

Family & Parental Leave Policy



Approved by:	A Minshull-Beech	Date:	October 2024
Signed:		Position:	Chair of Trustee Board
Last review:	September 2024	Next review by:	September 2025

Monitoring arrangements

*This policy will be reviewed at least annually in line with relevant legislative guidance. The **Trustees** are responsible for ensuring the implementation of this policy and that regular reviews take place.*

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Inclusion Education is the working name of Inclusion Hampshire CIO registered number 1162711

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1 Aims, Scope and Principles

This policy applies to the Inclusion Education (Inclusion Hampshire CIO) and applies to all employees at Inclusion Education and its provisions: Inclusion School, Inclusion College and EB8, collectively referred to hereafter as “Inclusion Education”.

This policy aims to:

- Set out Inclusion Education’s approach to maternity, paternity, adoption and shared parental leave, and other family-related leave.
- Make sure Inclusion Education is a family-friendly place to work by supporting staff 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 Inclusion Education that complies with our duties under the Equality Act 2010 and Employment Rights Act 1996.

This policy applies to all full-time and part-time staff who are employed directly by Inclusion Education.

This policy does not form part of any employee's contract of employment, and we may amend it at any time.

2 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](#)
- [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](#)

3 Data Protection

All discussions and sensitive medical and personal information about staff members 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 staff members, for more detail on how data will be processed.

4 Roles and Responsibilities

4.1 Senior Management Team

The Senior Management Team is responsible for making sure that:

- This Family and Parental Leave policy is applied consistently across Inclusion Education and that it is in line with equality legislation.
- Line managers and other staff are aware of this policy and their responsibilities.

4.2 Line Managers

Line managers have day-to-day responsibility for this policy. If staff have questions about this policy, they should refer to their line manager in the first instance.

Line managers are responsible for:

- Considering all valid requests for time off equally and fairly.
- Supporting staff to understand this policy.
- Supporting staff 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 staff's workload, and promoting positive working arrangements
- Maintaining effective communication with staff, including while staff are on leave.
- Liaising with HR/payroll promptly if a staff member'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.

4.3 Employees

Employees 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 HR if necessary.
- Follow the procedures set out in this policy.
- Adhere to the stated time scales.

5 Maternity Leave

Any pregnant staff member employed by Inclusion Education 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.

You do not have to take a full 52 weeks, but you must take:

- A minimum of 2 weeks' leave following the birth of your baby.
- All your maternity leave in one go.

5.1 Starting Maternity Leave

You can start your maternity leave from up to 11 weeks before your baby is due.

Maternity leave will also start:

- The day after you give birth if your baby is early.
- Automatically if you are off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due.

5.2 Claiming Maternity Leave

You must notify your line manager in writing at least 15 weeks before the beginning of the week that your baby is due (the Qualifying Week):

- That you are pregnant.
- When your baby is due.
- When you want to start your maternity leave. If you want to change the day you want to start your maternity leave, you must notify your line manager of the new day:
 - 28 days before your maternity leave was originally due to start.
 - 28 days before the new date you want to start your leave (whichever of the 2 dates is earlier).

We will write to you within 28 days of your notice, confirming your maternity leave start and end dates (for more information on notice periods for returning to work, see **section 14** below).

5.3 Statutory Maternity Pay (SMP)

You are eligible for statutory maternity pay if you:

- Have been on Inclusion Education's payroll continuously for at least 26 weeks continuing into the 15th week before the week that your 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 Inclusion Education at least 28 days before the date you want your maternity pay to start.
- Give proof of your pregnancy within 21 days before you intend to start your maternity pay. Please submit your doctor's letter or a maternity certificate (known as a MATB1 form) to your line manager or HR.

SMP is paid for up to 39 weeks. The weekly amounts are:

- 90% of your average weekly earnings for the first 6 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 you are not eligible for statutory maternity pay, you may still be eligible for maternity allowance – read more about the allowance, including eligibility criteria and how much you can get, at <https://www.gov.uk/maternity-allowance>.

5.4 Enhanced Maternity Pay

- Employees with 1 year or more continuous service by the end of the Qualifying Week (15 weeks before the beginning of the week that your baby is due) may be entitled to enhanced maternity pay, provided their earnings are above the Lower Earnings Limit or minimum threshold set out on the government's website.
- Enhanced maternity pay is payable for up to the first 12 weeks of Ordinary Maternity Leave.
- Pay is calculated on the basis of the salary an individual receives during the eight weeks prior to the Qualifying Week.
 - For the first four weeks, the employee will receive 100% of their average weekly earnings inclusive of SMP.
 - For the next two weeks (weeks 5 & 6) the employee will receive 90% of their average weekly earnings inclusive SMP.
 - For the remaining six weeks (weeks 7 – 12) the employee will receive 50% of their average weekly earnings plus the current SMP Rate.

- The employee would then be eligible for SMP only for up to a further 27 weeks.
- Pay is paid in the same way as your wages (e.g., monthly or weekly). Tax and National Insurance will be deducted.

6 Paternity Leave and Pay

6.1 Statutory Paternity Leave

You are entitled to take up to two weeks' statutory paternity leave as either one week, two consecutive weeks or two separate blocks of one week if you have worked for Inclusion Education for at least 26 weeks up to any day in the 15th week before the baby is due. This is different if you are adopting a child – see **section 7.4** below for more information on paternity leave for adoption.

NB. A week is the amount of time that you normally work in a week (so a week is 2 days if you normally work on Mondays and Tuesdays only).

To be eligible, you 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 you are having a baby through surrogacy).
- Paternity leave:
- Cannot start before the baby is born.
- Must end within the first year of the birth.

6.2 Statutory Paternity Pay

You 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, you must:

- Have been continuously employed by Inclusion Education for at least 26 weeks up to any day in the 15th week before the baby is due.
- Be employed by Inclusion Education 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>)

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

6.3 How to claim Statutory Paternity Leave and Pay

You must tell Inclusion Education at least 15 weeks before the baby is due:

- The due date
- When you want your leave to start, and how much leave you want to take, at least 28 days before.
- Complete the Online Statutory Paternity Pay and Leave form via the link below and print and return to hr@inclusioneducation.org.uk when completed. <https://www.tax.service.gov.uk/apply-for-statutory-paternity-pay>.

6.4 Paternity Leave and Pay for Adoption

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

- Have worked for Inclusion Education for at least 26 weeks by:
- The end of the week you 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.

You:

- Cannot start your leave before the child is born.
- Must end your leave within one year of the child's placement for adoption, or the child's arrival in the UK (for overseas adoptions).

You are also entitled to paid time off to attend 2 adoption appointments after you have been matched with your child.

To claim paternity leave for adoption, you must tell Inclusion Education that you have been matched with a child within 7 days of this happening. You should also tell us:

- The date you were matched with your child.
- The placement start date.
- When you want your leave to start, and how much leave you want to take, at least 28 days before.

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

Complete the Online SC4 form via the link below and print and return to hr@inclusioneducation.org.uk when completed.

<https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-an-adoptive-parent-sc4>

For overseas adoptions please contact hr@inclusioneducation.org.uk directly.

6.5 Enhanced Paternity Pay

Employees with 1 year or more continuous service by the end of the Qualifying Week (15 weeks before the beginning of the week that your baby is due) may be entitled to enhanced paternity pay of 1 full week of basic rate of pay (inclusive of Statutory Paternity Pay).

7 Adoption Leave and Pay

All staff employed by Inclusion Education 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.

You will also get paid time off to attend 5 adoption appointments after you have been matched with a child.

Only 1 person in a couple can take adoption leave – the other partner could get paternity leave instead (read more in **section 6.4** above).

7.1 Exceptions

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

- Arrange a private adoption.

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

7.2 Starting Leave

You can start adoption leave:

- Up to 14 days before the date the child starts living with you (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 you have used a surrogate to have a child).

7.3 Notice Periods for Leave

Within 7 days of being matched with a child you must tell Inclusion Education:

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

Inclusion Education will confirm your leave start and end dates within 28 days of receiving your notice.

7.4 Adoption Pay

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

- 90% of your average weekly earnings for the first 6 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>)

You are eligible for statutory adoption pay if you:

- Have been on Inclusion Education's payroll continuously for at least 26 weeks by the week you are matched with the child. For overseas adoptions, it is 26 weeks by the time you 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 you want your adoption pay to start.
- Submit proof of the adoption to your line manager/HR (read about the proof you need at <https://www.gov.uk/adoption-pay-leave/how-to-claim>)

7.5 Enhanced Adoption Pay

- Employees with 1 year or more continuous service by the week you are matched with your child, you may be entitled to enhanced adoption pay, provided their earnings are above the Lower Earnings Limit or minimum threshold set out on the government's website.
- Enhanced adoption pay is payable for up to the first 12 weeks of Ordinary Adoption Leave.
- Pay is calculated on the basis of the salary an individual receives during the eight weeks prior to the week you are matched with your child.
 - For the first four weeks, the employee will receive 100% of their average weekly earnings inclusive of Statutory Adoption Pay.
 - For the next two weeks (weeks 5 & 6) the employee will receive 90% of their average weekly earnings inclusive Statutory Adoption Pay.

- For the remaining six weeks (weeks 7 – 12) the employee will receive 50% of their average weekly earnings plus the current Statutory Adoption Pay Rate.
- The employee would then be eligible for Statutory Adoption Pay only for a further 27 weeks.
- Pay is paid in the same way as your wages (e.g., monthly or weekly). Tax and National Insurance will be deducted.

7.6 Notice Periods for Pay

You must give Inclusion Education 28 days' notice:

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

Inclusion Education will confirm within 28 days of this notice how much statutory adoption pay you will receive and when it will start and stop.

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

8 Shared Parental Leave and Pay

Shared parental leave can be complex, so please speak to your line manager or HR if you are thinking about taking shared parental leave and have any questions.

8.1 How it works

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

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

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

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

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

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

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

8.2 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 staff's average weekly earnings, if this figure is lower than the government's weekly rate. See the latest amount on <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>.

8.3 Eligibility

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

8.4 Applying for Leave and Pay

To start shared parental leave:

Both you and your partner must, with 8 weeks' notice:

- Give an initial, non-binding indication of each period of shared parental leave and pay that you are requesting.
- Set out the start and end dates of each period of shared parental leave that you are requesting. You can change your mind later about how much shared parental leave or pay you plan to take and when you want to take it, as long as you give at least 8 weeks' notice 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 8 weeks before their planned return to work.

For the documentation required to complete for Leave and pay please contact the HR Department.

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

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

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

9 Antenatal Care

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

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

9.1 Partners of Pregnant Staff and Intended Parents.

- You are entitled to paid time off to accompany the pregnant person to 2 antenatal appointments.
- You can take up to 6 and a half hours per appointment.
- Inclusion Education may request to see evidence of these appointments.

10 Health & Safety Risk Assessments During & After Pregnancy

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

When a staff member returns to work from maternity leave, Inclusion Education will conduct an individual risk assessment that covers the staff member's specific needs if the staff member is:

- Returning to work fewer than 6 months after giving birth.
- Breastfeeding (read more about support for staff who are breastfeeding in **section 15** below).

11 Loss of a Pregnancy

The loss of a pregnancy can be extremely painful, both physically and mentally. Inclusion Education is committed to supporting all staff members who suffer the loss of a pregnancy, whatever the nature of their loss or their length of employment.

11.1 Miscarriage

This is where a loss of pregnancy happens before the 24th week.

Staff who have had a miscarriage are entitled to a 2 week period of paid leave, which may be extended depending on individual circumstances. We encourage you to speak to your line manager to enable us to support you as best as we can through this difficult time.

Inclusion Education will consider staff absence due to miscarriage as pregnancy-related illness. We will not count this absence when reviewing staff's attendance records.

11.2 Still Birth

This is where a baby is stillborn or dies after the 24th week of pregnancy.

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

Staff whose partners have had a still birth, or whose babies are born alive at any point during the pregnancy are entitled to 1 or 2 weeks of leave and pay (see **section 6** for more information).

In addition, the birth parents, adoptive parents or parents of a child born to a surrogate are entitled to 1 or 2 weeks of statutory parental bereavement leave after finishing their maternity or paternity leave.

12 Keeping in Touch During Leave

Staff and their line manager will discuss how often they will communicate while the staff member is on leave, and what form the communication will take. If you have any questions or concerns, or to discuss any leave extensions, please speak to your line manager or HR.

12.1 Keeping in Touch (KIT) Days During Maternity or Adoption Leave

Staff 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 at the normal daily or hourly rate in that month's payroll.
- Entirely voluntary – you need to agree to them with your line manager.

12.2 Shared Parental Leave in Touch (SPLIT) Days.

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

13 Employment Terms and Conditions While on Leave

Your employment terms and conditions are protected when you are on leave. You are 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 for the purpose of calculating entitlement to statutory employment rights (such as redundancy, unfair dismissal rights and notice requirements).

13.1 Pensions

You will continue to be entitled to pension contributions during periods of leave that are paid. Pension contributions will stop during any unpaid periods of leave.

13.2 Annual Leave Entitlements

For full-year contracted employees, your annual leave entitlement will continue to accrue during periods of leave. You can take any holiday that you have accrued before or after your maternity, paternity, adoption or shared parental leave.

14 Returning to Work after Maternity, Paternity, Adoption or Shared Parental Leave

14.1 Your Right to Your Job Upon Returning to Work

Where you have been on leave for:

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

14.2 Returning to Work Earlier or Later (Maternity, Adoption or Shared Parental Leave only)

If staff wish to change the date that they return to work from leave, they should discuss this with their line manager as soon as possible. The staff member must notify Inclusion Education in writing at least:

- 21 days before the day on which they propose to return, if this is earlier than the original date. Where less than 21 days' notice is given, we may postpone the return, but not beyond the end of the original maternity leave period.
- 8 weeks before the original return date, if the new date is later than the original return date, please note that:
 - If a staff member is unable to return to work due to sickness at the end of their leave period, our **sickness and absence policy** will apply.

- Staff may be able to take unpaid parental leave immediately following the end of their leave period. If you wish to do this, discuss it with your line manager as soon as possible. Read more about unpaid parental leave in **section 16** below.

15 Breastfeeding

If you intend to continue breastfeeding after returning to work from maternity leave, please speak to your line manager or HR as soon as possible so that we can support you the best we can.

Inclusion Education will provide a suitable area where staff who are breastfeeding can rest.

This area will:

- Include somewhere to lie down.
- Be hygienic, safe, secure, and private so staff can express milk if they choose to.
- Include somewhere to store their milk, for example a fridge.

Staff who are breastfeeding are entitled to more frequent breaks. We encourage you to talk to your line manager so you can agree the timing and frequency of breaks.

16 Unpaid Parental Leave

Note: this section refers to the rights that staff 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.

16.1 Entitlement

Employees can take up to 18 weeks of unpaid leave for each child and adopted child up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child.

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

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

You must take parental leave as whole weeks, rather than individual days. Note: a week is the amount of time that you normally work in a week (so a week is 2 days if you normally work on Mondays and Tuesdays only).

16.2 Eligibility

You are eligible for unpaid parental leave if the child is under 18 and you:

- Have been working at Inclusion Education continuously for more than 1 year.
- Are named on the child's birth or adoption certificate, or you have or are expected to have parental responsibility.
- Are not a foster parent (unless you have secured parental responsibility through the courts).

16.3 Giving Notice

You must give your line manager at least 21 days' notice in writing before the day you intend to start your leave.

You must confirm the start and end dates in your notice.

16.4 Taking Unpaid Parental Leave

Speak with your line manager if you wish to take unpaid parental leave immediately following:

- Maternity leave.
- Adoption leave
- Paternity leave
- Shared parental leave.

16.5 Postponing Leave

Inclusion Education will grant staff's requests for unpaid parental leave whenever possible and will ask staff 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 staff 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 staff member would no longer qualify for parental leave, e.g., postponing it until after the child's 18th birthday.
- If the school or trust postpones the leave, we will:
 - Within 7 days of the original request, write to the staff member explaining why their leave has been postponed.
 - Suggest a new start date within 6 months of the requested start date.
 - Not change the amount of leave being requested.

16.6 Staff Rights During Leave

Your employment rights, such as the right to pay and annual holiday, are protected during unpaid parental leave.

Where you are on unpaid parental leave for:

- **4 weeks or less:** you are guaranteed the same job in which you were employed under your original contract, and on terms and conditions that are at least as favourable.
- **More than 4 weeks:** you are guaranteed the same job in which you were employed under your original contract, unless Inclusion Education has a good reason to offer another job. If the job no longer exists or there have been changes to the organisation, Inclusion Education will offer you a suitable alternative job which has the same or better terms or conditions.

17 Time off for Dependants

Staff have the right to take a reasonable amount of unpaid time off to help a dependant in an unexpected event. If you need time off, notify your line manager as soon as possible so that the best next steps can be arranged.

To find out more about requesting emergency dependant leave, please refer to the Discretionary & Other Leave Policy.

18 Links to other policies

This policy links to the following policies:

- Discretionary & Other Leave.
- Data Protection Policy.
- Health and safety Policy.
- Staff Sickness and Absence policy.