

## SHARED PARENTAL LEAVE POLICY

1	<b>Statutory and required – centrally provided template for adoption without amendment</b>
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Original document	Pay and Personnel Committee	16/4/2015	Version 1
Amended		Oct 2022	Version 2

### **I STATEMENT OF INTENT**

This shared parental leave (SPL) policy sets out the ODST’s approach to arrangements for shared parental leave and pay in relation to the birth or adoption of a child. It is in keeping with the statutory rights and responsibilities of employees and is designed to provide a clear and transparent structure for dealing with any future requests for SPL from ODST employees.

**Please note:** This policy reflects statutory guidance and is one on which the recognised Trade Unions and Associations have been consulted. ODST intends that future changes to this policy will also be subject to consultation with its schools / academies, their staff and any recognised Trade Unions and Associations.

### **II INTRODUCTION**

Subject to eligibility criteria, shared parental leave and pay is available to parents of babies due on or after 5 April 2015 and allows eligible women to curtail their right to maternity leave to enable their partner to take shared parental leave. Similar rules apply for adoptive parents of children being placed on or after 5 April 2015.

### **III OBJECTIVES**

**The shared parental leave policy aims to:**

- let employees know their rights in respect of shared parental leave
- provide guidance to employees, line managers, headteachers and governing bodies as to the process to be followed when shared parental leave is sought
- ensure that ODST complies with its responsibilities under the Shared Parental Leave Regulations 2014.

### **IV ELIGIBILITY**

- Governing Body
- Teaching Staff
- **Headteacher**

- Support staff
- **All School Staff**
- Pupils
- **Central Office Staff**
- Contractors/ Service Providers

## **V RELEVANT LEGISLATION**

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

## **VI RELATED DOCUMENTS**

Maternity and paternity provisions as agreed in:

- The 'Burgundy book' for Teaching Staff
- The 'Green book' for Support Staff
- Any locally agreed maternity or paternity arrangements inherited upon TUPE

## **VII DATE OF REVIEW**

The policy will be reviewed as required by the Board of Trustees of ODST to take account of any legislative changes and / or national policy development as well as feedback from ODST staff and schools and in any event, by 31 December 2025 at the latest.

## **VIII GENERAL PRINCIPLES**

### **Definitions**

- Unless indicated otherwise, all criteria relating to the birth of a child will also apply to those adopting,
- Unless indicated otherwise, all references to "employee" include both school and centrally employed staff.

### **Consistency of Treatment and Fairness**

The relevant body is committed to ensuring consistency of treatment and fairness and will abide by all relevant employment and equality legislation.



## **ODST Shared Parental Leave policy**

### **Introduction**

1. Shared Parental Leave (SPL) 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.
2. This policy explains:
  - the provisions of Shared Parental Leave and Shared Parental Pay,
  - who is eligible, and
  - how to apply.
3. 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).
4. Shared Parental Leave and Pay is also available to couples adopting.
5. 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).
6. 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](http://www.gov.uk).

### **Eligibility criteria for Shared Parental Leave**

7. Shared Parental Leave can only be taken by two people:
  - the mother/adopter and
  - one of the following:
    - the biological father of the child,
    - the spouse, civil partner, or partner of the child's mother/adopter.
8. Both parents must share the main responsibility for the care of the child at the time of the birth or placement for adoption.
9. 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.
10. To be eligible for Shared Parental Leave parents must meet all 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.

### **Shared Parental Leave entitlement**

11. 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.
12. 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.
13. 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**

14. 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.
15. Shared Parental Pay is paid at the relevant statutory rate, which can be found at [www.gov.uk](http://www.gov.uk). In addition to the eligibility criteria for Shared Parental Leave, an employee receiving SPP must meet all 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](http://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**

16. 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.
17. 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.
18. 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 1.
19. 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**

20. Requests must be made at least eight weeks before an employee wants to take Shared Parental Leave. Employees must discuss their intentions to take shared parental leave with their Headteacher/manager before completing the form and take full account of school holidays and the availability of head teachers/managers when submitting requests and giving the required notice.
21. Eligible employees must make a request by documenting their request specifying:
  - 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).

A template that can be used for making a SPL request can be found on the [ACAS website](#).

22. Further evidence of eligibility may be sought by the central HR team, usually within 14 days of receipt of the form.
23. When a period of SPL has been confirmed at school level, the details should be provided to the central HR team who will in turn document details of the employee's eligibility to shared parental leave and shared parental pay.
24. 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.

25. 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.
26. Once maternity/adoption leave has ended it cannot be re-started.
27. When employees fill in the Family Leave 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.
28. 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.
29. 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.

### **Employment Rights during Shared Parental Leave**

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

#### **Pension**

31. Pension contributions continue during periods of paid Shared Parental Leave.
32. For members of the Local Government Pension Scheme who take a period of unpaid Shared Parental Leave, pension contributions are optional. Information and interactive tools showing costs of buying lost pension can be found on [www.lgpsmember.org](http://www.lgpsmember.org). (See the section 'How is your pension affected if you are away from work').
33. 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.

#### **Annual Leave**

34. Annual leave entitlement continues to accrue during shared parental leave. For teachers, any accrued entitlement is included in normal school closure periods.

35. For support staff working during term-time only there will be opportunities to take any accrued leave during upcoming school closure periods. In specific circumstances it is possible that a payment for accrued leave during shared parental leave may need to be made upon their return.

### **Keeping in Touch days**

36. 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.
37. 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.
38. 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.
39. A part day worked counts as one SPLIT Day, but the employee is only paid for the hours they have worked,
40. 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**

41. 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.
42. 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.

## Shared Parental Leave - Process

