

Shared Parental Leave Policy



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CHAIR OF TRUSTEES:	
CEO:	

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Introduction

1. This policy has been drawn up following consultation with all the recognised trade unions and associations: ASCL, NAHT, NASUWT and the National Education Union and Unison.
2. Advice and support on the application of this policy is available from the Trust CEO.
3. This policy applies to all employees working in schools. It should be read in conjunction with other relevant documents such as the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book) and the National Agreement on Pay and Conditions of Service for support staff (the Green Book).
4. The Trust has chosen to continue to use the STPCD, Burgundy Book, and Green Book also. The word 'school' should be taken to refer to the Trust.
5. The term 'relevant committee' has been used throughout this policy. The relevant committee is the Trust Board and Local Governing Committees of schools.
6. The term 'head teacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the head teacher is subject to these procedures, it will be managed by the Chair of the relevant committee or other nominated governor.

Purpose and Scope

7. Shared Parental Leave (SPL) is available for working parents whose child is born or newly adopted on or after 5th April 2015. It gives eligible parents the ability to share the care of their child during the first year of birth or adoption, taking time off together or separately.

8. This policy explains:

- the provisions of Shared Parental Leave and Shared Parental Pay
- who is eligible, and
- how to apply

9. Under the rules for Shared Parental Leave, mothers can bring their Maternity Leave to an end early, converting any remaining leave entitlement to Shared Parental Leave and any remaining Statutory Maternity Pay (SMP) entitlement to Shared Parental Pay (SPP).

10. Shared Parental Leave and Pay is also available to couples adopting.

11. Shared Parental Leave is different from ordinary Parental Leave which entitles employees to take up to a maximum of 4 weeks unpaid leave each year to look after a child (up to a maximum of 18 weeks in total). See the Parental Leave Policy.

12. Ordinary Paternity Leave is still available for fathers and partners but Shared Parental Leave replaces Additional Paternity Leave for parents of children born after 5 April 2015. See separate Paternity Leave Policy.

13. The ACAS Shared Parental Leave: good practice guide provides helpful information and examples of how Shared Parental Leave can be used and there is information available at www.gov.uk.

Eligibility

14. Shared Parental Leave can only be taken by two people:

- the mother/adopter and
- one of the following:

a) the biological father of the child

b) the spouse, civil partner or partner of the child's mother/adopter

15. Both parents must share the main responsibility for the care of the child at the time of the birth or placement for adoption.

16. This policy explains what parents may be eligible for, recognising that a school employee could be either the mother or primary adopter (the parent taking

adoption leave/pay) or the father/partner.

17. To be eligible for Shared Parental Leave parents must meet all of the following criteria:

- the mother/primary adopter must be entitled to statutory maternity/adoption leave OR statutory maternity/adoption pay OR maternity allowance
- an employee taking Shared Parental Leave must still be working for the school at the start of each period of leave
- the mother must have at least 26 weeks' service with their employer at the end of the 15th week before the child's expected due date. The primary adopter must have at least 26 weeks' service by the week in which they are notified of being matched with a child
- the father or partner must have worked for at least 26 weeks in the 66 weeks leading up to the due date/matching date and earned an average of at least £30 per week in any 13 of those weeks
- an employee applying for Shared Parental Leave must give the correct notice of their entitlement, provide the required information from both partners and any evidence requested.

Entitlement

18. Mothers must take two weeks' maternity leave after the birth and the primary adopter must take two weeks' adoption leave. The mother/adopter then has the option of bringing their entitlement to maternity/adoption leave to an end early, at any time, to allow them and/or their partner to take any remaining leave entitlement as Shared Parental Leave.

19. A father/partner can take Shared Parental Leave straight after the birth or placement, but may choose to use any Paternity Leave and Pay they are entitled to first, as they cannot take this once they have taken any Shared Parental Leave or Shared Parental Pay.

20. Shared Parental Leave must be taken in blocks of at least one week and must be taken in the first year of the birth/placement. Any unused leave not taken in

this time is lost.

Shared Parental Pay – Eligibility Criteria and Entitlement

21. The number of weeks' pay available during Shared Parental Leave, depends on how much statutory maternity/adoption pay the mother/primary adopter has received and how much of their statutory pay entitlement is remaining.

22. Shared Parental Pay is paid at the relevant statutory rate, which can be found at www.gov.uk. In addition to the eligibility criteria for Shared Parental Leave, an employee receiving SPP must meet all of the following criteria:

- the mother/primary adopter is entitled to statutory maternity/adoption pay OR maternity allowance and has decided to give notice to reduce their statutory pay period
- the employee must intend to care for the child during the period Shared Parental Pay is paid
- the employee must have an average weekly pay of at least the lower earnings limit for national insurance contributions (see www.gov.uk for the current amount) during the eight weeks leading up to and including the 15th week before the child's expected due date/matching date
- the employee must be in continuous employment until the first week of Shared Parental Pay has begun
- the employee must give at least eight weeks' written notice.

Continuous and discontinuous leave

23. Employees can request to take Shared Parental Leave either in one continuous block or in separate blocks, referred to as "discontinuous leave", returning to work in between. There is no limit to the number of blocks of leave that can be included in one request.

24. Requests for one period of continuous Shared Parental Leave cannot be refused, as long as the employee and their partner have enough weeks of Shared Parental Leave remaining.

25. Managers/head teachers have two weeks in which to consider and talk through with an employee a request for discontinuous Shared Parental Leave. Head

teachers can agree or refuse a request for discontinuous leave, depending on school's needs. See flow diagram at Annex A.

26. If a request cannot be accommodated, the head teacher and employee can discuss and agree an alternative pattern of leave OR the employee can request to take the leave in a continuous block OR withdraw the request. Once one of these options is agreed, if the employee later wishes to change the leave pattern in any way, this will count as a new separate request out of the total three that an employee can submit.

Requesting Shared Parental Leave and Pay

27. Requests must be made at least eight weeks before an employee wants to take Shared Parental Leave. Employees must take full account of school holidays and the availability of head teachers/managers when submitting requests and giving the required notice.

28. Eligible employees must make a request by filling in a Shared Parental Leave request form [Shared Parental Leave Request Form.url](#)

This must include the following:

- notice of the mother/primary adopter's intention to end their maternity/adoption leave early
- a declaration of eligibility from the partner
- the leave dates requested (if known at that stage).

29. Managers or head teachers can ask for further evidence of eligibility within 14 days of receiving this form, which the employee must provide within a further 14 days.

30. The available Shared Parental Leave can be taken by one or both parents. The mother/primary adopter can still be on maternity/adoption leave while the partner takes Shared Parental Leave, as long as they have given notice in writing to end maternity/ adoption leave early.

31. Parents should consider carefully giving notice to end maternity/adoption leave as it can only be revoked in the following circumstances:

- it is discovered that the parents are not eligible for Shared Parental Leave
- notice was given before the birth of the child and the mother withdraws her notice within six weeks of the birth
- the partner has died.

32. Once maternity/adoption leave has ended it cannot be re-started.

33. When employees fill in the Shared Parental Leave request form, if they know the dates they want to take as Shared Parental Leave, they can give these dates and give notice on the form at the same time. If employees do not yet know the exact dates they want to take, they should just give possible dates on the form. Exact dates must be confirmed in writing and formal notice given at least eight weeks before they would like the shared parental leave to start.

34. Each parent can submit up to three requests for Shared Parental Leave. Any changes or cancellations to the leave request must be made in writing at least eight weeks' before the leave is due to start. Any change will count towards the employee's limit of three requests, if the previous request has already been agreed.

35. The earlier an employee informs their manager or head teacher about their plans, the more likely they will be able to accommodate their request and plan for their absence, especially if the employee has requested blocks of discontinuous leave.

Death of an employee's partner

36. The death of an employee's partner does not prevent the employee being eligible to take shared parental leave, as long as the couple met the eligibility requirements immediately before the partner's death.

37. In the case of the death of the child's mother, there is no requirement for the mother to have given notice curtailing their maternity leave or a "notice of entitlement and intention" before they died for their partner, or the child's father, to be eligible to take shared parental leave. The partner can submit a notice of entitlement and intention to take shared parental leave following the mother's death, if they have not already done so. This notice must include the date of the mother's death. If the mother had not taken any maternity leave prior to their death, their partner can take up to 52 weeks' shared parental leave.

38. An employee (whether the mother or the mother's partner) may wish to change their plans in relation to the amount and pattern of shared parental leave that they intend to take following the death of their partner. For example, they may decide to take a period of leave earlier than planned or to take one long period of leave rather than multiple shorter periods. The rules on notice and variation of periods of leave are adjusted to allow this. The employee is not required to give eight weeks' notice of a period of leave if this is not reasonably practicable, but must give the relevant notice as soon as is reasonably practicable after the death and before the period of leave. This adjustment to the notice requirements applies in relation to the notice of entitlement and intention, to the first period of leave notice following the death and to the first notice to vary a period of leave that has already been booked.

39. If the employee has already used their maximum of three period of leave or variation notices prior to their partner's death, the limit is extended to four notices, so that they can vary the agreed pattern of leave in light of their new circumstances.

40. The right of the employer to request a copy of the child's birth certificate and details of the employee's partner's employer no longer applies if the partner dies; neither does any requirement for the employee to include a declaration from their partner with any notice that they submit.

41. Equivalent provisions apply in relation to the death of an adoptive parent.

Review during Shared Parental Leave

42. During Shared Parental Leave all contractual terms and conditions are protected.

Pension

43. Pension contributions continue during periods of paid Shared Parental Leave.

44. For members of the Local Government Pension Scheme who take a period of unpaid Shared Parental Leave, pension contributions are optional. Members will find information and interactive tools to show costs on www.lgps2014.org (Use the section 'How do I buy extra or lost pension'). Further details are available from the Trust HR and Finance teams.

45. The Teachers' Pension Scheme does not allow service during periods of unpaid leave to be purchased but there is provision for Additional Pension to be purchased when returning to paid teaching service. Full details are on the Teachers' Pensions website. For information about this contact the Trust HR team.

Annual Leave

46. Annual leave entitlement continues to accrue during Shared Parental Leave. For staff working term time only any accrued entitlement is included in normal school closure periods.

47. No pay in lieu of days owed is payable.

Keeping in Touch Days

48. Before going on Shared Parental Leave, the employee and their manager or head teacher should agree how they will keep in touch to ensure the employee is kept up to date on matters such as workplace changes, promotion and training opportunities

49. Each parent can have up to 20 Shared Parental Leave In Touch Days, or 'SPLIT Days'. This is in addition to the 10 Keeping In Touch Days, (KIT Days), available to the mother/primary adopter.

50. SPLIT days must be agreed between the head teacher/manager and employee. They can be used to carry out work or attend events such as training or team away days or ease a gradual return to work. They are paid at the employee's normal rate of pay, or at a pay rate appropriate for the work and agreed between the employee and the head teacher.

51. A part day worked counts as one SPLIT Day but the employee is only paid for the hours they have worked.

52. Using SPLIT Days does not bring Shared Parental Leave to an end or prevent Shared Parental Pay being paid for that week.

Returning to Work

53. The employee is expected to return to work on the date agreed, unless they notify their head teacher/manager otherwise. If an employee wishes to return earlier than previously agreed, they must give at least eight weeks' written notice of their early return date. This change will count as one of the three requests an employee can make. If the employee has already made three requests, the head teacher/manager does not have to accept this change but may consider it if it is practical. Any late return without prior authorisation will be treated as unauthorised absence.

54. Employees have the right to return to the same job, on the same terms and conditions as if they had not been absent. If it is not practical to return to the

same job, employees have the right to return to another suitable and appropriate job on no less favourable terms and conditions than the job they had before their

leave.

Review of Policy

55. In introducing and reviewing this procedure an impact assessment has been undertaken to take account of the Equality Act 2010.

56. This policy is regularly reviewed and updated to take account of any legal changes.

Other Related Policies

- Maternity Leave
- Paternity Leave
- Adoption Leave
- Parental Leave

Shared Parental Leave - Process



