KALEIDOSCOPE
Multi Academy Trust

FAMILY LEAVE POLICY

Based Upon North Somerset HR Model Policy

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FAMILY LEAVE POLICY

INTRODUCTION

Family leave includes maternity, adoption, paternity, shared parental leave and unpaid parental leave.

This Policy covers the obligations of Kaleidoscope Multi-Academy Trust and its schools with regards to family leave and those aspects of family leave where there is discretion for the MAT/School with regards to what provisions apply or how the provisions are implemented.

Accordingly, this Policy only refers to the statutory provisions relating to family leave where this is necessary to set out the school's obligations or to put information in context. Where a provision is statutory the text is in bold.

For further information regarding statutory family leave provisions including those related to eligibility, entitlement and pay and for further information regarding the notification requirements and arrangements that apply please see our guidance for employees on family leave.

The following employee guidance documents are available:

- Maternity Guidance
- Adoption Guidance
- Paternity Guidance
- Shared Parental Leave Guidance
- Unpaid Parental Leave Guidance

SCOPE

This Policy covers maternity, paternity, adoption, shared parental and unpaid parental leave. Other forms of leave are covered in the Kaleidoscope Leave of Absence Policy.

MATERNITY LEAVE

For more information on maternity leave, including Statutory Maternity Pay, please see our Maternity Leave Guidance.

NOTIFICATION

Employees will be required to notify the School (who will in turn notify the Kaleidoscope Finance Team) in writing **of when the child is due and when they intend to start maternity leave giving an indication of how much leave they intend to take** and to provide proof of their pregnancy in the form of their MATB1 certificate. **It is a statutory requirement for employees to provide proof of their pregnancy before they can receive statutory maternity pay.**

The MAT/Schools payroll provider will write to the employee within 28 days of the receipt of the employee's notification and their MATB1 **confirming the start and end dates of their maternity leave and (where applicable) the start and end dates of their maternity pay and how much maternity pay they will receive.**

The School reserves the right to delay the start date of an employee's maternity leave and pay if they fail to provide the required notice and do not have a satisfactory explanation for doing so. If the School delays the start of an employee's leave the School will write to the employee within 28

days of their leave request.

OCCUPATIONAL MATERNITY PAY (OMP)

To qualify for Occupational Maternity Pay (OMP) an employee needs to have completed one years' continuous employment as at the beginning of the 11th week before the expected date of birth.

OMP is paid over a total of up to 18 weeks. For support staff the first 6 weeks are at nine-tenths of the employee's normal week's pay and for teachers the first four weeks are at full pay and the next two weeks at nine-tenths of their normal week's pay. The next 12 weeks' entitlement is at half pay provided the employee returns to work for a period of at least 3 months (support staff) or 13 weeks (teachers) at the end of their maternity leave.

The employee can choose when the 12 weeks' half pay is paid to them. The employee can request that it is paid directly after the first 6 weeks, in addition to their SMP OR they can request that it is paid to them in one lump sum once they return to work. Employees should ensure they complete the correct section of the maternity leave application form depending on their choice.

If the employee does not return to work for at least 3 months (support staff) or 13 weeks (teachers) and they elected to receive the 12 weeks' half pay during their leave they will have to refund it to the School.

If a teacher returns to work on a part-time basis, they will need to complete a proportionately longer period of service. For example: if a teacher returns on a 0.5 basis they will need to return for 26 weeks in order to receive / retain the 12 weeks' half pay OMP.

If an employee is eligible to receive both OMP and SMP they will be entitled to receive:

- Support Staff - first 6 weeks: 9/10ths of a week's pay[1];
- Teachers – first 4 weeks full pay then 2 weeks 9/10ths of a week's pay.
- Next 12 weeks: half pay (OMP) plus SMP (provided this figure does not exceed their normal weekly pay rate).
- Next 21 weeks: SMP only.

ANTE-NATAL CARE

Pregnant employees will produce evidence of appointments if this is requested (such as a doctor's letter or an NHS appointment card).

HEALTH AND SAFETY

The Health and Safety provisions of the European Directive on Pregnant Workers state that employers must assess all workplace risks to the health and safety of new and expectant employees (defined as those who are pregnant or have given birth or miscarried within the previous six months or those who are breast-feeding). *For further information, including what the risk assessment should cover please contact the relevant member of staff in the School office.*

Once the school has assessed the risk to the employee and her baby, if risks are identified, the School will take reasonable steps to remove them. Sometimes simple protective measures will be sufficient. If not, then the School will consider either changing the employee's working conditions or hours or offering suitable alternative employment.

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[1] Unless this is lower than the standard flat SMP rate, in which case the standard rate or the employee's full pay whichever is lower will be paid for the first 6 weeks.

If the school cannot remove the risks by any of these means, the School will suspend the employee on full pay. Should the employee refuse suitable alternative employment, the employee's leave will be unpaid.

PATERNITY LEAVE

For more information on paternity leave, including Statutory Paternity Pay, please see the school's Paternity Leave Guidance.

NOTIFICATION

Employees will be required to notify the School (who in turn will notify the Kaleidoscope Finance Team) in writing **of the child's due date or date of placement[2], when they intend to start paternity leave and whether they wish to take 1 or 2 weeks' leave.** The School may request that the employee provide proof of the birth or adoption.

The School reserves the right to delay the start date of an employee's paternity leave and pay if they fail to provide the required notice and do not have a satisfactory explanation for doing so. If the School delays the start of an employee's leave the School will write to the employee within 28 days of their leave request. Please note that an employee must take their paternity leave during a period of 56 days from the date of the child's birth or placement or arrival in the UK. If the child is born prematurely, the employee is able to take the leave within 56 days of either the child's actual date of birth or the child's expected date of birth.

OCCUPATIONAL PATERNITY LEAVE AND PAY

Employees taking paternity leave will be entitled to one week's occupational paternity pay at full pay (if the employee's full pay is more than the Statutory Paternity Pay (SPP) standard weekly rate).

If an employee is eligible for both statutory paternity leave and pay and occupational paternity pay they will be entitled to two weeks' paternity leave: in the first week they will receive full pay and in the second week statutory paternity pay at the standard weekly rate.

If an employee is not eligible to take statutory paternity leave or receive SPP, they will be entitled to one week's paid occupational paternity leave.

As with statutory paternity leave, occupational paternity leave must be taken as a single block.

Employees must give notice for occupational paternity leave in line with the notice requirements relating to statutory paternity leave. *These are set out in the Paternity Guidance.*

ANTE-NATAL AND ADOPTION APPOINTMENTS

Partners of the primary carer / primary adopter have a statutory right to unpaid time off work to attend up to two ante-natal appointments. Under the regulations, time off for these appointments is for up to six and a half hours.

Employees will produce evidence of appointments if requested.

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[2] The relevant date for UK adoptions is the date of placement. If the employee is adopting from overseas the relevant dates are the date of their official notification and the expected date of the child's arrival in the UK. If the employee is involved in a surrogacy arrangement the relevant date is the child's due date.

ADOPTION LEAVE

For more information on adoption leave, including Statutory Adoption Pay, please see Kaleidoscopes Adoption Leave Guidance.

NOTIFICATION

Employees will be required to notify the School (who in turn will notify the Kaleidoscope Finance Team) in writing **of the child's date of placement[3] and when they intend to start adoption leave giving an indication of how much leave they intend to take. The School will request that the employee provide proof of the adoption if they will be receiving adoption pay** and may request it if they are taking adoption leave without pay.

The evidence requested will be:

- the 'Matching Certificate' issued by the relevant Local Authority and a letter from the agency stating the date of placement (*UK adoptions*) or
- the relevant UK authority's 'official notification' confirming the employee is allowed to adopt and evidence showing the date the child arrived in the UK (*overseas adoptions*)

If the employee is using a surrogate to have a child the School may ask them for a written statement, signed in the presence of a legal professional, to confirm that they have applied or will apply for a parental order.

The payroll provider will write to the employee within 28 days of the receipt of the employee's notification confirming the start and end dates of their adoption leave and (where applicable) the start and end dates of their adoption pay and how much adoption pay they will receive.

The School reserves the right to delay the start date of an employee's adoption leave and pay if they fail to provide the required notice and do not have a satisfactory explanation for doing so. If the School delays the start of an employee's leave the School will write to the employee within 28 days of their leave request.

OCCUPATIONAL ADOPTION PAY

To qualify for Occupational Adoption Pay (OAP) an employee needs to have completed one years' continuous employment as at the beginning of the 11th week before the expected date of placement.

OAP is paid over a total of up to 18 weeks. For support staff the first 6 weeks are at nine-tenths of the employee's normal week's pay and for teachers the first four weeks are at full pay and the next two weeks at nine-tenths of their normal week's pay. The next 12 weeks' entitlement is at half pay provided the employee returns to work for a period of at least 3 months (support staff) or 13 weeks (teachers) at the end of their Adoption Leave.

The employee can choose when the 12 weeks half pay is paid to them. The employee can request that it is paid directly after the first 6 weeks, in addition to their SAP OR they can request that it is paid to them in one lump sum once they return to work. If the employee does not return to work for at least 3 months (support staff) or 13 weeks (teachers) and they elected to receive the 12 weeks' half pay during their leave they will have to refund it to the School.

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[3] The relevant date for UK adoptions is the date of placement. If the employee is adopting from overseas the relevant dates are the date of their official notification and the expected date of the child's arrival in the UK. If the employee is involved in a surrogacy arrangement the relevant date is the child's due date.

If a teacher returns to work on a part-time basis, they will need to complete a proportionately longer period of service. For example: if a teacher returns on a 0.5 basis they will need to return for 26 weeks in order to receive / retain the 12 weeks' half pay OMP.

If an employee is eligible to receive both OAP and SAP they will be entitled to receive:

- Support Staff - first 6 weeks: 9/10ths of a week's pay[4];
- Teachers – first 4 weeks full pay then 2 weeks 9/10ths of a week's pay.
- Next 12 weeks: half pay (OAP) plus SAP (provided this figure does not exceed their normal weekly pay rate).
- Next 21 weeks: SAP only.

ADOPTION APPOINTMENTS

Employees will produce evidence of appointments if requested to do so.

SHARED PARENTAL LEAVE

For more information on shared parental leave, including Statutory Shared Parental Pay, please see the Kaleidoscope Maternity Leave Guidance.

INTRODUCTION

Kaleidoscope Multi-Academy Trust encourages early informal discussion between employees and their managers in order to ensure that shared parental leave is arranged smoothly and that employees can support their growing family as flexibly as possible.

Eligible employees can choose whether to continue taking maternity / adoption leave or to take shared parental leave and eligible employees remain entitled to ordinary paternity leave and unpaid parental leave. This section of the policy should therefore be read in conjunction with the rest of this Policy.

NOTIFICATION

Notice of Entitlement

When the employee submits their notice of entitlement to shared parental leave to the School, it should be seen as an opportunity for the line manager and the employee to talk informally about the employee's preferences, what can be accommodated operationally and what patterns of leave might work best for both parties.

Evidence

Employees must submit a notification of entitlement with the necessary declarations as evidence of their entitlement to claim SPL or Pay. This will generally be sufficient for the purposes of processing claims for SPL and Pay.

However, the School reserves the right to request supporting evidence within 14 days of the date on which a notice of entitlement and intention to take SPL is given.

[4] Unless this is lower than the standard SAP rate, in which case the standard rate or the employee's full pay whichever is lower will be paid for the first 6 weeks.

In cases of maternity, the school may request:

- a copy of the child's birth certificate
- the name, address or other contact details of the employee's partner's employer.

In cases of adoption, the school may request:

- a copy of the matching certificate and documents from the adoption agency confirming the agency's name and address and the actual or expected date of placement
- the name, address or other contact details of the other adopter's employer.

Where evidence is required, the employee must provide this evidence within 14 days of the date it was requested (or within 14 days of the date when the child is born / placed if the birth certificate or proof of placement is requested before the birth / placement).

Period of Leave Notice

Eligible employees are able to submit up to three notices booking 'periods of leave' inclusive of any variations or cancellations of leave. If the employee has already used up all three of their notifications, there is no obligation on the School to consider further variations / cancellations but the School may still consider and accept the request if it is reasonably practicable to do so.

Employees can request a continuous or a discontinuous period of leave. (A continuous 'period of leave' is one consisting of a single unbroken block of leave and a discontinuous period of leave is one consisting of two or more blocks of leave with breaks between them where the employee returns to work.

If the manager proposes a variation to continuous or discontinuous leave and the employee agrees, then it does not count as a further notification and this will be confirmed in writing.

All requests for continuous periods of leave from eligible employees will be accepted. However, the School may suggest a change to a continuous leave period and the employee can then opt for either the original period or the suggested one.

All requests for discontinuous periods of leave, from eligible employees, will be considered. The School reserves the right to refuse a request for discontinuous leave or to propose alternative dates.

Once a request for discontinuous leave is made, the employee and manager will have a discussion period of 14 calendar days to talk about the request. The factors the manager will consider shall include:

- Challenging or busy periods for the School
- How the role will be covered
- Any known staffing issues during the period requested
- Impacts on pupils / other employees / the school community
- Whether modification of the request would reduce the negative impacts on the School that would otherwise make the request unreasonable.

If the manager is not immediately agreeable to a *discontinuous leave* period then they will seek to arrange a meeting within the 14 day discussion period, as required.

Period of Leave Notifications: Outcomes

Following any necessary discussion with the employee and within 14 days of the date of the period of leave notice the school may:

- **agree to the periods of leave requested**
- **refuse the leave but propose alternative dates or**
- **refuse the leave.**

A written record of the agreed outcomes from discussions during this time should be kept and shared with the employee.

The School will respond to all notifications in order to prepare for the leave arrangements and will confirm their acceptance or otherwise within 14 calendar days of the date the notification was received.

Refusals of discontinuous leave requests will be confirmed in writing by the School with clear information regarding the options available.

Modifications that are suggested by the manager will not count as a further statutory notification and this will be confirmed in writing.

If a request for a discontinuous leave block is <u>not</u> agreed (and no alternative arrangement is agreed) then the total amount of leave in the request must be taken as one continuous block unless the employee withdraws the notice and submits a new request. The employee can choose when the default continuous leave block will commence, so long as it is no sooner than 8 weeks from the date of the original notification. If the employee does not elect a start date within 19 days of the original notification, the start date of the continuous leave will automatically default to the date the requested discontinuous leave would have started.

The employee must notify the School's payroll provider **of any period of leave once agreed within 14 days.** If the period of leave is made up of discontinuous blocks the manager will confirm the school's agreement to the School's payroll provider.

SPECIFIC CIRCUMSTANCES

If the employee who has booked SPL no longer has responsibility for the care of the child, and the employee has any SPL arranged within 8 weeks of the entitlement ceasing, they may still be required to take it as SPL if it is not reasonably practicable for the school to accommodate cancellation of the leave (for example, if alternative cover has been arranged).

In this event, the leave will start on the same date that the next period of SPL was due to start. This leave will end as soon as the school can accommodate the employee's return to work and in any event when the period was due to end or eight weeks from the date the school is informed of the change in circumstances, whichever is earlier.

Any weeks of SPL arranged more than 8 weeks after the entitlement ceased will be cancelled.

PARENTAL BEREAVEMENT LEAVE

For more information on parental bereavement leave, including Statutory Parental Bereavement Pay, please see the school's Parental Bereavement Leave Guidance.

Parents who lose a child will be entitled to two weeks leave and it can be taken in a single block of two weeks or two blocks of one week each. The school is happy to discuss what the options are

with any employee should the need sadly arise.

NOTIFICATION

No notice is needed for leave taken within 56 days of the child's death. Employees should inform the school as soon as reasonably practicable of the date of the child's death, the date the leave started and whether it is for one week or two. If the leave is taken outside of the first 56 days, one week's notice is required. Notice does not have to be in writing. Notice requirements are different in relation to Statutory Parental Bereavement Pay (please see the school's Parental Bereavement Leave Guidance).

TAKING PARENTAL BEREAVEMENT LEAVE

Employees who work part-time will receive a pro-rata amount of parental bereavement leave.

UNPAID PARENTAL LEAVE

For more information on unpaid parental leave, please see the school's Unpaid Parental Leave Guidance.

NOTIFICATION

Employees will be required to notify the School (who in turn will notify the Kaleidoscope Finance Team) in writing **of the start and end dates of their unpaid parental leave.** The School may request that the employee provide proof of the birth or adoption.

The School may request applicants for parental leave to provide a copy of the child's birth certificate or adoption papers.

TAKING UNPAID PARENTAL LEAVE

Employees who work part-time will receive a pro-rata amount of parental leave.

Normally, an employee may not take parental leave in blocks of less than one week unless the child is disabled. However, in exceptional circumstances the School may agree to parental leave in blocks of a single day or more for parents of a child who is not disabled. Applications to do so will be considered on a case by case basis.

Normally, an employee may not take more than four weeks' parental leave per year per child. However, in exceptional circumstances the School may agree to an employee taking more than four weeks' unpaid parental leave in a single year. Applications to do so will be considered on a case by case basis.

POSTPONING UNPAID PARENTAL LEAVE

The School reserves the right to postpone a requested period of unpaid parental leave for up to six months (unless the leave is requested for the period immediately after a child is born or adopted or postponing the leave would mean that the employee would no longer qualify to take it).

Postponement may be required where the School has a 'significant reason' (i.e. where the School determines that its service needs will not be met if the employee takes the unpaid parental leave at the time they originally request to do so).

Postponement will be confirmed in writing no later than seven days after the employee's notice to take unpaid parental leave has been received. This will state the reason for the postponement and set out suggested new dates for the parental leave.

GENERAL

CONTACT AND WORK DURING FAMILY LEAVE

Contact

The School will maintain reasonable contact from time to time with the employee whilst they are on maternity, adoption or shared parental leave, in order, for example, to update them on changes in the workplace and to be updated on the employees' personal circumstances.

How and when informal contact takes place will be discussed in advance of the leave period being taken.

Keeping in Touch (KIT) Days and SPLIT days (SPL in Touch Days)

In order to maintain contact whilst on maternity or adoption leave, employees can, by agreement, undertake up to 10 days' paid work. These are known as KIT days. They can, for example, be used for training, staff updates or to ease the return to work process.

***In addition*, an eligible primary carer / primary adopter and their partner each have an entitlement to agree up to 20 'keeping in touch days' on which they can work without bringing shared parental leave to an end.**

KIT and SPLIT days will be arranged only by mutual agreement between the School and the employee.

Payment

It is for the employer and the employee to agree how long the employee will attend on a KIT or SPLIT day. In this School, a KIT or SPLIT 'day' can be for any length of time from an hour to a full day.

Payment will be at the normal contractual hourly rate for the employee's role and the employee will be paid for the number of hours worked on a KIT or SPLIT day.

The employee's line manager will notify the School's payroll provider of the dates of any KIT or SPLIT days worked and the hours worked.

RETURN TO WORK

Where relevant, if the notice period given by the employee is less than the required period their return to work may be postponed to ensure the full required notice is received.

Employees must return to work at the end of their leave unless they have given the required notice of their resignation.

Employees have the statutory right to request a permanent change to their hours or working pattern effective from their return to work. The School will follow the Kaleidoscope Flexible Working Policy when considering such requests.

If the employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

If, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect the employee to return on the due date, they may instead return when work resumes, or as soon as reasonably practicable thereafter.

Employees taking maternity, adoption and shared parental leave are recommended to plan their return to work as early as is practicable.

An employee on maternity or adoption leave will have the right to return to the same job if they have taken 26 weeks leave or less. If they have taken more than 26 weeks' leave they will have the right to return to the same job or, if this is not possible, a suitable alternative. The terms and conditions which apply on the employee's return will be no less favourable than those which would have applied had they not been absent.

An employee who returns to work after a period of SPL will be entitled to return to the same job when the total amount of leave taken by the employee in relation to the child (i.e. the period of SPL added to any other period of relevant statutory leave the employee has taken) is 26 weeks or less.

An employee who returns to work after a period of SPL will be entitled to return to the same job, or, if it is not reasonably practicable for the School to enable the employee to return to that job, to a suitable alternative when:

- **the total amount of leave taken by the employee in relation to the child (i.e. the period of SPL added to any other period of statutory family leave the employee has taken) is 26 weeks or more**
- **the period of SPL is consecutive with a period of unpaid parental leave of more than 4 weeks; or**
- **the period of SPL is the last of two or more consecutive periods of statutory family leave which were consecutive with a period of unpaid parental leave of more than 4 weeks.**

An employee returning from unpaid parental leave of four weeks or less will be reinstated in their previous job. An employee returning from unpaid parental leave of more than four weeks will be reinstated in their previous job wherever reasonably practicable or, if not, offered a suitable alternative which has the same or better terms and conditions.

REDUNDANCY

No employee will be selected for redundancy or dismissed for a reason connected to their family leave.

Employees on family leave will always be kept informed regarding any re-organisations and will always be consulted about any possible redundancy. The School will ensure that employees on family leave are not disadvantaged by the redundancy process or selection criteria.

Where an employee is dismissed at any time during their leave, they will be entitled to be provided with written reasons for the dismissal.

If an employee on family leave is at risk of redundancy they will be offered any suitable alternative vacancy in line with any relevant regulations. Employees on maternity leave under notice of redundancy will be offered any suitable alternative vacancy ahead of any other employees.

RESIGNATION

If an employee decides not to return to work following maternity, adoption and shared parental leave they must inform their line manager and the School's payroll provider in writing giving the required notice of termination. For support staff this will be their contractual notice; for teachers this will be at least 21 days and as soon as possible.

If the employee intends to resign prior to taking their maternity, adoption or shared parental leave they must still give the required notice of termination as stated above. Employees intending to resign prior to taking maternity leave must also still submit their MATB1.

PAY ARRANGEMENTS

In line with requirements regarding statutory pay, employees must give a minimum of 28 days' notice in order to receive occupational maternity and adoption pay and any occupational paternity pay.

Maternity, paternity, adoption and shared parental leave pay will be paid in the normal way on the last working day of the month.

The School's payroll provider must be notified as soon as possible of any change in circumstances which may affect the employee's entitlement to receive maternity, paternity, adoption or shared parental leave pay.

ANNUAL LEAVE

Employees continue to accrue annual leave during family leave.

With regard to teachers and term time only support staff, accrued annual leave will be taken during school holidays.

<u>All year round support staff</u>

All accrued leave should be taken within the applicable leave year wherever possible.

All year round employees are recommended to:

- take all leave accrued up to the start of their maternity, adoption or shared parental leave prior to the start of their leave
- *If this is not possible* add the annual leave accrued whilst on maternity, adoption or shared parental leave to the end of their leave
- *If they are planning on returning on different hours:* change their hours after their period of annual leave.

If an all year round employee returns to work on a different number of hours, their annual leave accrued whilst on maternity, adoption or shared parental leave will be based on their working hours prior to their leave.

Prior to any maternity, adoption or shared parental leave being taken, managers and employees should discuss how accrued leave might be taken.

EMPLOYEES ON TEMPORARY CONTRACTS

Temporary contracts should only be ended in accordance with our Fixed Term Contract Guidance. Where a contract does end, the leave will end with the contract.

EQUALITY

In applying this Policy, this School will act in accordance with the relevant legislation and will not discriminate against any employee for reasons connected to their pregnancy or maternity or any other protected characteristic.

Protection from detriment

Employees will not be subjected to any detriment by the School because:

- **they took, or sought to take, maternity, paternity, adoption, shared parental or unpaid parental leave**
- **the School believed they were likely to take maternity, paternity, adoption, shared parental or unpaid parental leave**
- **they worked or refused to work while they were on maternity, adoption or shared parental leave.**

Employees will be protected from any detriment in relation to time off for ante-natal or adoption appointments.

FRAUDULENT CLAIMS

Any allegations of fraudulent claims in relation to maternity, paternity, adoption or shared parental leave or pay or unpaid parental leave will be investigated by the School in accordance with the School's disciplinary procedure and if proven, will be viewed as potential gross misconduct.

SUPPLY COSTS

Supply costs for family leave will be paid out of a centrally held de-delegated budget from the School's budget.

CONFIDENTIALITY AND RECORDS

All individuals involved in the implementing family leave arrangements have a responsibility to maintain the confidentiality of personal information in their possession.

All records will be kept confidential, used and retained in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

OTHER RELEVANT POLICIES AND GUIDANCE

Maternity Guidance
Adoption Guidance
Paternity Guidance
Shared Parental Leave Guidance

Unpaid Parental Leave Guidance
Leave of Absence Policy
Attendance Management Policy
Flexible Working Policy
Fixed Term Contract Guidance

Trustee Board Chair 3/5/2023