



## Windsor Academy Trust Tenterfields Primary Academy

| <b>Shared Parental Leave Policy</b> |                              |
|-------------------------------------|------------------------------|
| <b>Responsible Committee:</b>       | People and Culture Committee |
| <b>Approval Date:</b>               | February 2023                |
| <b>Implementation Date:</b>         | March 2023                   |
| <b>Next review date:</b>            | March 2025                   |
|                                     |                              |

| <b>Appendices</b> |                                      |
|-------------------|--------------------------------------|
| <b>Appendix 1</b> | SPL Notification of Entitlement Form |
| <b>Appendix 2</b> | Notification of Leave/Variation Form |

## 1. Introduction

- 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 increase choice for parents in considering how to best care for and bond with their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).
- 1.2 This policy applies to employees and does not form part of any employee's contract of employment. The policy may be amended at any time.
- 1.3 Definitions

**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/father's partner).

**Adopter:** A child's adopter is either the person who has been matched with the child for adoption or, where two people have been matched jointly, the person who has elected (at the time they are notified that they have been matched) to be the child's adopter for statutory adoption leave and pay purposes.

**Partner:** your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is born/placed for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Notification:** The employee to notify their Headteacher/line manager in writing using the appropriate forms at Appendix 1 and 2.

## 2. Eligibility for Shared Parental Leave (SPL):

- 2.1 Employees are eligible for the SPL if they are a parent/adopter or the partner of a parent/adopter.
- 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 All employees requesting to take SPL must satisfy each of the following criteria:
  - The parent/adopter of the child must be/have been entitled to statutory maternity/adoption leave.
  - If the parent/adopter of the child is not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance.
  - The parent/adopter of a child must have ended or given notice to reduce any maternity/adoption entitlements. This includes any occupational maternity/adoption pay they may have been entitled to.
  - The employee must still be working for Windsor Academy Trust at the start of each period of SPL.
  - Employees must have at least 26 weeks' continuous service at the end of the 15th week before the child's expected due date/matching date.

- 2.4 In addition the employee's partner must meet the 'employment earnings test' requiring them to have worked (in an employed or self-employed capacity) in at least 26 weeks of the 66 weeks leading up to the child's expected due date/matching date, and earned the average weekly earnings as indicated in the regulations.
- 2.5 Employees must correctly notify the Headteacher/line manager of their entitlement and provide evidence as required.

### **3. Shared Parental Leave 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. The minimum amount of leave that can be taken is 1 week. The number of weeks to which an individual is entitled will depend upon when the parent/adopter brings the maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child.
- 3.2 SPL can commence when:
- The parent has taken the legally required two weeks of maternity leave immediately following the child's birth or the adopter has taken at least two weeks of adoption leave.
  - The partner can take SPL immediately following the birth/placement of the child, but may first choose to use any paternity leave entitlements. Paternity leave/pay cannot be taken after SPL).
- 3.2 Where the parent/adopter has given notice that they intend to give up some of their total maternity/adoption leave entitlement, SPL may be taken by the partner concurrently with the maternity/adoption leave taken by the parent/adopter.
- 3.3 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption will be lost.

### **4. Notification of entitlement**

- 4.1 If you are entitled to and intend to take SPL you must give the Headteacher/Line Manager written notification at least eight weeks before the period of leave commences.
- 4.2 Notification must be made through the completion of the SPL Notification of Entitlement Form (Appendix 1).
- 4.3 Any notification of SPL is in addition to the requirement to notify the Headteacher/Line Manager separately of the intention to take maternity/adoption leave. Please refer to the Trust's Maternity and Adoption Policy for further information.

### **5. Evidence of eligibility**

- 5.1 Within 14 days of the SPL entitlement notification form being provided to the Headteacher/Line Manager, you must also provide on request:
- The name and business address of your partner's employer (where your partner is no longer employed or is now self-employed, their contact details must be given instead)
  - A copy of the child's birth/matching certificate

- Where the birth/matching certificate have not yet been issued, a declaration of the time and place of the birth/copy of MATB1/evidence of the name and address of the adoption agency, the date on which you 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 This information must be produced within 14 days of the request.

## **6. Fraudulent claims**

6.1 Where there is a suspicion that fraudulent information may have been provided, or where the Trust is informed by the HMRC that a fraudulent claim has been made, the allegations will be investigated in accordance with the Trust's Disciplinary Policy.

## **7. Requesting Shared Parental Leave**

7.1 Where an employee is considering taking SPL they are encouraged to discuss this with their Headteacher/Line Manager at the earliest opportunity.

7.2 An employee must give a minimum of 8 weeks formal written notice of their wish to take the specific period(s) of leave required (Appendix 2 Notification of Leave/Variation Form). In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL (Appendix 1).

7.3 The employee has the right to submit three notifications specifying leave periods that they are intending to take. Each notification of leave should be submitted on the Notification of Leave Form (Appendix 2). Leave may be requested on a continuous or discontinuous basis.

### **Continuous leave notifications**

7.4 A notification can be for a period of continuous leave, which means a number of weeks taken in a single unbroken period (e.g. six weeks in a row).

7.5 An Employee has the right to take a continuous block of leave listed in a single notification as long as it does not exceed the total number of weeks of SPL available to them and that the Trust has been given at least eight weeks' notice.

7.6 You may submit up to three separate notifications for continuous periods of leave using the form at Appendix 2.

### **Discontinuous Leave Notifications**

7.7 A single notification may contain a request for two or more periods of discontinuous leave. This means asking for a set number of weeks leave over a set period with breaks between the leave where you return to work (e.g. an arrangement where you will take six weeks of SPL and work every other week for a period of three months).

7.8 Where there is concern over accommodating leave arrangements, the Headteacher/Line Manager or the employee can seek to arrange a meeting to discuss the notification with a view to agreeing a mutual arrangement that meets both the needs of the employee and the Academy.

7.9 The Headteacher/Line Manager will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw

their request within 15 days of submitting this, or can take the leave in a single continuous block.

- 7.10 If the employee chooses to take the leave in a single continuous block, they have until the 19th day from the date the original notification was submitted 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 they decide not to choose a start date then the leave will begin on the first leave date requested in the original notification.

## **8. Responding to a Shared Parental Leave notification**

- 8.1 The Headteacher/Line Manager will respond to the request for SPL within 14 days.
- 8.2 All requests for discontinuous leave must be carefully considered by the Headteacher/Line Manager in weighing up the potential benefits to you and to the Trust against any adverse impact on the academy.
- 8.3 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 SPL.
- 8.4 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part. For example, the Headteacher/Line Manager may propose a modified version of the request to meet both the needs of the employee and the Academy.

## **9. Variations to arranged Shared Parental Leave**

- 9.1 The employee may vary or cancel an agreed period of SPL, provided that they advise the Headteacher/Line Manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request. Any variation must be completed using the Notification of Leave/Variation Form (Appendix 2).
- 9.2 Any variation or cancellation to the notification, including notice to return to work early will usually count as a new notification. However, a change made due to a child being born early, or made at the Trust's request, will not count as a new notification, if the employee agrees to the change. Any variation to SPL will be confirmed in writing by the Headteacher/Line Manager.

## **10. Statutory Shared Parental Pay (ShPP)**

- 10.1 Eligible employees may be entitled to take up to 37 weeks ShPP whilst taking SPL. The number of weeks available will depend on the amount by which the parent/adopter reduces their maternity/adoption pay period.
- 10.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave. ShPP will be paid at a rate set by the Government for the relevant tax year.
- 10.3 To claim ShPP, the employee must meet the following criteria:

- The parent/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(s) in which ShPP is payable.
- The employee must pass the 'employment and earnings' test – having an average weekly earnings for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions.
- The employee must have a minimum of 26 weeks' service at the end of the 15<sup>th</sup> week before the child's expected due date/matching date.
- The employee has given proper notification in accordance with this policy.

## **11. Terms and Conditions during Shared Parental Leave**

- 11.1 During the period of SPL, the employee's contract of employment continues and is entitled to receive all contractual benefits, except for salary. Any benefits in kind (such as a laptop) will continue. Contractual annual leave entitlement will also continue to accrue.
- 11.2 If the employee is a member of the Trust's pension scheme, pension contributions will continue to be made during any period when you are receiving ShPP but not during periods of unpaid SPL. Your pension contributions will be based on actual pay and the Trust's contributions will be based on their contractual salary had you not been taking SPL.

## **12. Annual Leave**

- 12.1 Annual leave and bank holiday leave entitlement will continue to accrue during any period of SPL. This is accrued on a pro rata basis for part time and term time only employees.
- 12.2 Annual leave and bank holiday entitlement should, wherever possible, be used in the leave year in which it is due. Any leave should be taken with the agreement of the Headteacher/Line Manager.
- 12.3 Term time only staff will receive their pro rata accrued annual leave in their salary throughout the period of leave.

## **13. Contact during Shared Parental Leave**

- 13.1 Before SPL begins, the Headteacher/line manager will discuss the arrangements for keeping in touch during the period of leave. The Trust reserves the right to maintain reasonable contact with the employee during SPL. This may be to discuss plans regarding a return to work, to make them aware of possible job/promotion opportunities or to update the employee on any significant developments at work during their absence.

## **14. Shared Parental Leave in Touch days (SPLIT Days)**

- 14.1 An employee may work up to 20 'Shared Parental Leave In Touch Days' (SPLIT Days) during their leave. SPLIT days are intended to help the employee keep up to date with the work environment, attend training and development activities or to help prepare for

return from leave. Any work carried out on a day or part of a day shall constitute a one SPLIT day.

- 14.2 The employee and Headteacher/Line Manager should discuss and mutually agree appropriate SPLIT days. There is no expectation for the Headteacher/Line Manager to offer work during leave or for the employee to accept any request to work.
- 14.3 SPLIT days may be paid without affecting statutory Shared Parental Leave and Pay. However, where a SPLIT day is worked during the paid part of SPL, the SPLIT hours/days will be offset against any pay. This means that unless the pay for hours worked exceeds the pay the employee is currently receiving, there will be no payment for the hours worked.
- 14.4 If an employee works a SPLIT day in the unpaid part of leave, they will receive payment for the hours worked.
- 14.5 Taking SPLIT days does not extend the duration of the period of SPL. Any SPLIT days are in addition to an employee's entitlement to KIT (Keeping in Touch) days granted under the maternity and adoption provisions.

## **15. Returning to work after Shared Parental Leave**

- 15.1 The employee will be formally advised in writing by the Trust, the end date of any period of SPL. The employee will be expected to return to work on the next working day after the specified end date, unless they notify the Trust otherwise. If they are unable to attend work due to sickness or injury, the Academy's agreed reporting procedure for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 15.2 If the employee wishes to return to work earlier than the expected return date, they must provide at least eight weeks written notice to vary the leave end date. This will count as one of their notifications. If they have already used their three notifications to book and/or vary leave then acceptance of the early return is at the Headteacher/Line Manager's discretion.
- 15.3 Should an employee fail to give the required notice, the Headteacher/Line Manager may postpone the date of return until the required notice has been served.
- 15.4 The employee is entitled to return to the position held before starting SPL. However, if it is not reasonably practicable for the Trust to allow the employee to return into the same position, the Trust may give another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
  - a) if the SPL and any maternity or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
  - b) if the SPL was taken consecutively with more than four weeks of ordinary parental leave.

## **16. Leaving Employment**

- 16.1 Should an employee determine after careful consideration that they no longer wish to return to work following the end of a period of SPL, they should formally resign in writing giving the required contractual notice.

# Appendix 1



## SPL Notification of Entitlement Form

This form should be completed at least 8 weeks before you intend to take Shared Parental Leave. It is important that your Headteacher/Line Manager is given a copy of this form and kept informed of any changes with regard to your Shared Parental Leave arrangements. Please refer to WAT's Shared Parental Leave Policy for details on eligibility and further information before completing this form.

### Section 1 – Basic Information

Employee Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Job Title: \_\_\_\_\_

|  |  |                 |
|--|--|-----------------|
| Relationship with child:   | Mother <input type="checkbox"/> Partner <input type="checkbox"/> Main Adopter <input type="checkbox"/> |                 |
|  |  | Date            |
| Child's expected date of birth/date of placement for adoption. <b><i>*If your child has already been born/adopted please go to next question.</i></b>  |  | ___ / ___ / ___ |
| Child's actual date of birth or date of placement for adoption (if known)  |  | ___ / ___ / ___ |
| Start date of your/partner's maternity/adoption leave period? <b><i>*If no entitlement to maternity/adoption leave, please insert start date of statutory maternity/adoption pay or maternity allowance.</i></b> |  | ___ / ___ / ___ |
| End date of your/partner's maternity/adoption leave period? <b><i>*If no entitlement to maternity/adoption leave, please insert end date of statutory maternity/adoption pay or maternity allowance.</i></b>     |  | ___ / ___ / ___ |

Full name of Partner leave is to be shared with: \_\_\_\_\_

### Additional Information (*\*to be provided within 14 days of request*)

Business address of partner (*\*If self-employed/no longer employed, please provide full contact details*):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Copy of birth/matching certificate: Provided  to follow

***\*Where not yet issued please provide a declaration of the time/place of birth/copy of MATB1/documentary evidence of the adoption agencies name and address and date of notification of match.***

### Section 2 – Employee notice of reduction in maternity/adoption leave

Please complete this section if you are the mother or main adopter. You must give at least eight weeks' notice of your reduction in maternity/adoption leave. (***\*you must take a minimum of 2 weeks maternity/adoption leave.***)

I wish my maternity/adoption leave to end on the following date: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 3 – Shared Parental Leave Details**

|   |  |
|---|--|
| Please state the total number of weeks available for Shared Parental Leave  | _____ Weeks  |
| Please state the number of weeks of Shared Parental Leave you intend to take  | _____ Weeks  |
| Please state the number of weeks of Shared Parental Leave your partner intends to take  | _____ Weeks  |
| Please indicate the start and end dates of Shared Parental Leave which you intend to take <b><i>*If requesting discontinuous leave, please provide further details using the Notification of leave/variation form</i></b><br><br><i>This indication is non-binding. You must submit a formal period of leave notice for each period of Shared Parental Leave you wish to request in order for it to be binding. Please complete the section below if you would like to request any/all of your periods of leave to be treated as a period of notice</i> | Start Date:<br>_ / _ / ____<br><br>End Date:<br>_ / _ / ____ |
| Do you wish the dates indicated for the period(s) of leave to constitute a formal (binding) period of notice? Yes / No<br>If Yes, for the following dates only:<br><br>_____<br>_____<br>_____  |  |

**Section 4 – Shared Parental Pay Details**

***\*The total amount of Shared Parental Pay which may be available is 39 weeks minus the number of weeks’ pay already taken by the mother/main adopter as per the dates given in Section 1.***

|  |             |
|--|-------------|
| Total Number of weeks ShPP available                     | _____ Weeks |
| Number of weeks ShPP <b>you</b> intend to claim          | _____ Weeks |
| Number of weeks ShPP <b>you partner</b> intends to claim | _____ Weeks |
| Indication of start and end dates of your ShPP periods   |             |

**Section 5 – Employee Declaration**

I confirm that I meet the following conditions:

- o I meet or will meet the eligibility conditions and I am entitled to take SPL.  
That the information I have given is accurate to the best of my knowledge.
- o I agree to inform the Headteacher immediately if I cease to meet the conditions for entitlement to SPL or ShPP. I am the mother/father/main adopter of the child or the partner/civil partner of the mother/main adopter. I have or share the main responsibility for the care of the child and I am taking SPL in order to care for the child
- o I have at least 26 weeks continuous service at the 15<sup>th</sup> week before the child’s expected due date/matching date.
- o I intend to be in continuous employment until the week before any SPL is taken.
- o If I am claiming Shared Parental Pay I have average weekly earnings equal to or above the Lower Earnings Limit during the eight weeks before the 15<sup>th</sup> weeks before the child’s due date/matching date.

***\*If you are the mother or main adopter:***

- o I have submitted a reduction of maternity/adoption leave notice by completing Section 2 of this form.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 6 – Declaration of Shared Parental Leave Partner**

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

National Insurance Number: \_\_\_\_\_

I confirm that I meet the following conditions:

- o I am the mother, father, or main adopter of the child or the partner/civil partner of the mother or main adopter.
- o At the date of the child’s birth or placement for adoption, I have the main responsibility of the child, along with your employee.
- o I have at least 26 weeks employment (employed or self-employed) out of the 66 weeks before the child’s expected due date/matching date.
- o My average weekly earnings are at least the current regulatory amount, at least 13 of the 66 weeks prior to the EWC.
- o I agree to inform your employee immediately if I cease to meet the conditions above.
- o I consent to your employee taking SPP and ShPP as set out in Sections 3 and 4 above.

***\*If you are the mother/main adopter:***

- o I have reduced my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time my partner starts Shared Parental Leave.

I consent to you processing the information contained in this declaration.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Where there is a suspicion that fraudulent information may have been provided, or where WAT is informed by the HMRC that a fraudulent claim has been made, the allegations will be investigated in accordance with the Trust’s disciplinary procedures.**

## Appendix 2



### Notification of Leave / Variation Form

This form should be completed and returned to the Headteacher if you wish to request to take a period of Shared Parental Leave or Vary a previously approved request. This form must be submitted in addition to the SPL Notice of Entitlement Form. You must give **at least eight weeks' notice** of the start date of the leave.

Please refer to the Trusts Shared Parental Leave Policy for details on eligibility and further information before completing this form.

#### Section 1

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_

Job Title: \_\_\_\_\_

Relationship with child: Mother  Partner  Main Adopter

Full name of Partner leave is to be shared with: \_\_\_\_\_

#### Request to take Shared Parental Leave (SPL)

| Start Date | End Date | Number of Weeks' Leave <i>(*If requesting discontinuous leave, please provide details of proposed leave request on the additional information sheet at the end of this form. Any requests will be considered within 14 days).</i> |  |
|------------|----------|---|--|
| / /        | / /      |   |  |
| / /        | / /      |   |  |
| / /        | / /      |   |  |
| / /        | / /      |   |  |

#### Request for Shared Parental Pay (ShPP) if applicable;

| Start Date | End Date | Number of Weeks' Pay |
|------------|----------|----------------------|
| / /        | / /      |                      |
| / /        | / /      |                      |
| / /        | / /      |                      |

**Request to Vary or Cancel Previously Requested SPL**

**Original Shared Parental Leave dates to be varied or cancelled**

| Start Date                             | End Date | Number of Weeks' Leave  |
|--|----------|---|
| / /                                    | / /      |   |
|  |          |   |
| / /                                    | / /      |   |
|  |          |   |
| / /                                    | / /      |   |
|  |          |   |
| <b>New Shared Parental Leave dates</b> |          |   |
|  |          |   |
| Start Date                             | End Date | Number of Weeks' Leave <i>(*If requesting discontinuous leave, please provide details of proposed leave request on the additional information sheet at the end of this form. Any requests will be considered within 14 days).</i> |
|  |          |   |
|  |          |   |
| / /                                    | / /      |   |
|  |          |   |
| / /                                    | / /      |   |
|  |          |   |
| / /                                    | / /      |   |
|  |          |   |

**New Shared Parental Pay (ShPP) Details (if applicable)**

| Start Date         | End Date | Number of Weeks' Pay |
|--------------------|----------|----------------------|
| / /                | / /      |                      |
|                    |          |                      |
| / /                | / /      |                      |
|                    |          |                      |
| / /                | / /      |                      |
|                    |          |                      |
| <b>Declaration</b> |          |                      |

I confirm all information provided is accurate to the best of my knowledge. I confirm I have shared responsibility for the child and am requesting SPL to care for the child. If any circumstances change and I cease to be eligible for shared parental leave I will immediately notify the Headteacher. I understand that any suspicion that fraudulent information may have been provided, or where WAT is informed by the HMRC that a fraudulent claim has been made, the allegations will be investigated in accordance with the trust's disciplinary procedures.

Employee's full name (printed): \_\_\_\_\_

Employee Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's partner's full name (printed): \_\_\_\_\_

Shared Parental Leave Partner Signed: \_\_\_\_\_ Date: \_\_\_\_\_