



The  
**MAST**  
 Academy Trust

<b>Policy</b>	Family and Parental Leave Policy	
<b>Owner</b>	HR Partner	
<b>Date approved</b>	10 <sup>th</sup> July 2024	
<b>Approver</b>	Education & People Committee	
Date consulted on with recognised trade unions		10 <sup>th</sup> June 2024
Date adopted following consultation process on		17 <sup>th</sup> June 2024

<b>Current version</b>	2.0
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<b>Next review due</b>	As required or every 5 years
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### Objective of Policy

This policy aims to:

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

This policy has been agreed following consultation with the unions listed on page 2 of this document.

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

Version Control	
Version Number	Summary of amends from previous version
1.0	Development of policy
2.0	Change of ownership of policy. Amendment to section 15.0 how paternity leave can be taken. Addition to section 15.0 with details of Carers leave.

Sign off requirements			
Approvers		Position	
Education and People Committee		Trust Board	
Reviewers		Position	
Natasha Greenough		CEO The MAST	
Liz Godman		Trustee	
Unions consulted			
ASCL	GMB	NEU, (ATL)	NAHT
NASUWT	UNISON	UNITE	

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## 1.0 Legislation and guidance

This policy meets the requirements of:

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

It also reflects best-practice guidance set out in:

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

Our colleagues have a contract that specifically incorporates conditions from:

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

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

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

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

## 2.0 Scope

### 2.1. Eligibility

This policy applies to all colleagues who are employed directly by The Mast Academy Trust

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

## 3.0 Data protection

All discussions and sensitive medical and personal information about colleagues will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018. Please refer to our privacy notice for colleagues for more detail on how data will be processed – [Policies | The Mast Multi Academy Trust](#)

## 4.0 Roles and responsibilities

### 4.1. Headteacher/CEO, Line Manager (where appropriate) or HR Partner

The headteacher/CEO, line manager (where appropriate) or HR Partner are responsible for making sure that:

- This family and parental leave policy is applied consistently across the organisation and that it is in line with equality legislation.
- All colleagues are aware of this policy and their responsibilities.
- Considering all valid requests for time off equally and fairly
- Supporting colleagues to understand this policy
- Supporting colleagues and managing family-related leave and matters confidentially and sensitively, and in line with the Data Protection Act 2018
- Taking family-related leave and responsibilities into account when monitoring a colleague's workload, and promoting positive working arrangements
- Maintaining effective communication with colleagues, including while colleagues are on leave
- Liaising with payroll promptly if a colleague's pay needs to be adjusted as a result of them taking maternity, paternity, adoption or shared parental leave, or other types of family-related leave
- Giving due regard to equality legislation and taking any protected characteristics into consideration

#### **4.2. Education and People Committee (Trust Board)**

The Board of Trustees has delegated the approval of this policy to Education and People Committee.

The committee will approve this policy and hold the CEO to account for its implementation.

#### **4.3. Other colleagues**

Colleagues are expected to:

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

### **5.0 Maternity leave (including for surrogates)**

Any pregnant colleague employed by the Mast Academy Trust is entitled to 52 weeks of maternity leave. This is made up of:

- 26 weeks of ordinary maternity leave first, followed by
- 26 weeks of additional maternity leave

They do not have to take a full 52 weeks, but they must take:

- A minimum of two weeks' leave following the birth of the baby
- All their maternity leave in one go

#### **5.1. Starting maternity leave**

The colleague can start their maternity leave from up to 11 weeks before their baby is due.

Maternity leave will also start:

- The day after they give birth if the baby is early (read more about premature birth in section 5.3 below)
- Automatically if the colleague is off work for a pregnancy-related illness in the four weeks before the week (Sunday to Saturday) that the baby is due.

## 5.2. Claiming maternity leave

The colleague must notify the headteacher/senior leader and the HR team in writing at least 15 weeks before the beginning of the week that the baby is due:

- That they are pregnant
- When the baby is due
- When they want to start their maternity leave. If they want to change the day they want to start their maternity leave, they must notify headteacher/senior leader and the HR team of the new day:
  - 28 days before their maternity leave was originally due to start
  - 28 days before the new date they want to start their leave (whichever of the two dates is earlier)

We will write to the colleague within 28 days of the notice confirming their maternity leave start and end dates (for more information on notice periods for returning to work, see section 15 below).

## 5.3. Premature birth

If the baby is born prematurely\*, the Mast Academy Trust will consider extending the maternity pay period. We will determine the extension and its length on a case-by-case basis, depending on individual circumstances.

\*A premature (also known as preterm) birth is when a baby is born before 37 weeks of pregnancy.

## 6.0 Maternity pay (including for surrogates)

The colleague may be eligible for occupational maternity pay or statutory maternity pay.

### 6.1. Occupational maternity pay

#### 6.1.1. Teachers

Teachers are eligible for occupational maternity pay if they have worked continuously for at least one year of recognised continuous service.

If they are not eligible for occupational maternity pay, they may still be eligible for statutory maternity pay or maternity allowance. Read more about these in section 6.2 below.

Teachers eligible for occupational maternity pay can be paid for up to 39 weeks as follows:

- At 100% of their salary for the first four weeks
- At 90% of their salary for weeks 5 and 6
- At 50% of their salary for weeks 7 to 18, plus the weekly rate of statutory maternity pay, unless this figure exceeds full pay in which case deductions will be made (see the government's latest weekly statutory maternity pay figure at <https://www.gov.uk/maternity-pay-leave/pay>)
- At the weekly rate of statutory maternity pay for the remaining 21 weeks (see the link above to find out how much this is)

### Conditions for occupational maternity pay

The Mast Academy Trust expects teachers to return to work in their school, or in another school in the Mast Academy Trust, for at least 13 weeks as a qualifying condition for receiving occupational maternity pay. If a teacher does not do this, the Mast Academy Trust may require them to refund some, or all of the occupational maternity pay that they have received after the sixth week of maternity leave. They will not be required to refund any statutory maternity pay that forms part of their occupational maternity pay.

The 13-week period starts:

- From the date the teacher returns to work, or
- The date after maternity leave ends. This includes both term time and school holidays.

Teachers who do not intend to return to work after maternity leave will not be entitled to occupational maternity pay. They will be entitled to statutory maternity pay or maternity allowance if they meet the criteria (see section 6.2 below).

### **Returning to work part time:**

- Teachers who were full-time and choose to return to work on a part-time basis must return for a period that equates to 13 weeks of full-time service
- Teachers working part-time may return to work on a different part-time basis, but must return for a period that equates to 13 weeks of part-time service, relating to their previous contract.

If a teacher is unable to return to work at the end of their maternity leave due to sickness, the Mast Academy Trust sick pay scheme will apply. The sickness and absence policy can be found here [Policies | The Mast Multi Academy Trust](#)

For more information on returning to work after maternity leave, including notice periods, see section 15 below.

#### **6.1.2. Support colleague**

Support colleagues are eligible for occupational maternity pay if they have one year of recognised continuous service by the 11<sup>th</sup> week before the week that the baby is due.

If they are not eligible for occupational maternity pay, they may be eligible for statutory maternity pay or maternity allowance. Read more about these in section 6.2 below.

A support colleague eligible for occupational maternity pay can be paid for up to 39 weeks, as follows:

- At 90% of their salary for the first six weeks
- At 50% of their salary for weeks 7 to 18, plus the weekly rate of statutory maternity pay, unless this figure exceeds full pay in which case deductions will be made (see the government's latest weekly statutory maternity pay figure at <https://www.gov.uk/maternity-pay-leave/pay>)
- At the weekly rate of statutory maternity pay for the remaining 21 weeks (see the link above to find out the exact figure)

**Note:** the colleague must inform the Mast Academy Trust in writing that they intend to return to work after their maternity leave in order to claim occupational maternity pay for weeks 7 to 18.

### **Conditions for occupational maternity pay**

The Mast Academy Trust expects a support colleague to return to work in their school, or in another school in the Mast Academy Trust, for at least three months as a qualifying condition for occupational maternity pay. If a colleague does not do this, the Mast Academy Trust may require the colleague to refund some, or all of the occupational maternity pay that they have received. They will not be required to refund any statutory maternity pay that forms part of their occupational maternity pay.

Where a colleague requests flexible working arrangements on their return to work, the Mast Academy Trust will consider these on a case-by-case basis. The return-to-work period must equate to three months of full-time work.

If a colleague is unable to return to work at the end of their maternity leave due to sickness, the Trust sick pay scheme will apply. [Policies | The Mast Multi Academy Trust](#)

For more information on returning to work after maternity leave, including notice periods, see section 15 below.

#### **6.2. Statutory maternity pay and maternity allowance (all colleagues)**

They are eligible for statutory maternity pay if they:

- Have been on the Mast Academy Trust or Local Authority school payroll continuously for at least 26 weeks continuing into the 15<sup>th</sup> week before the week that their baby is due
- Earn more than the minimum threshold set out on the government's website – see the latest figure at <https://www.gov.uk/maternity-pay-leave/eligibility>

- Notify their senior manager and the HR team at least 28 days before the date they want their maternity pay to start.
- Give proof of their pregnancy within 21 days before they intend to start their maternity pay by submitting their doctor's letter or a maternity certificate (known as a MATB1 form) to the HR team. This can be uploaded using EduPay.

Statutory maternity pay is paid for up to 39 weeks. The weekly amounts are:

- 90% of their average weekly earnings for the first six weeks
- At a weekly rate of statutory maternity pay for the next 33 weeks (see the latest weekly figure at <https://www.gov.uk/maternity-pay-leave/pay>)

If they are not eligible for statutory maternity pay, they may still be eligible for maternity allowance – read more about the allowance, including eligibility criteria and how much they can get, at <https://www.gov.uk/maternity-allowance>.

## **7.0 Paternity leave and pay.**

### **7.1. Statutory paternity leave (including for surrogacy)**

They are entitled to take up to two weeks of leave, either as one block or split over two separate weeks within a year of the birth or adoption of their child. An employee is eligible for statutory paternity leave if they have worked for the Mast Academy Trust for at least 26 weeks up to any day in the 15<sup>th</sup> week before the baby is due. This is different if they are adopting a child – see section 7.4 below for more information on paternity leave for adoption.

\*A week is the amount of time that they normally work in a week (so a week is two days if they normally work on Mondays and Tuesdays only).

To be eligible, they must be responsible for the child's upbringing and be the:

- Child's father
- Partner of the person having a baby (including same-sex partner)
- Child's adopter
- Intended parent (if they are having a baby through surrogacy)

Paternity leave:

- Cannot start before the baby is born
- Must end within 56 days of the birth (or due date if the baby is early)

### **7.2. Statutory paternity pay (including for surrogacy)**

The colleague can find the latest statutory weekly rate of paternity pay on the government's website – <https://www.gov.uk/paternity-pay-leave/pay>.

To be eligible for statutory paternity pay, they must:

- Have been continuously employed by the Mast Academy Trust or Local Authority School, for at least 26 weeks up to any day in the 15<sup>th</sup> week before the baby is due.
- Be employed by the Mast Academy Trust up until the date the baby is born.
- Earn more than the minimum threshold set out on the government's website (see the latest figure at <https://www.gov.uk/paternity-pay-leave/eligibility>)

The colleague will usually be paid their statutory paternity pay during the week/s they are taking paternity leave.

### **7.3. How to claim statutory paternity leave and pay**

The colleague must tell the Trust at least 15 weeks before the baby is due:

- The due date

- When they want their leave to start (for example, the day of the birth or the week after the birth). If they want to change their start date, they must give us 28 days' notice
- Whether they want to take one or two weeks' leave and in one block or split.

Submit their request through EduPay with a copy of the MATB1 certificate.

#### **7.4. Paternity leave and pay for adoption**

To be eligible for paternity leave when adopting, they must:

- Have worked for the Mast Academy Trust for at least 26 weeks by:
  - The end of the week they have been matched with a child for adoption in the UK, or
  - The date the child enters the UK for overseas adoption
- Be the adopter, or partner of the adopter (this includes same-sex partners)

The colleague:

- Cannot start their leave before the child is born
- Must end their leave within 52 weeks of the child's placement for adoption, or the child's arrival in the UK (for overseas adoptions)

They are also entitled to paid time off to attend two adoption appointments after they have been matched with their child.

To claim paternity leave for adoption, they must tell the Mast Academy Trust that they have been matched with a child within seven days of this happening. The colleague should also tell us:

- The date they were matched with their child
- The placement start date
- Whether they want to take one or two weeks' leave and in one block or split.
- When they want the leave to start (if they want to change their start date, they must give us 28 days' notice)

To claim paternity pay for adoption, they need to tell us 28 days before they want the pay to start.

Submit their request through EduPay with supporting documentation confirming the adoption.

#### **8.0 Adoption leave and pay (including for surrogacy)**

All colleague employed by the Mast Academy Trust who are adopting a child are entitled to 52 weeks of statutory adoption leave, made up of:

- 26 weeks of ordinary adoption leave, followed by
- 26 weeks of additional adoption leave

The colleague will also get paid time off to attend five adoption appointments after they have been matched with a child.

Only one person in a couple can take adoption leave – the other partner could get paternity leave instead (read more in section 7.4 above).

#### **8.1. Exceptions**

They do not qualify for statutory adoption leave or pay if they:

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

#### **8.2. Starting leave**

The colleague can start adoption leave:



- Up to 14 days before the date the child starts living with them (UK adoptions)
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- The day the child is born or the day after (if they have used a surrogate to have a child)

### 8.3. Notice periods for leave.

Within seven days of being matched with a child the colleague must tell the Trust:

- How much leave they want to take
- When they want to start leave
- The date the child is placed with them.

The Trust will confirm their leave start and end dates within 28 days of receiving their notice.

### 8.4. Adoption pay

The colleague can receive statutory adoption pay for up to 39 weeks. The weekly amounts are:

- 90% of their average weekly earnings for the first six weeks
- At a weekly rate of statutory adoption pay for the next 33 weeks (see the latest weekly figure at <https://www.gov.uk/adoption-pay-leave/pay>)

The colleague is eligible for statutory adoption pay if they:

- Have been on the Mast Academy Trust payroll continuously for at least 26 weeks by the week they are matched with the child. For overseas adoptions it is 26 weeks by the time they start receiving adoption pay
- Earn more than the minimum threshold set out on the government's website – see the latest figure at <https://www.gov.uk/adoption-pay-leave/eligibility>
- Notify us at least 28 days before the date they want their adoption pay to start
- Submit proof of the adoption to their senior manager and the HR team (read about the proof they need at <https://www.gov.uk/adoption-pay-leave/how-to-claim>)

### 8.5. Notice periods for pay

The colleague must give the Mast Academy Trust 28 days' notice:

- That they want to stop work and adopt a child
- When they want their statutory adoption pay to start.

The Mast Academy Trust will confirm within 28 days of this notice how much statutory adoption pay they will receive and when it will start and stop.

**Overseas adoptions:** the colleague must tell us the date of their 'official notification' and when they expect the child to arrive in the UK within 28 days of getting the notification.

## 9.0 Shared parental leave and pay

Shared parental leave can be complex, so please speak to the HR team if the colleague is thinking about taking shared parental leave and has any questions.

### 9.1. How it works

Eligible colleague members and their partners can share up to 50 weeks of leave and up to 37 weeks of pay between them. (Note that the first two weeks of leave and pay, starting from the day the baby is born, must be reserved for the person taking maternity or adoption leave.)

The colleague or their partner (whoever is taking maternity or adoption leave) needs to take less than:

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

To take shared parental leave and pay, they and their partner:

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

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

See the governments [shared parental leave and pay planning tool](#) to check when they and their partner can take their leave.

### 9.2. Amount of pay

Any shared parental pay due during shared parental leave will be paid at a rate set by the government for the relevant tax year, or at 90% of the colleague's average weekly earnings, if this figure is lower than the government's weekly rate. See the latest amount on <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>.

### 9.3. Eligibility

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

### 9.4. Applying for leave and pay

**To start shared parental leave:**

- Both they and their partner must, with eight weeks' notice:
  - Give an initial, non-binding indication of each period of shared parental leave and pay that they are requesting.
  - Set out the start and end dates of each period of shared parental leave that they are requesting. The colleague can change their mind later about how much shared parental leave or pay they plan to take and when they want to take it, as long as they give at least eight weeks' notice of these.
- The person taking maternity or adoption leave must give their employer 'binding notice' of the date when they plan to end their maternity or adoption leave (unless they have already returned to work). They must give this notice at least eight weeks before their planned return to work.

Application documents can be found in the documents section on EduPay for completion.

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

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

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

## 10.0 Antenatal care

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

To be entitled to this, the Trust will ask them to produce a certificate from their doctor, nurse, or midwife that states that they are pregnant. Except for the first appointment, they should also produce evidence of the appointment, such as an appointment card.

#### **10.1. Partners of pregnant colleague and intended parents (in a surrogacy or adoption arrangement)**

The colleague is entitled to paid time off to accompany the pregnant person to two antenatal appointments. The colleague can take up to six and a half hours per appointment. If any colleague is experiencing a high-risk pregnancy which requires further tests and/or appointments, they should contact and discuss with this headteacher or line manager.

The Mast Academy Trust may request evidence of these appointments.

#### **10.2. Antenatal care when having a child through IVF**

The colleague will be allowed time off for antenatal care only after the fertilised embryo has been implanted. For information on time off for fertility treatment and IVF, please see the sickness and absence policy. [Policies | The Mast Multi Academy Trust](#)

### **11.0 Health and safety risk assessments during and after pregnancy**

After a colleague has notified their line manager that they are pregnant, the Mast Academy Trust will review its workplace risk assessment in line with the colleague member's role to make necessary adjustments.

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

- Returning to work fewer than six months after giving birth
- Breastfeeding (read more about support for colleagues who are breastfeeding in section 16 below)

### **12.0 Loss of a pregnancy**

The loss of a pregnancy can be extremely painful, both physically and mentally. The Mast Academy Trust is committed to supporting all colleagues who suffer the loss of a pregnancy, whatever the nature of their loss or their length of employment.

#### **12.1. Miscarriage**

This is where a loss of pregnancy happens before the 24<sup>th</sup> week.

For a colleague who has had a miscarriage we encourage them to speak to their line manager to enable us to support them as best as we can through this difficult time.

The Mast Academy Trust will consider colleague absence due to miscarriage as pregnancy-related illness. We will not count this absence when reviewing colleague's attendance records. Read more about this in the sickness and absence policy. [Policies | The Mast Multi Academy Trust](#)

Staff whose partner has experienced a miscarriage are entitled to apply for compassionate leave. This also applies to adoptive parents and intended parents where miscarriage occurs, or placement breaks down. Read more about this in the sickness and absence policy. [Policies | The Mast Multi Academy Trust](#)

#### **12.2. Still birth**

This is a deeply upsetting circumstance where a baby is stillborn or dies after the 24<sup>th</sup> week of pregnancy. We would always seek to support colleagues who have experienced a still birth.

Colleagues who have experienced a still birth are entitled to up to 52 weeks of leave, in line with statutory maternity leave and pay (see sections 5 and 6 for more information).

Colleagues whose partners have experienced a still birth, or whose babies are born alive at any point during the pregnancy, are entitled to one or two weeks of leave and pay (see section 7 for more information).

In addition, the birth parents, adoptive parents or parents of a child born to a surrogate are entitled to one or two weeks of statutory parental bereavement leave after finishing their maternity or paternity leave. More information on parental bereavement leave can be found in the sickness and absence policy. [Policies | The Mast Multi Academy Trust](#)

The colleague may also be eligible for statutory parental bereavement pay –read the government’s [guidance on statutory parental bereavement and pay](#) to find out more.

### **13.0 Keeping in touch during leave**

The colleague and their line manager will discuss how often they will communicate while the colleague is on leave, and what form the communication will take. If they have any questions or concerns, or to discuss any leave extensions, please speak to their line manager/ or a member of the HR team.

#### **13.1. Keeping in touch (KIT) days during maternity or adoption leave**

Colleagues can work up to 10 days during their maternity or adoption leave. These are known as KIT days and are:

- Paid – KIT days will be paid for the hours worked as the normal hourly rate in that month’s payroll.
- Entirely voluntary – they need to agree to them with their line manager

#### **13.2. Shared parental leave in touch (SPLIT) days**

A colleague can work up to 20 days during shared parental leave. This is in addition to the 10 KIT days colleagues can take while on maternity or adoption leave (see above). As with KIT days, SPLIT days are paid and entirely voluntary.

### **14.0 Employment terms and conditions while on leave**

Their employment terms and conditions are protected when they are on leave. The colleague is entitled to any pay rises and improvements in terms and conditions during this time.

Maternity, paternity, adoption and shared parental leave are regarded as continuous employment to calculate entitlement to statutory employment rights (such as redundancy, unfair dismissal rights and notice requirements).

#### **14.1. Pensions**

The colleague will continue to be entitled to pension contributions during periods of paid leave. Pension contributions will stop during any unpaid periods of leave. Please check their employment contract for more details. <https://www.teacherspensions.co.uk/> [Home page of West Yorkshire Pension Fund \(wypf.org.uk\)](#)

#### **14.2. Annual leave entitlements (support staff only on annual contracts)**

The colleague’s annual leave entitlement will continue to accrue during periods of leave. They can take any holiday that they have accrued before or after their maternity, paternity, adoption or shared parental leave.

### **15.0 Returning to work after maternity, paternity, adoption or shared parental leave**

#### **15.1. The right to their job (all colleagues)**

Where they have been on leave for:

- **26 weeks or less** (for shared parental leave this means 26 weeks between both partners): they are guaranteed the same job in which they were employed under their original contract, and on terms and conditions that are at least as favourable.

- **More than 26 weeks** (for shared parental leave this means 26 weeks between both partners): they are guaranteed the same job in which they were employed under their original contract, unless the Mast Academy Trust has a good reason to offer them another job. If their job no longer exists or there have been changes to the organisation, the Mast Academy Trust will offer them a suitable alternative job which has the same or better terms or conditions

### **15.2. Returning to work earlier or later (maternity leave only/maternity, adoption or shared parental leave only)**

If a colleague wishes to change the date that they return to work from maternity leave, they should discuss this with the headteacher/their line manager as soon as possible. The colleague must notify the Trust in writing at least:

- 21 days before the day on which they propose to return if this is earlier than the original date. Where they give less than 21 days' notice, we may postpone their return, but not beyond the end of the original maternity leave period.
- 21 days before the original return date, if the new date is later than the original return date.

Please note that:

- If a colleague is unable to return to work due to sickness at the end of their leave period, our sickness and absence policy will apply [Policies | The Mast Multi Academy Trust](#)
- Colleagues may be able to take unpaid parental leave immediately following the end of their leave period. If they wish to do this, discuss it with the headteacher/their line manager as soon as possible. (Read more about unpaid parental leave in section 17 below)

### **16.0 Breastfeeding**

If they intend to continue breastfeeding after returning to work from maternity leave, please speak to their line manager as soon as possible so that we can support them the best we can. Colleagues who are breastfeeding or expressing are entitled to do so with privacy and dignity, this would include a private, hygienic place and a method to store their milk. Colleagues should discuss this with their headteacher or line manager.

### **17.0 Unpaid parental leave**

**Note:** this section refers to the rights that colleagues have to unpaid parental leave **after** they have finished maternity, paternity or shared parental leave; it should not be confused with maternity, paternity or shared parental leave itself.

#### **17.1. What colleague are entitled to**

The colleague can take up to 18 weeks of unpaid leave for each child and adopted child up to their 18<sup>th</sup> birthday. The limit on how much parental leave each parent can take in a year is four weeks for each child.

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

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

The colleague must take parental leave as whole weeks, rather than individual days. Note: a week is the amount of time that they normally work in a week (so a week is two days if they normally work on Mondays and Tuesdays only. If there is a specific reason a colleague may require some flexibility, they should speak to their headteacher or line manager).

Requests for unpaid parental leave will be considered on a case-by-case basis and the Mast Academy Trust may request a delay if the period of time requested causes disruption to the school/trust.

## 17.2. Eligibility

The colleague is eligible for unpaid parental leave if the child is under 18 and they:

- Have been working at the Mast Academy Trust continuously for more than one year.
- Are named on the child's birth or adoption certificate, or they have or are expected to have parental responsibility.
- Are not a foster parent (unless they have secured parental responsibility through the courts)

## 17.3. Giving notice

The colleague must give the trust at least 21 days' notice in writing before the day they intend to start their leave.

The colleague must confirm the start and end dates in their notice.

## 17.4. Taking unpaid parental leave immediately after maternity, paternity, adoption or shared parental leave

Speak with their line manager if they wish to take unpaid parental leave immediately following:

- Maternity leave. The colleague will not be required to refund occupational maternity pay (as explained in sections 6.1.2 and 6.1.3 above) unless they do not return to work in their school or in another school in the Mast Academy Trust for at least 13 weeks after they finish their unpaid parental leave.
- Adoption leave. The colleague will not be required to refund occupational adoption pay unless they do not return to work in their school or in another school in the Mast Academy Trust for at least 13 weeks after they finish their unpaid parental leave.
- Paternity leave
- Shared parental leave.

## 17.5. Postponing leave

The Mast Academy Trust will grant colleagues' requests for unpaid parental leave whenever possible and will ask the colleague to postpone their requested leave only for significant reasons (e.g. if it would cause serious disruption to the running of the organisation). We will **not** ask colleague to postpone leave if:

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

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

- Within seven days of the original request, write to the colleague explaining why their leave has been postponed.
- Suggest a new start date within six months of the requested start date.
- Not change the amount of leave being requested.

Colleagues who wish to dispute the postponement should follow the grievance policy. [Policies | The Mast Multi Academy Trust](#)

## 17.6. Colleague rights during leave

The colleague's employment rights, such as the right to pay and annual holiday, are protected during unpaid parental leave.

Where they are on unpaid parental leave for:

- **Four weeks or less:** they are guaranteed the same job in which they were employed under their original contract, and on terms and conditions that are at least as favourable
- **More than four weeks:** they are guaranteed the same job in which they were employed under their original contract, unless the Mast Academy Trust has a good reason to offer another job. If the job no longer exists or there have been changes to the organisation, the

Mast Academy Trust will offer them a suitable alternative job which has the same or better terms or conditions.

### **18.0 Time off for dependants**

Colleagues have the right to take a reasonable amount of time off to help a dependant in an unexpected event. If they need time off, notify their line manager as soon as possible so that the best next steps can be arranged. More information can be found in appendix A.

A dependant may include:

- Spouse, partner or civil partner.
- Child (including stepchildren and foster children)
- Parent

A dependent may also be someone who:

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

An unexpected event may include:

- Where a dependent falls ill, is injured or assaulted (this could be as a result of a deterioration of an existing condition) or has to go to hospital because they go into labour unexpectedly.
- Dealing with an unexpected disruption or breakdown of care arrangements for a dependent – e.g., if a childminder or nurse fails to turn up as arranged, or the nursery or nursing home has to close unexpectedly.
- Dealing with an unexpected incident involving their child during school hours
- Dealing with the death of a dependent. Read more about taking compassionate leave in the sickness and absence policy. [Policies | The Mast Multi Academy Trust](#). The colleague may also be able to receive statutory parental bereavement and pay.

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

### **18.1 Carer's leave**

Colleagues who care for dependants with long term needs are entitled to one week of unpaid leave annually:

Long term needs are defined as:

- Anyone with a condition that meets the definition of disability under the Equality Act 2010.
- Illness or injury (physical or mental) that requires or is likely to require care for more than three months or
- Old age.

### **19.0 Early career teachers: extending the induction period to reflect leave periods**

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

- Maternity leave

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

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

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

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

## **20.0 Flexible working**

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

To find out about the Trust's flexible working arrangements, see our flexible working policy. [Policies | The Mast Multi Academy Trust](#)

## **21.0 Links to other policies**

This policy links to the following policies:

- Data protection policy
- Sickness and absence policy
- Flexible working policy
- Health and safety policy
- Colleague code of conduct
- Colleague wellbeing policy



## Appendix A: Paid or unpaid absence types

The definitions of relations used in this Policy are:

- a. **Immediate family** – father, mother, guardian, brother, sister, grandparent, spouse, partner, child or grandchild (including half- and step-).
- b. **Other than immediate family** – aunt, uncle, cousin, mother/father-in-law, brother/sister-in-law, friend.
- c. **Close friend**
- d. **Connected close friend** – friend’s partner, father, mother, guardian, brother, sister, grandparent, spouse, child or grandchild (including half- and step-).

These definitions are not exhaustive and are for guidance only.

*Where colleagues are contracted 52 weeks a year without salary absence can be requested as annual leave.*

Reason for absence	Period of time in any one academic year (1/9 to 31/8)	Comments
Family illness with dependants	Min necessary up to a max of 5 days	With salary
	Over 5 days at discretion of headteacher or family illness (non-dependants)	Without salary
Emergency childcare arrangements	Min necessary up to a max of 1 day on each occasion and no more than 3 occasions in a year	With salary
	More than 3 occasions or for longer than 1 day at the discretion of the headteacher	Without salary
	More than 5 days per year at the discretion of the headteacher	Without salary
Leave to support the needs of a dependents with a disability (evidence to be provided)	Min necessary up to a max of 5 days	With salary
	Over 5 days at discretion of Headteacher or family illness (non-dependants)	Without salary

## Appendix B: Equality Impact Assessment

Name of policy being assessed	Family and parental leave policy
Summary of aims and objectives of the policy	Refer to page 1
What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups and stakeholders)	This will be discussed at the TU meeting and Education and People committee.
Who is affected by the policy?	All colleagues.
What are the arrangements for monitoring and reviewing the actual impact of the policy?	On an annual basis.

Protected Characteristic Group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact (e.g. adjustment to the policy)
Disability	Neutral impact	The policy is inclusive for all colleagues.	
Gender reassignment	Neutral impact	The policy is inclusive for all colleagues.	
Marriage or civil partnership	Neutral impact	The policy is inclusive for all colleagues.	
Pregnancy and maternity	Neutral impact	The policy is inclusive for all colleagues.	
Race	Neutral impact	The policy is inclusive for all colleagues.	

Religion or belief	Neutral impact	The policy is inclusive for all colleagues.	
Sexual orientation	Neutral impact	The policy is inclusive for all colleagues.	
Sex (gender)	Neutral impact	The policy is inclusive for all colleagues.	
Age	Neutral impact	The policy is inclusive for all colleagues.	

## Evaluation

Question	Explanation / justification
Is it possible the proposed policy or change in policy could discriminate or unfairly disadvantage people?	No; the changes made during this policy update encourage an inclusive culture across all colleagues working at The Mast Trust.

## Final decision

Please indicate the final decision using the options below	1
What is the explanation for this?	

There are four options open to you:

1. No barriers or impact identified; therefore, policy will **proceed**.
2. You can decide to **stop** the policy or practice at some point because the evidence shows bias towards one or more groups
3. You can **adapt or change** the policy in a way which you think will eliminate the bias, or
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in **extreme cases** or where **positive action** is taken).

Therefore, you are going to **proceed with caution** with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.

Will this EIA be published* Yes/Not required	Yes
Date completed:	2 <sup>nd</sup> May 2023
Review date (if applicable):	In line with policy review