

SHARED PARENTAL LEAVE

1. What is Shared Parental Leave?

- 1.1 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.
- 1.2 This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave and statutory Shared Parental Pay.

2. Eligibility for Shared Parental Leave

- 2.1 Shared Parental Leave can only be used by two people, these being the mother/adopter and either the father of the child, the spouse, civil partner or partner of the child's mother/ adopter. Intended parents in a surrogacy arrangement may qualify for Shared Parental Leave providing that they qualify for adoption leave and pay.
- 2.2 Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 2.3 An employee is not entitled to additional Shared parental Leave / Shared Parental Pay if they are expecting more than one child. The entitlement is the same and this also applies to multiple adoptions that occur in a single placement.
- 2.4 An employee seeking to take Shared Parental Leave must satisfy each of the following criteria:
 - the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
 - the employee must still be working for The Trust at the start of each period of Shared Parental Leave;
 - the employee must pass the continuity test requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
 - the employee's partner must meet the employment and earnings test;
 - the employee must provide correct notifications and evidence as required.
- 2.5 Standard forms to be used with this policy are available from the school / academy.

3. Entitlement

- 3.1 Eligible employees may be entitled to take up to 50 weeks Shared Parental Leave during the child's first year in their family.
- 3.2 The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the Shared Parental Leave system and take any remaining weeks as Shared Parental Leave.
- 3.3 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
- 3.4 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must

reduce their entitlement to less than 39 weeks (the pay period). If they do this, their partner may be entitled to up to 50 weeks of Shared Parental Leave. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

- 3.5 Shared Parental Leave can commence as follows:
- The mother can take Shared Parental Leave after she has taken the legally required two weeks of maternity leave immediately following the birth of the child;
 - The adopter can take Shared Parental Leave after taking at least two weeks of adoption leave;
 - The father/partner/spouse can take Shared Parental Leave immediately following the birth/placement of the child, but may first choose to exhaust any Ordinary Paternity Leave entitlement (10 days), if eligible as the father/partner cannot take paternity leave or pay once they have taken any Shared Parental Leave or Shared Parental Pay.
- 3.6 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
- 3.7 Shared Parental Leave will generally commence on the employee's chosen start date specified in their Shared Parental Leave booking notice, or in any subsequent variation notice.
- 3.8 If the employee is eligible to receive it, Shared Parental Pay may be paid for some, or all, of the Shared Parental Leave period.
- 3.9 Shared Parental Leave must end no later than one year after the birth/placement of the child. Any Shared Parental Leave not taken by the first birthday or first anniversary of placement for adoption is lost.

4. Notification of an entitlement to Shared Parental Leave

- 4.1 An employee entitled and intending to take Shared Parental Leave must provide notice of their entitlement and intention to take Shared Parental Leave at least eight weeks before they can take any period of Shared Parental Leave.
- 4.2 Part of the eligibility criteria requires the employee to provide the correct notification. Notification must be in writing and requires each of the following:
- the name of the employee;
 - the name of the other parent;
 - the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of Shared Parental Leave available;
 - the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
 - the amount of Shared Parental Leave the employee and their partner each intend to take
 - a non-binding indication of when the employee expects to take the leave.
- 4.3 The employee must provide a signed declaration stating:
- that they meet, or will meet, the eligibility conditions and are entitled to take Shared Parental Leave;
 - that the information they have given is accurate;
 - if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
 - that should they cease to be eligible they will immediately inform The Trust.
- 4.4 The employee must provide a signed declaration from their partner confirming:
- their name, address and national insurance number (or a declaration that they do not have a national insurance number);

- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the employment and earnings test and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of Shared Parental Leave that the employee intends to take;
- that they consent to the organisation processing the information contained in the declaration form; and
- in the case whether the partner is the mother/adopter that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

5. Evidence of eligibility

- 5.1 The Trust may, within 14 days of the Shared Parental Leave entitlement notification being given, request:
- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
 - in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
 - in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
- 5.2 In order to be entitled to Shared Parental Leave, the employee must produce this information within 14 days of receiving the request.

6. Fraudulent claims

- 6.1 The Trust may, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter and may initiate disciplinary procedures.

7. Meeting arrangements

- 7.1 An employee considering Shared Parental Leave is encouraged to arrange an informal discussion as early as possible regarding their potential entitlement.
- 7.2 Upon receiving a notification of entitlement to take Shared Parental Leave The Trust may seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their Shared Parental Leave entitlement.
- 7.3 Upon receiving a leave booking notice a meeting may be arranged to discuss the notice. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can be approved without further discussion, a meeting may not be required.
- 7.4 Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.
- 7.5 At the meeting the employee may, if they wish, be accompanied by a work colleague or trade union representative.
- 7.6 The purpose of the meeting is to discuss the leave proposal and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable, and what the outcome may be if no agreement is reached.

8. Booking Shared Parental Leave

- 8.1 In addition to notifying their entitlement to Shared Parental Leave / Shared Parental Pay, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to Shared Parental Leave.
- 8.2 The employee has the right to submit three notifications specifying the Shared Parental Leave periods they are intending to take. Each notification may contain either a single period of a number of weeks of leave or two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 8.3 Shared Parental Leave can only be taken in complete weeks but may begin on any day of the week. For example if a week of Shared Parental Leave began on a Tuesday it would finish on a Monday.
- 8.4 The employee must book Shared Parental Leave by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive Shared Parental Pay.

9. Continuous leave notifications

- 9.1 A notification can be for a period of continuous leave, which means notification of a number of weeks taken in a single unbroken period of leave.
- 9.2 An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of Shared Parental Leave available to them and at least eight weeks' notice has been provided.
- 9.3 An employee may submit up to three separate notifications for continuous periods of leave.

10. Discontinuous leave notifications

- 10.1 A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work.
- 10.2 Where there is concern over accommodating the notification, a meeting will be arranged to discuss the notification with a view to agreeing an arrangement that meets the needs of both parties.
- 10.3 The Headteacher will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave as a single continuous block.
- 10.4 If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.
- 10.5 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of Shared Parental Leave.

11. Responding to a Shared Parental Leave notification

- 11.1 Once a leave booking notice is received a response will be provided to the employee in writing no later than the 14th day after the leave request was made.

12. Variations to arranged Shared Parental Leave

- 12.1 An employee is permitted to vary or cancel an agreed and booked period of Shared Parental Leave, provided that they provide written confirmation at least eight weeks before the date of the variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 12.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one request. However, a change as a result of a child being born early, or as a result of The Headteacher requesting the leave be changed, and the employee being agreeable to the change, it will not count as further notification.
- 12.3 Variations will be confirmed in writing.

13. Shared Parental Pay

- 13.1 Eligible employees may be entitled to take up to 37 weeks Shared Parental Pay while taking Shared Parental Leave. The number of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 13.2 In addition to meeting the eligibility requirements for Shared Parental Leave, an employee seeking to claim Shared Parental Pay must further satisfy each of the following criteria:
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
 - the employee must intend to care for the child during the week in which Shared Parental Pay is payable;
 - the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date which are not less than the lower earnings limit in force for national insurance contributions;
 - the employee must remain in continuous employment until the first week of Shared Parental Pay has begun;
 - the employee must give proper notification in accordance with the rules set out below.
- 13.3 Where an employee is entitled to receive Shared Parental Pay they must, at least eight weeks before receiving any Shared Parental Pay, provide written notice advising of their entitlement to Shared Parental Pay. Where possible, this should be included as part of the notice of entitlement to take Shared Parental Leave.
- 13.4 In addition to what must be included in the notice of entitlement to take Shared Parental Leave, any notice that advises of an entitlement for Shared Parental Pay must include:
- the start and end dates of any maternity/adoption pay or maternity allowance;
 - the total amount of Shared Parental Pay available, the amount of Shared Parental Pay the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim Shared Parental Pay;
 - a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for Shared Parental Pay and that they will immediately inform The Trust should they cease to be eligible.
- 13.5 Notice must be accompanied by a signed declaration from the employee's partner confirming:
- their agreement to the employee claiming Shared Parental Pay and for the organisation to process any Shared Parental Pay payments to the employee;
 - in the case whether the partner is the mother/ adopter, that they have reduced their maternity/adoption pay or maternity allowance;

- in the case where the partner is the mother/ adopter, that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

13.6 Shared Parental Pay will be paid at a rate set by the State and is treated as earnings and therefore subject to normal PAYE deductions.

14. Terms and conditions of employment during Shared Parental Leave

14.1 During the period of Shared Parental Leave, the contract of employment continues in force and contractual benefits continue, except for salary.

14.2 Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave. Employee contributions will be based on actual pay, while The Trust's contributions will be based on the salary that the employee would have received had they not been taking Shared Parental Leave.

14.3 Shared Parental Leave is granted in addition to the annual holiday entitlement. Holiday should normally be taken in the year that it is earned. If a Shared Parental Leave period overlaps two leave years the employee should consider how their annual leave entitlement will be used to ensure that it is taken at the end of each holiday year.

15. Contact during Shared Parental Leave

15.1 Before a period of Shared Parental Leave begins arrangements for keeping in touch will be agreed.

15.2 The Trust reserves the right in any event to maintain reasonable contact with the employee from time to time during their Shared Parental Leave. Contact may include discussions about plans to return to work, special arrangements to be made, training, or simply to update on developments at work during the absence.

16. Shared Parental Leave in Touch days (SPLIT)

16.1 An employee can agree to work or attend training for up to 20 days during Shared Parental Leave without bringing their period of Shared Parental Leave to an end or impacting on their right to claim Shared Parental Pay. These are known as "Shared Parental Leave In Touch" or "SPLIT" days.

16.2 The Trust will not be obliged to offer, nor will the employee be obliged to attend, work whilst on Shared Parental Leave and the employee will not suffer any detriment if they refuse to work.

16.3 Any days worked do not extend the total duration of the Shared Parental Leave period.

16.4 Any work undertaken under the SPLIT arrangements will be paid at the normal daily rate of pay. Where Shared Parental Pay is being paid and this is less than the normal daily rate, the pay will be topped up to the normal daily rate. Where no pay is being received, the full normal daily rate will be paid at the next available pay date.

16.5 SPLIT days may be taken as full or half days.

17. Returning to work after Shared Parental Leave

17.1 The employee will have been formally advised in writing of the end date of any period of Shared Parental Leave and is expected to return on the next working day after this date. If they are unable to attend work due to sickness or injury, the normal arrangements for sickness absence will apply. Late return without prior authorisation or notification will be

treated as unauthorised absence.

- 17.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave, giving at least eight weeks' notice of their date of early return. This will count as one of the employee's three notifications.
- 17.3 If the employee has already used their three notifications to book and/or vary leave then the Headteacher is under no obligation to accept the notice to return early, but may choose to do so.
- 17.4 If industrial action or any other interruption of work makes it unreasonable for the employee to return to work from Shared Parental Leave on the date on which they intended to do so, they should instead return as soon as work resumes.
- 17.5 On returning to work after Shared Parental Leave, if the employee's aggregate total statutory maternity/paternity/adoption leave and Shared Parental Leave amounts to 26 weeks or less, they will normally return to the same job which they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of Shared Parental Leave. This will be on the same terms and conditions of employment as if they had not been absent.
- 17.6 If their maternity/paternity/adoption leave and Shared Parental Leave amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave. Where this is not possible it will be to another job which is both suitable and appropriate in the circumstances, and on terms and conditions no less favourable than those to which the employee would have been entitled had they not been absent.
- 17.7 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will normally still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and Shared Parental Leave do not exceed 26 weeks.
- 17.8 If an employee also takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and Shared Parental Leave do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, where this is not possible, another job which is both suitable and appropriate in the circumstances, and on terms and conditions no less favourable than those to which the employee would have been entitled had they not been absent.

18. Redundancy during shared parental leave

- 18.1 If the employee is unable to return from Shared Parental Leave to their original job because of redundancy, which would have occurred whether or not the employee had been absent, they may, where there is an available vacancy, be offered suitable alternative employment with the Trust.

19. Standard forms

- 19.1 Forms to be completed to comply with notification and evidence requirements are available from your School or The Trust

20. Still birth and miscarriage.

- 20.1 In the sad and distressing case of a miscarriage prior to 24 weeks of pregnancy there is no statutory right to shared parental leave.

- 20.2 In the tragic event of still birth, or the baby is born and then dies, and notice of the intention to take Shared Parental Leave has been given, you are still entitled to take the shared parental leave period which has been booked. If you wish to change or reduce the period of shared parental leave you should contact your school / academy who will normally reduce the statutory requirement to provide 8 weeks' notice of a change.
- 20.3 In cases of still birth or where the baby dies before notice to book shared parental leave has been given, then unfortunately the statutory right to shared parental leave is lost.

21. General Data Protection Regulation

- 21.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

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| Policy owner | Head of Human Resources |
| Approving body: | Board of Trustees |
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