of birth.

6. Overseas adoptions

If the employee is adopting a child from overseas, the following will apply:

- 6.1 The employee must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).
- 6.2 The employee must give the school leader/line manager notice in writing of:
 - 6.2.1 Their intention to take adoption leave.
 - 6.2.2 The date they received Official Notification.
 - 6.2.3 The date the child is expected to arrive in Great Britain.

- 6.3 This notice should be given as early as possible but, in any case, within 28 days of receiving Official Notification (or, if the employee has less than 26 weeks' employment with HET at the date of Official Notification, within 30 weeks of starting employment).
- 6.4 The employee must also give school leader/line manager at least 28 days' notice in writing of their Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.
- 6.5 The employee must also notify the school leader/line manager of the date the child arrives in Great Britain within 28 days of that date.
- 6.6 The school leader/line manager may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

7. Starting adoption leave

- 7.1 OAL may start on a predetermined date no more than 14 days before the Expected Placement Date or on the date of placement itself, but no later.
- 7.2 The employee must notify the school leader/line manager of their Intended Start Date in accordance with paragraph 5. The school leader/line manager will then write to the employee within 28 days to inform them of the date the school leader/line manager will expect them to return to work if they take their full entitlement to adoption leave (Expected Return Date).
- 7.3 The employee can postpone their Intended Start Date by informing the school leader/line manager in writing at least 28 days before the original date or, if that is not possible, as soon as practicable.
- 7.4 The employee can bring forward their Intended Start Date by informing the school leader/line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as practicable.
- 7.5 Shortly before the adoption leave starts, the school leader/line manager will discuss with the employee the arrangements for covering their work and the opportunities for them to remain in contact, should they wish to do so, during their leave. Unless the employee requests otherwise, they will remain on circulation lists for internal news, job vacancies, training, and work-related social events.
- 7.6 In relation to surrogacy, OAL will start on the day the child is born, unless the employee is at work, in which case it will start on the following day. The employee cannot change the start date.

8. Statutory Adoption Pay

- 8.1 Statutory adoption pay (SAP) is payable for up to 39 weeks. It stops being payable if the employee returns to work sooner or if the placement is disrupted. The employee is entitled to SAP if:
 - 8.1.1 They have been continuously employed for at least 26 weeks at the end of their Qualifying Week and are still employed by HET during that week.
 - 8.1.2 Their average weekly earnings during the 8 weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the government.

- 8.1.3 They have given the school leader/line manager the relevant notifications under paragraph 5.

8.2 SAP is calculated as follows:

- 8.2.1 First 6 weeks: SAP is paid at the earnings-related rate of 90% of the employee's average earnings over the Relevant Period.

- 8.2.2 Remaining 33 weeks: SAP is paid at a Prescribed Rate which is set by the government for the relevant tax year or at 90% of the employee's average weekly earnings calculated over the Relevant Period, if this is lower.

8.3 SAP accrues with each complete week of absence, but payments shall be made on the next normal payroll date. Income Tax, National Insurance and pension contributions shall be deducted as appropriate.

8.4 If the employee leaves employment for any reason (for example, if they resign or are made redundant), they shall still be eligible for SAP if they have already been notified by an agency that they have been matched with a child. In such cases, SAP shall start:

- 8.4.1 fourteen days before the Expected Placement Date; or

- 8.4.2 the day after their employment ends,

whichever is the later.

8.5 If the employee becomes eligible for a pay rise before the end of their adoption leave, they will be treated for SAP purposes as if the pay rise had applied throughout the Relevant Period. This means that their SAP will be recalculated and increased, retrospectively, or that they may qualify for SAP if they did not previously qualify. HET shall pay the employee a lump sum to make up the difference between any SAP already paid and the amount payable by virtue of the pay rise. Any future SAP payments at the earnings-related rate (if any) will also be increased as necessary.

9. Enhanced Adoption Leave Pay

9.1 The employee will qualify for enhanced adoption pay if they have been continuously employed during the 12-month period ending with the Qualifying Week and have not received any enhanced paternity pay, maternity pay, adoption pay or shared parental pay from our employment during the 12-month period ending with the Qualifying Week. Enhanced adoption pay is 12 weeks of 50% of contractual pay based on actual salary at the time adoption leave starts, plus standard rate SAP or 90% of average weekly earnings, whichever is the lower, provided that the total is not more than normal full pay. Where it is more than full pay, enhanced adoption pay will be reduced so that full pay is not exceeded. Enhanced adoption payments stop if the employee returns to work before the end of the pay period (except for Keeping In Touch Days).

9.2 To receive enhanced adoption pay, the employee must confirm in writing that they intend to return to work for at least 13 weeks after their adoption leave (and any shared parental leave in respect of the same child), and they agree that they will repay any enhanced adoption pay (not SAP) if later they decide that they will not return and complete the minimum period agreed.

10. Terms and conditions during OAL and AAL



All the terms and conditions of employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:

- 10.1 Benefits in kind such as life insurance and health insurance shall continue.
- 10.2 Annual leave entitlement under the employee's contract shall continue to accrue where applicable (see paragraph 11, Annual leave).
- 10.3 Pension benefits shall continue (see paragraph 12, Pensions).

11. Annual leave

- 11.1 All staff continue to accrue annual leave during OAL and AAL at the rate provided under their contract of employment.

Teachers

- 11.2 The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave, except during school closure periods.
- 11.3 The employee's accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after their adoption leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that they have accrued during the adoption leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate the outstanding annual leave entitlement, the employee will be entitled to take any remaining leave during term time at a time mutually agreed with the school leader/line manager.

Support staff — term time only/term time plus

- 11.4 The salary calculation for support staff contracted to work term time only or term time plus additional working weeks includes proportionate annual leave entitlement, and there is no entitlement to annual leave except during school closure periods.
- 11.5 The employee's accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after their adoption leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that the employee has accrued during the adoption leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate the outstanding annual leave entitlement; the employee will be entitled to take any remaining leave during term time at a time mutually agreed with the school leader/line manager

Support staff — full working year

- 11.6 Annual leave entitlement will continue to accrue at the rate provided under the employee's contract. If their adoption leave will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting their adoption leave can be carried over to the next holiday year and must be taken immediately before returning to work, unless the school leader/line manager agrees otherwise. Leave carried over is limited to 1 week's holiday or less. Carryover of more than 1 week is at school leader/line manager's discretion. The employee should discuss their holiday plans with the school leader/line manager in good time before starting their adoption leave. All

holiday dates are subject to approval by the school leader/line manager. HET's holiday year runs from 1 September to 31 August.

12. Pensions

- 12.1 During OAL and any further period of paid adoption leave, HET shall continue to make the relevant employer pension contributions. Employee contributions are usually made based on the pay the employee is receiving whilst absent. If they wish to increase their contributions to make up any shortfall from those based on their normal salary, then please contact the pensions administrator directly. For teaching staff, this will be Teachers' Pensions on 0345 606 6166, and for support staff, this will be LGPS scheme for Hampshire pensions on 01962 845588 and for Dorset pensions on 01305 224845.
- 12.2 During unpaid AAL, HET shall not make any employer pension contributions, and the period shall not count as pensionable service. If the employee is a member of support staff, they may, if they wish, make up any contributions for the unpaid period. If the employee chooses not to, they will not build up any membership for this period, and this will affect their pension benefits. If the employee is a member of teaching staff, they do not have the option of paying contributions during any period of unpaid AAL, but they can purchase additional pension on top of their normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

13. Redundancy situations during or after adoption leave

- 13.1 If the employee's role is affected by a redundancy situation during their leave, the school leader/line manager will write to the employee to inform them of any proposals and will invite them to a meeting as part of the process before any final decision is reached in respect of any redundancies.
- 13.2 If the employee's role is affected by a redundancy situation and they are on adoption leave or they have returned to work from leave and are within 18 months from the date the child is placed with them for adoption or the date the child enters Great Britain if adopting from overseas, the employee shall be offered a suitable alternative vacancy that is appropriate to their skills, if one is available.

14. Disrupted adoption

- 14.1 In an adoption or fostering for adoption case, adoption leave is disrupted if it has started but:
- 14.1.1 The employee is notified that the placement will not take place.
 - 14.1.2 The child is returned to the adoption agency after placement.
 - 14.1.3 The child dies after placement.
- 14.2 In a surrogacy case, adoption leave is disrupted where the employee does not apply for a parental order within the relevant time, or the court does not grant a parental order and the time limit for appeal or further application has expired, or where the child dies.
- 14.3 In the event of disruption, the employee's entitlement to adoption leave and pay (if applicable) will continue for a further 8 weeks from the end of the week in which disruption occurred, unless their entitlement to leave and/or pay would have ended earlier in the normal course of events.

15. Keeping in touch



- 15.1 The school leader/line manager may make reasonable contact with the employee from time to time during their adoption leave.
- 15.2 The employee may work (including attending training) on up to 10 keeping in touch (KIT) days during adoption leave without bringing their adoption leave to an end. This is not compulsory and arrangements, including any additional pay, would be discussed and agreed with the school leader/line manager.
- 15.3 Shortly before the employee is due to return to work, the school leader/line manager may invite the employee to have a discussion (whether in person or by telephone) about the arrangements for their return. This may cover:
 - 15.3.1 Updating the employee on any changes that have occurred during their absence.
 - 15.3.2 Any training needs the employee might have.
 - 15.3.3 Any changes to working arrangements (for example, if the employee has made a request to work part time). See paragraph 21, Requests to change a working pattern.

16. Expected Return Date

- 16.1 Once the employee has notified the school leader/line manager in writing of their Intended Start Date, the school leader/line manager shall send the employee a letter within 28 days to inform them of their Expected Return Date. If the employee's start date changes, the school leader/line manager shall write to the employee within 28 days of the start of adoption leave with a revised Expected Return Date.
- 16.2 The school leader/line manager will expect the employee back at work on their Expected Return Date unless they tell the school leader/line manager otherwise (see paragraphs 17, 18 and 19). It would support the school leader/line manager if, during their adoption leave, the employee is able to confirm that they will be returning to work as expected.

17. Returning early

- 17.1 If the employee wishes to return to work earlier than the Expected Return Date, they must provide at least 8 weeks' notice. This should ideally be given in writing.
- 17.2 If the employee does not give enough notice, the school leader/line manager may postpone the employee's return date until 4 weeks (or 8 weeks, as appropriate) after they gave notice or to the Expected Return Date, if sooner.

18. Returning late

- 18.1 If the employee wishes to return later than the Expected Return Date, they should request unpaid parental leave in accordance with Section E, Parental leave, giving the school leader/line manager as much notice as possible but not less than 21 days. Alternatively, employees who have annual leave entitlement remaining (where applicable) may request paid annual leave in accordance with their contract, which will be at the school leader/line manager's discretion.
- 18.2 If the employee is unable to return to work due to sickness or injury, this will be treated as sickness absence and our usual sickness policy will apply.

18.3 In any other case, late return will be treated as unauthorised absence.

19. Deciding not to return

19.1 If the employee does not intend to return to work or is unsure, it is helpful if they discuss this with the school leader/line manager as early as possible. If the employee decides not to return, they should give notice of resignation in accordance with their contract. The amount of adoption leave left to run when they give notice must be at least equal to their contractual notice period, otherwise the school leader/line manager may require the employee to return to work for the remainder of their notice period.

19.2 Once the employee has given notice that they will not be returning to work, they cannot change their mind without the school leader/line manager agreement.

19.3 This does not affect the employee's right to receive SAP.

20. The employee's rights when they return

20.1 The employee is normally entitled to return to work in the same position as they held before commencing leave. The terms of employment shall be the same as they would have been had the employee not been absent.

20.2 However, if the employee has taken any period of AAL or more than 4 weeks' parental leave and it is not reasonably practicable for the school leader/line manager to allow the employee to return into the same position, the school leader/line manager may give the employee another suitable and appropriate job on terms and conditions that are not less favourable.

21. Requests to change the working pattern

21.1 The school leader/line manager will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part time but the employee does have a statutory right to request flexible working and the school leader/line manager will try to accommodate the employee's wishes, unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in HET flexible working policy.

22. Shared parental leave

22.1 In some cases, the employee and their spouse or partner may be eligible to opt into the SPL scheme, which gives them more flexibility to share the leave and pay available in the first year. The employee's partner should check with their employer if they are eligible.

22.2 The employee would need to give the school leader/line manager at least 8 weeks' written notice to end their adoption leave and opt into SPL. The employee can give this notice before or after the child is placed with them, but the employee must take at least 2 weeks' adoption leave. The employee would then be able to share any remaining leave with their partner. See Section F, Shared parental leave, for further details.

23. Appendices

[Appendix 1 - Notification of Adoption.docx](#)

[Appendix 2 - Acknowledgement of adoption leave letter TEMPLATE.docx](#)

[Appendix 3 - Details of statutory and occupational adoption pay.docx](#)

[Appendix 4 - Keeping in Touch Claim Form.docx](#)

[Appendix 5 - Employee's notification to return to work.docx](#)

[Appendix 6 - Frequently Asked Questions.docx](#)



Section E: Parental Leave

1. Introduction

- 1.1 The law recognises and we respect that there will be occasions when working parents wish to take time off work to care for or spend time with their child or children.
- 1.2 This section of the policy reflects the statutory right of employees, regardless of their length of continuous service, to take up to 18 weeks' unpaid parental leave in respect of each child.

2. Entitlement to parental leave

- 2.1 Employees who fulfil the criteria set out in this paragraph 2.3 (below) are entitled to take up to 18 weeks' parental leave in relation to each child for whom they are responsible. The rules on how and when parental leave can be taken are set out in paragraph 3 to paragraph 6.
- 2.2 Any parental leave that employees take in relation to a child while working for another employer counts towards their 18-week entitlement. If employees have taken parental leave in relation to a child during previous or concurrent employment, they should provide details to the school leader/line manager.
- 2.3 To take a period of parental leave in relation to a child, the employee must:
 - 2.3.1 Have or expect to have responsibility for the child.
 - 2.3.2 Be taking the leave to spend time with or otherwise care for the child.
- 2.4 The employee has responsibility for a child if they:
 - 2.4.1 Are the child's biological mother or father (whether or not the employee is living with the child);
 - 2.4.2 Are the child's adoptive parent.
 - 2.4.3 Otherwise have legal parental responsibility for the child, for example, if the employee the child's guardian or a stepparent who has a parental responsibility agreement or parental responsibility order.

3. Timing of parental leave

- 3.1 The employee can take parental leave for each child and adopted child up to their 18th birthday.
- 3.2 The employee is only entitled to take no more than 4 weeks' parental leave each year in relation to each child. A year for this purpose begins on the date when the employee becomes entitled to take parental leave in relation to the child in question.
- 3.3 Unless the leave is to be taken in respect of a disabled child, the employee can only take parental leave in blocks of a week's leave or a multiple of a week's leave.
- 3.4 For the purposes of this policy, a disabled child means a child who is entitled to a disability living allowance, armed forces independence allowance, or personal independence payment.

4. Notification requirements

- 4.1 The employee must give the school leader/line manager notice of their intention to take parental leave. It would be helpful if the employee can give this notice in writing. The notice requirements are as follows:
- 4.1.1 If the employee wishes to take parental leave commencing immediately on the birth of a child, they must give notice of this intention at least 21 days before the start of the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave required.
 - 4.1.2 If the employee wishes to take parental leave commencing immediately on the adoption of a child, they should give notice of this intention at least 21 days before the start of the expected week of placement (EWP). If this is not possible, the employee must give as much notice as they can. The notice must specify the EWP and the duration of the period of leave required.
 - 4.1.3 In all other circumstances, the employee must give notice of their intention to take parental leave at least 21 days before they intend the leave to start. The notice must specify the dates on which the period of leave is to begin and end.
- 4.2 If the employee wishes to take a period of parental leave immediately after a period of paternity leave, it would be helpful if they could give the school leader/line manager notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, the employee should give as much notice as they can. If the employee does not give notice at least 7 days before their period of paternity leave starts, the school leader/line manager might not allow the employee to take the period of parental leave requested; however, the school leader/line manager shall consider each case on its merits.

5. Evidential requirements

- 5.1 Before the employee takes a period of parental leave under this policy, they must provide the school leader/line manager with evidence of:
- 5.1.1 Their responsibility or expected responsibility for the child, such as a birth certificate, adoption or matching certificate, parental responsibility agreement or court order.
 - 5.1.2 The child's date of birth or date of adoption placement.
- 5.2 For details of what evidence is required in the employee's particular circumstances or if they have difficulties obtaining the evidence, please speak to the school leader/line manager.

6. The school leader/line manager's right to postpone parental leave

- 6.1 Where the employee gives notice, in accordance with paragraph 4, of their intention to take parental leave on the birth or adoption of a child, the school leader/line manager shall not postpone that leave.
- 6.2 The school leader/line manager shall not postpone parental leave if the postponement would result in the leave being taken after the child's 18th birthday.

6.3 The school leader/line manager might postpone a proposed period of parental leave for up to 6 months where the leave as planned would unduly disrupt the business. The school leader/line manager might do so, for example, where:

6.3.1 The employee wishes to take parental leave during a peak period.

6.3.2 A number of employees wish to take parental leave at the same time.

6.3.3 The employee's work is of importance to a time-critical project.

6.3.4 Cover for the employee's work cannot be found before the date on which their parental leave is due to start.

6.4 If the school leader/line manager decides to postpone the employee's parental leave, the school leader/line manager shall:

6.4.1 Consult the employee about the date to which the leave might be postponed.

6.4.2 No more than 7 days after the employee gives notice of their intention to take the leave, gives the employee written notice stating the reason for the postponement and the new beginning and end dates of the leave which the school leader/line manager will allow the employee to take.

7. Terms and conditions during parental leave

7.1 Parental leave under this policy is unpaid. The employee's contractual provisions relating to pay and benefits are suspended during parental leave.

7.2 However, during parental leave the employee is entitled to benefit from any contractual terms they have in relation to being given notice, redundancy compensation, and disciplinary and grievance procedures. Holiday entitlement will continue to accrue.

7.3 During parental leave, the employee will remain bound by their obligation of good faith towards the school leader/line manager, as well as any contractual terms relating to the giving of notice, the disclosure of confidential information, the acceptance of gifts and benefits, and the employee's freedom to participate in another business (for example, by working for a third party).

8. Pensions — teaching staff

8.1 During any period of unpaid parental leave, HET will not make any employer pension contributions, and the period shall not count as pensionable service. The employee does not have the option of paying contributions during any period of unpaid parental leave, but they can purchase additional pension on top of their normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

9. Pensions — support staff

9.1 LGPS membership continues to build up during the first 30 days of any period of unpaid leave, including parental leave, as long as the employee pays the pension contributions that they would have paid had they been at work. After the first 30 days, the period will not count as pensionable service. The employee may, if they wish, elect to pay contributions for the period of their absence. If

the employee chooses not to, they will not build up any membership for this period, and this will affect their pension benefits.

10. Returning to work

- 10.1 The employee is normally entitled to return to work following parental leave to the same position they held before commencing leave. The employee's terms of employment will be the same as they would have been had they not been absent.
- 10.2 However, it might not be possible for the school leader/line manager to allow the employee to return to the same job where their period of parental leave has been longer than 4 weeks or has been combined with a period of additional maternity, paternity or adoption leave. In such circumstances, the school leader/line manager will offer the employee a suitable and appropriate alternative position on no less favourable terms.
- 10.3 The school leader/line manager will deal with any requests by employees to change their working patterns (such as working part-time) after parental leave on a case-by-case basis, in accordance with HET flexible working policy. The school leader/line manager will try to accommodate the employee's wishes, unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if flexible working requests are made as early as possible.

11. Abuse of this policy

- 11.1 Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue under our disciplinary procedure.

Section F: Shared Parental Leave and Pay

1. Introduction

- 1.1 This section outlines the arrangements for shared parental leave and pay in relation to the birth or adoption of a child.
- 1.2 This section applies to employees. It does not apply to agency workers or self-employed contractors.

2. What is shared parental leave?

- 2.1 Shared parental leave (SPL) is a form of leave available to working parents following the birth or adoption of a child.
- 2.2 SPL allows parents, and partners in certain circumstances (see paragraph 3 below), to take up to 52 weeks leave in total on the birth or adoption of a child. The employee may be able to take this leave at the same time or at different times. Up to 50 weeks of this leave may be designated as SPL. Assuming both eligible, the employee and their partner can choose how they split that leave between them. The employee may be able to take this leave at the same time or at different times. The employee may also be able to take it in more than one block.
- 2.3 SPL must be taken in the first 52 weeks of the child's birth or adoption.
- 2.4 If the employee chooses to take SPL, then any period of maternity or adoption leave being taken in respect of the child will end.

3. Entitlement to SPL when a child is born

- 3.1 The employee is entitled to SPL in relation to the birth of a child if:
 - 3.1.1 They are the child's mother and share the main responsibility for the care of the child with the child's father (or their partner, if the father is not their partner).
 - 3.1.2 They are the child's father and share the main responsibility for the care of the child with the child's mother.
 - 3.1.3 They are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- 3.2 The following conditions must also be fulfilled:
 - 3.2.1 The employee must have at least 26 weeks' continuous employment with HET by the end of the Qualifying Week and still be employed by HET in the week before the leave is to be taken.
 - 3.2.2 The other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks.

3.2.3 The employee and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

3.3 The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA, if she is not entitled to maternity leave).

3.4 If the employee is the mother, they cannot start SPL until after the compulsory maternity leave period, which lasts until 2 weeks after birth.

3.5 If the employee is the child's father or the mother's partner, SPL entitlement is additional to their paternity leave entitlement and SPL can be taken before or after their paternity leave entitlement (see Section C: Paternity leave and pay). If the child's primary carer has died, the employee may also be entitled to bereaved partner's paternity leave (BPPL) in addition to any SPL entitlement (see Section C, paragraph 6 - Bereaved partner's paternity leave).

4. Entitlement to SPL when a child is adopted

4.1 The employee may be entitled to SPL if:

4.1.1 A UK adoption agency has placed a child with the employee and/or their partner for adoption.

4.1.2 Where a child in local authority care is placed with the employee and/or their partner as foster parent with a view to possible adoption under a fostering for adoption or concurrent planning scheme.

4.1.3 They adopt a child from overseas with UK government approval.

4.1.4 They have a child with a surrogate mother, and the court has made or is expected to make a parental order.

4.2 The employee must intend to share the main responsibility for the care of the child with their partner.

4.3 The following conditions must be fulfilled:

4.3.1 The employee must have at least 26 weeks' continuous employment with HET by the end of the Qualifying Week and still be employed by HET in the week before the leave is to be taken.

4.3.2 The employee's partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks.

4.3.3 The employee and their partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).

4.4 Either the employee or their partner must qualify for statutory adoption leave and/or SAP and must take at least 2 weeks of adoption leave and/or pay.

- 4.5 If the employee's partner is taking adoption leave and/or claiming SAP, the employee may be entitled to 2 weeks' paternity leave and pay (see Section C: paternity leave and pay). Paternity leave is additional to any SPL entitlement the employee may have and can be taken either before or after any period of SPL.
- 4.6 The total amount of SPL available is 52 weeks less the weeks of adoption leave taken by either the employee or their partner (or the weeks in which their partner has been in receipt of SAP, if they were not entitled to adoption leave).

5. Opting in to shared parental leave and pay

- 5.1 Not less than 8 weeks before the date the employee intends their SPL to start, they must give the school leader/line manager a written opt-in notice giving the information in 5.2 or 5.3 as appropriate.
- 5.2 When a child is born:
 - 5.2.1 The employee's name and their partner's name.
 - 5.2.2 If the employee is the child's mother, the start and end dates of their maternity leave.
 - 5.2.3 If the employee is the child's father or the mother's partner, the start and end dates of the mother's maternity leave or, if she is not entitled to maternity leave, the start and end dates of any SMP or MA period.
 - 5.2.4 The total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken.
 - 5.2.5 How much of the available SPL will be allocated to the employee and how much to the other parent (the employee can change the allocation by giving the school leader/line manager a further written notice and they do not have to use their full allocation).
 - 5.2.6 If the employee is claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken).
 - 5.2.7 How much of that will be allocated to the employee and how much to the other parent (the employee can change the allocation by giving the school leader/line manager a further written notice and they do not have to use their full allocation).
 - 5.2.8 An indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but the employee should ideally give as much information as they can about their future intentions.
 - 5.2.9 Declarations by the employee and the other parent that the employee meets the statutory conditions for entitlement to SPL and ShPP.
- 5.3 When a child is adopted:
 - 5.3.1 The employee's name and their partner's name.

- 5.3.2 In a UK adoption scenario, please provide the date the adoption agency notified the employee of a match, the expected date of placement, and the actual date of placement. If the child has not yet been placed with the employee, submit the actual date of placement as soon as possible before they commence shared parental leave (SPL).
- 5.3.3 For overseas adoptions, please provide the date the employee received official notification and the date the child arrived in Great Britain for adoption purposes. If the child has not yet arrived in Great Britain, submit the actual date of entry as soon as possible before commencing shared parental leave (SPL).
- 5.3.4 In a surrogacy case, please provide the Expected Week of Childbirth (EWC), the actual date of birth and the date the parental order was made, if it has already been issued. If the child has not yet been born, submit the actual date of birth as soon as possible before the employee commences shared parental leave (SPL).
- 5.3.5 If the employee is taking adoption leave, their adoption leave start and end dates.
- 5.3.6 If the employee is not taking adoption leave, their partner's adoption leave start and end dates or if their partner is not entitled to adoption leave, the start and end dates of their SAP.
- 5.3.7 The total SPL available, which is 52 weeks minus the number of weeks' adoption leave or SAP taken or to be taken by the employee or their partner.
- 5.3.8 How many weeks of the available SPL will be allocated to the employee and how many to their partner (the employee can change the allocation by giving the school leader/line manager a further written notice, and they do not have to use their full allocation).
- 5.3.9 If the employee is claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken).
- 5.3.10 How many weeks of the available ShPP will be allocated to the employee and how many to their partner (they can change the allocation by giving the school leader/line manager a further written notice and they do not have to use their full allocation).
- 5.3.11 An indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave (see paragraph 9 and paragraph 10 for information on taking leave). This indication will not be binding at this stage but please give as much information as the employee can about their future intentions.
- 5.3.12 Declarations by the employee and their partner that they both meet the statutory conditions to enable the employee to take SPL and ShPP.

6. Ending maternity or adoption leave

- 6.1 If the employee chooses to take SPL, then the maternity or adoption leave that they, their partner or the other parent are taking will come to an end. This is called curtailment.
- 6.2 If the employee is still on maternity leave or adoption leave, they must give the school leader/line manager at least 8 weeks' written notice to end their maternity or adoption leave (a curtailment notice) before they can take SPL. The notice must state the date their maternity or adoption leave

will end. The employee can give the notice before or after they give birth or their child is placed, but they cannot end their maternity or adoption leave until at least 2 weeks after the birth or placement.

- 6.3 The employee must also give the school leader/line manager, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see paragraph 5 above) or a written declaration that the child's other parent or their partner has given their employer an opt-in notice and that the employee has given the necessary declarations in that notice. The other parent may be eligible to take SPL from their employer before the employee's maternity leave ends, provided they have given the curtailment notice.
- 6.4 The curtailment notice is usually binding and cannot be revoked. The employee can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies:
 - 6.4.1 If they realise that neither they nor the other parent is, in fact, eligible for SPL or ShPP, they can revoke the curtailment notice in writing up to 8 weeks after it was given.
 - 6.4.2 (Birth only) if they gave the curtailment notice before giving birth, they can revoke it in writing up to 8 weeks after it was given or up to 6 weeks after birth, whichever is later.
 - 6.4.3 If their partner has died.
- 6.5 Once the employee revokes a curtailment notice they cannot submit a second curtailment notice unless the revocation was given in the circumstances in paragraph 6.4.2.

7. Ending the mother's maternity leave or the partner's adoption leave

- 7.1 When a child is born, if the employee is not the mother but the mother is still on maternity leave or claiming SMP or MA, they will only be able to take SPL once the mother has either:
 - 7.1.1 Returned to work.
 - 7.1.2 Given her employer a curtailment notice to end her maternity leave.
 - 7.1.3 Given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave).
 - 7.1.4 Given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).
- 7.2 When a child is adopted, if the employee's partner is taking adoption leave or claiming SAP from their employer, the employee will only be able to take SPL once their partner has either:
 - 7.2.1 Returned to work.
 - 7.2.2 Given their employer a curtailment notice to end adoption leave.
 - 7.2.3 Given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

8. Evidence of entitlement

- 8.1 The employee must also provide, on request:



- 8.1.1 A copy of the certificate (or if the employee has not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); OR
- 8.1.2 In a UK adoption case, one or more documents from the adoption agency showing the agency's name and address and the expected placement date; OR
- 8.1.3 In an overseas adoption case, a copy of the Official Notification; OR
- 8.1.4 In a surrogacy case, the Parental Order from the court (if it has been granted); AND
- 8.1.5 The name and address of the other parent's/partner's employer (or a declaration that they have no employer).

9. Notification of SPL dates

- 9.1 Having opted into the SPL system, the employee will need to give a period of leave notice telling the school leader/line manager the start and end dates of their leave. This can be given at the same time as their opt-in notice, or it can be given later, as long as it is given at least 8 weeks before the start of their leave. If the child has not been born or placed with the employee yet, it can state the number of days after birth or placement that they want the leave to start and end. This may be particularly useful if the employee intends to take paternity leave starting on the date of birth or date of placement and wishes to take SPL straight afterwards. The employee must also state in their period of leave notice the dates on which they intend to claim shared parental pay, if applicable.
- 9.2 Leave must be taken in blocks of at least 1 week.
- 9.3 If the employee's period of leave notice gives dates for a single continuous block of SPL, they will be entitled to take the leave set out in the notice.
- 9.4 If the period of leave notice requests split periods of SPL, with periods of work in between, the school leader/line manager will consider the employee's request as set out in paragraph 10, below.
- 9.5 The employee can give up to three period of leave notices. This may enable them to take up to three separate blocks of shared parental leave (although, if they give notice to vary or cancel a period of leave, this will in most cases count as a further period of leave notice; see paragraph 11).

10. Procedure for requesting discontinuous (split) periods of SPL

- 10.1 In general, a period of leave notice should set out a single continuous block of leave. The school leader/line manager may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It would be appropriate for the employee to discuss this with their school leader/line manager in advance of submitting any formal period of leave notices; this will give the school leader/line manager more time to consider the request and hopefully agree a pattern of leave with the employee from the start.
- 10.2 The employee must submit a period of leave notice setting out the requested pattern of leave at least 8 weeks before the requested start date. If school leader/line manager is unable to agree to the employee's request straightaway, there will be a 2-week discussion period. At the end of that period, they will confirm any agreed arrangements in writing. If the school leader/line manager has not reached an agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in their notice (for example, if they requested three

separate periods of 4 weeks each, they will be entitled to one 12-week period of leave). Alternatively, the employee may:

- 10.2.1 Choose a new start date (which must be at least 8 weeks after their original period of leave notice was given) and tell the school leader/line manager within 5 days of the end of the 2-week discussion period.
- 10.2.2 Withdraw their period of leave notice within 2 days of the end of the 2-week discussion period (in which case it will not be counted, and they may submit a new one if they choose).

11. Changing the dates or cancelling SPL

- 11.1 The employee can cancel a period of leave by notifying the school leader/line manager in writing at least 8 weeks before the start date in the period of leave notice.
- 11.2 The employee can change the dates for a period of leave by giving the school leader/line manager at least 8 weeks' notice before the original start date or the new start date, whichever is earlier.
- 11.3 The employee can change the end date for a period of leave by notifying the school leader/line manager in writing at least 8 weeks before the original end date or the new end date, whichever is earlier.
- 11.4 The employee can change split periods of leave into a single continuous period of leave by notifying school leader/line manager in writing at least 8 weeks before the start date.
- 11.5 The employee can request that a continuous period of leave be split into two or more discontinuous periods, with periods of work in between. Since this will involve a change to the start date or end date, see paragraph 11.2 and paragraph 11.3, above which set out how much notice is required for the request. The school leader/line manager will consider any such request as set out in paragraph 10.
- 11.6 The employee does not need to give 8 weeks' notice if they are changing the dates of their SPL because their child has been born earlier than the EWC where they wanted to start their SPL a certain length of time (but not more than 8 weeks) after birth; in such cases, please notify the school leader/line manager in writing of the change as soon as they can.
- 11.7 A notice to cancel or change a period of leave will count as one of the employee's three period of leave notices, unless:
 - 11.7.1 The variation is a result of their child being born or placed earlier or later than the EWC or expected placement date.
 - 11.7.2 The employee is cancelling a request for discontinuous leave within 2 days of the end of the 2-week discussion period under paragraph 10.2.
 - 11.7.3 The variation is at their request.
 - 11.7.4 The school leader/line manager agree otherwise.

12. Shared parental pay



- 12.1 ShPP of up to 39 weeks (less any weeks of SMP or SAP claimed by the employee or the other parent/eligible partner) may be available provided the employee has at least 26 weeks' continuous employment with HET at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.
- 12.2 The employee will qualify for occupational shared parental pay if they have been continuously employed during the 12-month period ending with the Qualifying Week and did not take any maternity, adoption or shared parental leave during the 12 months ending with the Qualifying Week.
- 12.3 Occupational shared parental pay is paid at 90% of the employee's normal basic salary for the first 6 weeks of their SPL and at half basic salary for the next 12 weeks of SPL and includes any ShPP that may be due for that period. Any occupational maternity, adoption or paternity pay they have received will be treated as occupational shared parental pay when calculating their entitlement.
- 12.4 Payment of occupational shared parental pay is conditional upon the employee confirming in writing, before starting SPL, that they intend to return to work for at least 6 months after the end of their SPL. If the employee later decides not to return to work for this minimum period, they must repay any occupational shared parental pay (but not ShPP).

13. Other terms during shared parental leave

- 13.1 All the terms and conditions of employment remain in force, except for the terms relating to pay during SPL. In particular:
 - 13.1.1 Benefits in kind, such as life insurance, shall continue.
 - 13.1.2 Annual leave entitlement under their contract shall continue to accrue where applicable (see paragraph 15, Annual leave).
 - i. Pension benefits shall continue (see paragraph 14, Pensions).

14. Pensions

- 14.1 During any period of paid SPL, HET shall continue to make the relevant employer pension contributions. Employee contributions are usually made based on the pay the employee is receiving whilst absent. If the employee wishes to increase their contributions to make up any shortfall from those based on their normal salary, then please contact the pensions administrator directly. For teaching staff this will be Teachers' Pensions on 0345 606 6166, and for support staff, this will be LGPS scheme, for Hampshire pensions on 01962 845588 for Dorset pensions on 01305 224845.
- 14.2 During any period of unpaid SPL, HET shall not make any employer pension contributions, and the period shall not count as pensionable service. Support staff may, if they wish, make up any contributions for the unpaid period. If the employee chooses not to, they will not build up any membership for this period, and this will affect their pension benefits. Teaching staff do not have the option of paying contributions during any period of unpaid paternity leave, but they can purchase additional pension on top of their normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

15. Annual leave

- 15.1 Employees continue to accrue annual leave during SPL at the rate provided under their contract of employment.



Teachers

- 15.2 The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.
- 15.3 The employee's accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after their SPL. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that they have accrued during the SPL period. However, on the rare occasions that there are insufficient school closure periods to accommodate their outstanding annual leave entitlement, they will be entitled to take any remaining leave during term time at a time mutually agreed with the school leader/line manager.

Support staff – term time only/term time plus

- 15.4 The salary calculation for support staff contracted to work term time only or term time plus additional working weeks, includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.
- 15.5 The employee's accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after their SPL. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that they have accrued during the SPL period. However, on the rare occasions that there are insufficient school closure periods to accommodate their outstanding annual leave entitlement, they will be entitled to take any remaining leave during term time at a time mutually agreed with the school leader/line manager.

Support staff – full working year

- 15.6 Annual leave entitlement will continue to accrue at the rate provided under the employee's contract. If the SPL continues into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting their leave can be carried over and must be taken immediately before returning to work, unless the school leader/line manager agrees otherwise. Leave carried over will be limited to 1 week's holiday or less. Carryover of more than 1 week is at the school leader/line manager's discretion. The employee should discuss their holiday plans with the school leader/line manager in good time before starting SPL. All holiday dates are subject to approval by the school leader/line manager. HET's holiday year runs from 1 September to 31 August.

16. Redundancy situations during or after shared parental leave

- 16.1 If the employee's role is affected by a redundancy situation during their leave, school leader/line manager will write to the employee to inform them of any proposals and will invite them to a meeting as part of the process before any final decision is reached in respect of any redundancies.
- 16.2 If the employee's role is affected by a redundancy situation and they are on shared parental leave or they have returned to work from leave of a period of at least 6 consecutive weeks of shared parental leave and are within an additional protected period of 18 months from the child's date of birth, they shall be offered a suitable alternative vacancy that is appropriate to their skills, if one is available.

17. Keeping in touch



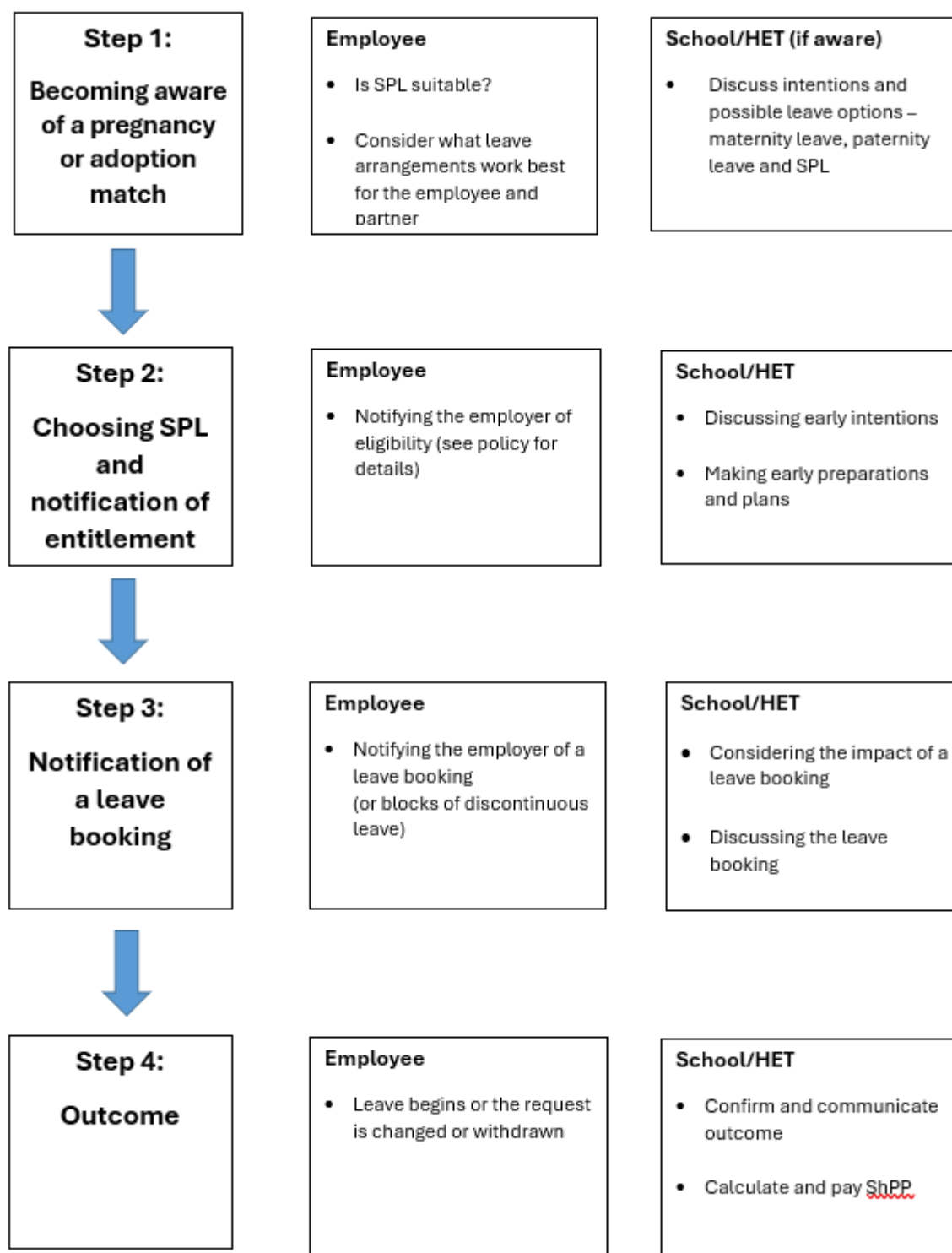
- 17.1 The school leader/line manager may make reasonable contact with the employee from time to time during their SPL, although this will be kept to a minimum. This may include contacting the employee to discuss arrangements for their return to work.
- 17.2 The employee may ask or be asked to work (including attending training) on up to 20 keeping-in-touch days (KIT days) during their SPL. This is in addition to any KIT days that they may have taken during maternity leave. The arrangements, including hours and pay, would be set by agreement with the school leader/line manager.
- 17.3 KIT days are not compulsory and must be discussed and agreed with the school leader/line manager.

18. Returning to work

- 18.1 If the employee wishes to end a period of SPL early, they must give the school leader/line manager 8 weeks' prior notice of the return date. They should give this notice in writing. If they have already given the school leader/line manager three period of leave notices, they will not be able to end their SPL early without the school leader/line manager's agreement.
- 18.2 If the employee has unused SPL entitlement remaining and wish to extend their SPL, they must submit a new period of leave notice at least 8 weeks before the date they were due to return to work. If they have already given the school leader/line manager three period of leave notices, they will not be able to extend their SPL without the school leader/line manager agreement. If the employee is unable to request more SPL, they may be able to request annual leave or ordinary parental leave (see Section E: parental leave), which will be subject to business need.
- 18.3 The employee is normally entitled to return to work in the position they held before starting SPL and on the same terms of employment. However, if it is not reasonably practicable for the school leader/line manager to allow the employee to return into the same position, the employee may be given another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
 - 18.3.1 If their SPL and any maternity, adoption or paternity leave they have taken adds up to more than 26 weeks in total (whether or not taken consecutively).
 - 18.3.2 If they took SPL consecutively with more than 4 weeks of parental leave (under our parental leave policy).
- 18.4 If the employee wants to change their hours or other working arrangements on return from SPL, they should make a request under HET flexible working policy. It is helpful if such requests are made as early as possible.
- 18.5 If the employee decides they do not want to return to work, they should give notice of resignation in accordance with their contract.

19. Appendices

Appendix 1 – Flow Chart – Shared Parental Leave and Pay Process



Appendix 2 – ACAS Forms

[Shared parental leave forms and templates for parents | Acas](#)

www.acas.org.uk

Version	Updates	Approved Date