



## **Shared Parental Leave Policy**

Policy Code:	HR 31
Policy Start Date:	September 2015
Policy Review Date:	September 2018

Please read this policy in conjunction with the policies listed below:

- HR8 Equal Opportunities and Diversity Policy
- HR10 Redundancy Policy
- HR11 Pay Policy
- HR12 Staff Disciplinary Policy
- HR13 Special Leave Policy
- HR14 Paternity Policy
- HR15 Time off for Dependents Policy
- HR18 Staff Sickness and Absence Policy
- HR19 Maternity Policy
- HR21 Adoption Policy
- HR25 Flexible Working Policy



## 1. Policy Statement

- 1.1 This policy outlines the arrangements for shared parental leave and pay in relation to the birth or adoption of a child. Shared parental leave allows parents to take time off to care for the child with more flexibility than maternity and paternity leave. If an employee is eligible the employee and their partner may decide how to share the leave between them and can decide to be off work at the same or different times.
- 1.2 No-one will be subjected to a detriment for taking or seeking to take shared parental leave in accordance with this policy.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.4 This policy does not apply to agency workers, consultants or self-employed contractors.

## 2 Definitions

The definitions in this paragraph apply in this policy.

**Expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects the employee's child to be born.

**Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).

**Partner:** the employee's spouse, civil partner or someone living with them in an enduring family relationship, but not their sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** the 15<sup>th</sup> week before the EWC or, in the case of adoption the week the adoption, agency notifies you that the employee that has been matched with a child for adoption.

## 3 Roles, Responsibilities and Implementation

- 3.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Pay, Performance and HR Committee



delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head of Human Resources.

- 3.2 The Head of Academy/ Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

#### **4 Entitlement to SPL**

- 4.1 An employee is entitled to SPL if:

- (a) they are the child's mother, and share the main responsibility for the care of the child with the child's father or with their partner;
- (b) they are the child's father, and share the main responsibility for the care of the child with the child's mother;
- (c) they are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother);
- (d) a child has been placed with them or their partner for adoption; or
- (e) a child has been placed with them or their partner under a fostering for adoption or concurrent planning scheme.

- 4.2 The following conditions must also be fulfilled:

- (a) they must have at least 26 weeks' continuous employment at the end of the Qualifying Week, and still be employed by the Trust in the week before the leave is to be taken;
- (b) the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- (c) the employee and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.



- 4.3 The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).
- 4.4 If the employee is the mother, they cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.
- 4.5 If an employee is the child's father or the mother's partner, they should consider using their two weeks' paternity leave before taking SPL. Once they start SPL they will lose any untaken paternity leave entitlement. SPL entitlement is additional to an employee's paternity leave entitlement.
- 4.6 In the case of an adoption, the employee or their partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.

## **5 Opting in to Shared Parental Leave and Pay**

Not less than eight weeks before the date the employee intends their SPL to start, the employee must give the Trust a written opt-in notice giving:

- (a) their name and the name of the other parent;
- (b) if they are the child's mother, the start and end dates of their maternity leave;
- (c) if they are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- (d) the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP/SAP or MA period taken or to be taken;
- (e) how many weeks of the available SPL will be allocated to them and how many to the other parent (the allocation can be changed by giving the Trust a further written notice, and employees do not have to use their full allocation);
- (f) if they are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP/SAP or MA period taken or to be taken);



- (g) how many weeks of available ShPP will be allocated to them and how much to the other parent (the allocation can be changed by giving the Trust a further written notice, and employees do not have to use their full allocation);
- (h) an indication of the pattern of leave they are thinking of taking, including suggested start and end dates for each period of leave (see paragraph 9 and paragraph 10 for information on taking leave). This indication will not be binding at this stage; and
- (i) declarations by the employee and the other parent that they both meet the statutory conditions to enable them to take SPL and ShPP.

## 6. Ending Maternity/ Adoption Leave

- 6.1 If the employee is the child's mother and they want to opt into the SPL scheme, they must give the Trust at least 21 days' written notice to end their maternity leave (a **curtailment notice**) before they can take SPL. The notice must state the date their maternity leave will end. The employee can give the notice before or after they give birth, but they cannot end their maternity leave until at least two weeks after birth.
- 6.2 If the employee is taking or intends to take adoption leave and wants to opt into the SPL scheme, they must give the Trust at least eight weeks' written notice to end their adoption leave (a curtailment notice). The notice must state the date their adoption leave will end. They can give the notice before or after adoption leave starts, but they must take at least two weeks' adoption leave.
- 6.3 The employee must also give the Trust, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that the other parent has given their employer an opt-in notice and that they have given the necessary declarations in that notice.
- 6.4 The other parent may be eligible to take SPL from their employer before the employee's maternity leave ends, provided they have given the curtailment notice.
- 6.5 The curtailment notice is binding and cannot usually be revoked. An employee can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:



- (a) if the employee realises that neither they nor the other parent are in fact eligible for SPL or ShPP, in which case the employee can revoke the curtailment notice in writing up to eight weeks after it was given;
- (b) if they gave the curtailment notice before giving birth, they can revoke it in writing up to six weeks after birth; or
- (c) if the other parent has died.

6.6 Once an employee has revoked a curtailment notice they will be unable to opt back into the SPL scheme, unless paragraph 6.5(b) applies.

## **7. Ending Partner's Maternity Leave or Pay**

If the employee is not the mother, but the mother is still on maternity leave or claiming SMP or MA, the employee will only be able to take SPL once she has either:

- (a) returned to work;
- (b) given her employer a curtailment notice to end her maternity leave;
- (c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- (d) given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

## **8. Evidence of Entitlement**

Employees must provide on request:

- (a) A copy of the birth certificate (or if they have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth) or one or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
- (b) The name and address of the other parent's employer (or a declaration that they have no employer).

## **9. Booking SPL dates**

9.1 Having opted into the SPL system, employees must book their leave by giving the Trust a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.



- 9.2 The period of leave notice can either give the dates the employee wants to take leave or, if the child has not been born yet, it can state the number of days after birth that they want the leave to start and end.
- 9.3 Leave must be taken in blocks of at least one week.
- 9.4 If the employee's period of leave notice gives a single continuous block of SPL, then they will be entitled to take the leave set out in the notice.
- 9.5 If the employee's period of leave notice requests split periods of SPL, with periods of work in between, the Trust will consider the request as set out in paragraph 10, below.
- 9.6 Employees can give up to three period of leave notices. This may enable them to take up to three separate blocks of SPL (although if they give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice; see paragraph 11).

## **10. Procedure For Requesting Split Periods Of SPL**

- 10.1 In general, a period of leave notice should set out a single continuous block of leave. The Trust may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best for employees to discuss this with their line manager and HR in good time before formally submitting their period of leave notice.
- 10.2 If an employee wants to request split periods of SPL, they must set out the requested pattern of leave in the period of leave notice. The Trust will either agree to the request or start a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in their notice (for example, if an employee requests three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, the employee may:
- (a) choose a new start date (which must be at least eight weeks after the date the notice requesting split periods of leave was submitted), and tell the Trust within five days of the end of the two-week discussion period; or
  - (b) withdraw the notice and tell the Trust within two days of the end of



the two-week discussion period (in which case it will not be counted as a period of leave notice, and the employee may submit a new one if they choose).

## **11. Changing the dates or cancelling SPL**

- 11.1 Employees can cancel a period of leave by notifying the Trust in writing at least eight weeks before the start date in the period of leave notice.
- 11.2 The start date for a period of leave can be changed by the employee notifying the Trust in writing at least eight weeks before the original start date or the new start date, whichever is earlier.
- 11.3 An employee can change the end date for a period of leave by notifying the Trust in writing at least eight weeks before the original end date or the new end date, whichever is earlier.
- 11.4 Discontinuous periods of leave can be combined into a single continuous period of leave. Since this will involve a change to the start date or end date of a period of leave, see paragraph 11.2 and paragraph 11.3 above which set out how much notice an employee is required to give.
- 11.5 An employee can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see paragraph 11.2 and paragraph 11.3 above which set out how much notice is required for the request. The Trust does not have to grant the employee's request but will consider it as set out in paragraph 10.2.
- 11.6 A notice to change or cancel a period of leave will count as one of an employee's three period of leave notices, unless:
- (a) it is a result of their child being born earlier or later than the EWC;
  - (b) they are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period under paragraph 10.2;
  - (c) it is at the Trust's request; or
  - (d) the Trust agrees otherwise.

## **12. Premature Birth**

Where the child is born early (before the beginning of the EWC), an





employee may be able to start SPL in the eight weeks following birth even though they cannot give eight weeks notice. The following rules apply:

- (a) If the employee has given a period of leave notice to start SPL on a set date in the eight weeks following the EWC, but their child is born early, they can move the SPL start date forward by the same number of days, provided they notify the Trust in writing of the change as soon as they can. (If the employee's period of leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)
- (b) If the employee's child is born more than eight weeks early and they want to take SPL in the eight weeks following birth, they should submit an opt-in notice and their period of leave notice as soon as they can.

### **13. Shared Parental Pay**

- 13.1 An employee may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP/SAP or MA claimed by them or their partner) if they have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.
- 13.2 The employee is required to tell the Trust in either their period of leave notice or in writing at least eight weeks before they want ShPP to start, whether they intend to claim ShPP during their leave (and if applicable, for what period).

### **14. Other Terms During Shared Parental Leave**

- 14.1 All the terms and conditions of an employee's contract of employment remain in force during SPL, except for the terms relating to pay.
- 14.2 Annual leave entitlement will continue to accrue at the rate provided under the employee's contract. If the holiday year is due to end during their SPL, the employee should ensure that they have used the full year's entitlement before starting their SPL.
- 14.3 If an employee is a member of the pension scheme, the Trust will make employer pension contributions during any period of paid SPL, based on their normal salary, in accordance with the pension scheme rules. Any employee



contributions made will be based on the amount of any shared parental pay they are receiving, unless in respect of teaching staff they apply to the Teachers Pension Scheme on the relevant form, and in respect of members of the Local Government Pension Scheme they contact the Trust's Payroll/Finance Assistant and/or Lincolnshire Local Government Pension Scheme, to inform them that they wish to make up any shortfall.

## 15. Keeping in Touch

- 15.1 The Trust may make reasonable contact with the employee from time to time during their maternity leave.
- 15.2 The employee may work, including attending training, for up to 10 days during maternity leave without bringing their maternity leave or SMP to an end. The arrangements, including pay, would be set by agreement with their line manager or the Head of Human Resources. The employee is not obliged to undertake any such work during maternity leave. In any case, the employee must not work in the two weeks following birth.

## 16. Returning to Work

- 16.1 If an employee wants to end a period of SPL early, they must give the Trust eight weeks' written notice of the new return date. If they have already given the Trust three period of leave notices, they will not be able to end their SPL early without the Trust's agreement.
- 16.2 If an employee wants to extend their SPL, assuming they still have unused SPL entitlement remaining, they must give the Trust a written period of leave notice at least eight weeks before the date they were due to return to work. If they have already given the Trust three period of leave notices they will not be able to extend their SPL without the Trust's agreement. Employees may instead be able to request annual leave or ordinary parental leave (see our Parental Leave Policy), subject to the needs of the Academy.
- 16.3 Employees are normally entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for the Trust to allow employees to return into the same position, the Trust may give the employee another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
- (a) if their SPL and any maternity or paternity leave they have taken



adds up to more than 26 weeks in total (whether or not taken consecutively); or

- (b) if they took SPL consecutively with more than four weeks of ordinary parental leave.

- 16.4 If the employee wants to change their hours or other working arrangements on return from SPL, they should make a request under our Flexible Working Policy. Requests should be made as early as possible.
- 16.5 If the employee decides they do not want to return to work, they should give notice of resignation in accordance with their contract.



## **The Priory Federation of Academies Shared Parental Leave Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.