



# The Milford Academy

## Parental Leave Policy

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## **PARENTAL LEAVE FOR SCHOOL STAFF**

### **1.0 INTRODUCTION**

This section provides information and guidance on the Parental Leave Regulations which enhance existing maternity/adoption leave policies.

The Nottinghamshire School Parental Leave Policy is recommended for adoption by all community, voluntary aided, voluntary controlled, academy, foundation, and trust schools who purchase their HR Service from Nottinghamshire County Council.

The document has been agreed with the following Nottinghamshire recognised trade unions: ATL; ASCL; NAHT; UNISON and GMB.

### **2.0 The Legislation**

Following the European Union's Directive on Parental Leave the Government implemented the Directive through the Employment Relations Act 1999, updated by the Parental Leave Directive 2010. This policy incorporates further changes introduced in April 2015.

The Regulations set out the following core elements:-

- the leave will be for 18 weeks, pro rata for part-time employees;
- the leave will be unpaid;
- the contract continues during such leave;
- there is a right to return from leave to the same job or one that is at the same level as previously occupied;
- the leave is per child
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### **3.0 Eligibility**

Employees wishing to take Parental Leave should have a minimum of one year's continuous service prior to the date of commencement of the leave. For women employees, maternity leave will count towards the qualifying period.

The regulations state that leave is normally applicable to any employees who meet the following criteria:

- the mother of the child;
- the father of the child if he was married to the mother at the time of birth or he is registered as the child's father;
- the father (if not covered by the above) if he has acquired parental responsibility under the Children Act 1989;
- a guardian appointed under section 5.5 of the Children Act 1989;
- adoptive parents;

- the Head Teacher and governors may also want to consider other carers nominated by the expectant mother.

During Ordinary Parental Leave, an employee will remain employed, although normal pay will be suspended. The contractual terms of employment will remain in place including but not limited to notice periods, disclosure of confidential information and the accrual of holiday will still apply (where applicable).

#### **4.0 Leave Entitlement**

The entitlement to parental leave lasts until the child is 18 years old.

Taking of leave is subject to the prior approval of the Head Teacher/Governing Body with due regard to the wishes of the employee and the needs of the school. Such approval should not be unreasonably withheld.

Parental leave will normally be taken for periods of 1 week as a minimum to 4 weeks as a maximum in any particular year. Parental leave can be less than 1 week by agreement.

Parental Leave for a child with a disability can be taken in blocks of days rather than weeks if they receive one of the following benefits for their child:

- Disability Living Allowance
- Personal Independence Payment

Staff will normally be required to give 21 days' notice prior to taking parental leave. However, where cover is required staff are requested to provide a half-term's notice where possible.

#### **5.0 Pension Contributions**

If an employee is a member of the Local Government Pension Scheme then they should be made aware that any unpaid absence, for a continuous period of 31 days or less, will mean that pension contributions will continue to be deducted on the pay the employee would have received during that period but for the absence.

For teachers any unpaid absences are not pensionable under the Teachers' Pensions Scheme.