

## Shared Parental Leave Policy

Date	Review Date	Endorsed by	Approved by	Link Governor
Dec 2016	Dec 2017	Resources Committee	Governing Body	Michelle Knott

### 1. Introduction

1.1 Shared Parental Leave and Shared Parental Pay allows eligible mothers and adopters to volunteer to end their maternity leave and/or pay early and then use the untaken balance of leave and pay with the child's father or their partner as shared parental leave and pay. This enables eligible mothers, fathers, partners and adopters to choose how to share time off from work during the first year after their child is born or placed.

### 2. Shared parental leave

2.1 The mother is obliged to take two weeks compulsory maternity leave immediately following the birth, or placement where adopting

2.2 Parents can share the remaining 50 weeks maternity leave and 37 weeks statutory maternity pay.

2.3 Parents can take shared parental leave at the same time or separately.

2.4 Shared parental leave and pay cannot begin any earlier than two weeks after the birth (or placement where adopting) and must be taken within 1 year of the birth or the date that the child was placed with the family (i.e. the day before the child's first birthday or the first anniversary of the placement of an adopted child).

2.5 The employee has a statutory right to take the leave in a single continuous block, or to split the leave in up to three separate blocks. The employee must provide at least 8 weeks notice before a block of leave commences. The school does not have to agree to the request to split the leave into distinct blocks. If a request for discontinuous leave is declined, then the total amount of leave requested in the notice will automatically become a continuous block unless it is withdrawn.

### 3. Eligibility for shared parental leave

3.1 The eligibility conditions for shared parental leave are that:

- The employee has at least 26 weeks' continuous employment by the end of the Qualifying Week (15 weeks before the expected week of childbirth<sup>1</sup>) and is still in employment by the week before the leave is to be taken
- The other parent must have worked in the UK (which includes self-employment) in at least 26 of the 66 weeks before the expected week of childbirth (or matched for adoption) and had average earnings of at least have earned at least £390 in total in 13 of the 66 weeks (not necessarily continuously).

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<sup>1</sup> An employee who is adopting (including "Foster to Adopt arrangements), or who is the partner of an adopter, meets the continuity of employment test if he or she has been continuously employed by you for 26 weeks in the week in which the adopter is notified of having been matched with a child for adoption, and is still employed by you in the week before any shared parental leave is due to start. For a parental order parent in a surrogacy arrangement, the continuity of employment test is the same as that which applies to birth parents.

## 4. Shared Parental Pay

- 4.1 Dependent upon length of continuous service a mother (or adopter) is entitled to maternity or adoption pay for up to 39 weeks. If this person gives notice to reduce their entitlement before they have received it, then any remaining weeks could become available to their partner as shared parental pay.
- 4.2 The rate for Shared Parental Pay is determined annually by the government. It is set at the same amount as Statutory Maternity Pay. The following link provides DirectGov guidance on [Shared Parental Pay \(ShPP\)](#)<sup>2</sup>. ShPP is paid at the current rate or 90% of average weekly earnings, if this is lower.

## 5. Notification of intention to take shared parental leave

- 5.1 The employee or their partner can only start shared parental leave once the child has been born or adopted and the statutory minimum maternity leave or statutory minimum adoption leave has ceased. The mother or adopter must have returned to work, or given notice to curtail their maternity or adoption leave.
- 5.2 The employee (whether it is the mother/adopter or their partner) must provide notification that they are eligible for shared parental leave and/or statutory shared parental pay and that they intend to take this entitlement. They should also provide a copy of the child's birth certificate, where adopting either the matching certificate or placement letter from the agency and in surrogacy arrangements, the Parental Order.
- 5.3 This notice of entitlement must be given at least 8 weeks before any shared parental leave or pay can be taken and include details of:
- Start and end dates of the mother's maternity leave
  - The number of weeks that the mother or adopter has taken as maternity or adoption leave (or will have taken, where notice has been given to curtail the leave and pay on a specific future date)
  - How much shared parental leave and pay each of the parents will be taking (this can be changed at a later date and the full allocation does not need to be used).
  - How much Statutory Shared Parental Pay (ShPP) is being claimed (which will be 39 weeks less the amount of statutory maternity pay claimed).
  - How much ShPP will be claimed by each parent (this can be changed at a later date and the full allocation does not need to be used).
  - What will be the start and end dates for each period of the shared parental leave that the employee intends taking.
  - This notice must include a declaration from the employee's partner stating that they meet the statutory conditions for entitlement to shared parental leave and pay.
  - They should provide details of their name, address and National Insurance number, and also state that he or she gives their consent to our employee taking shared parental leave and/or pay and agreement that to process information provided by them.
- 5.4 The school must advise the employee in writing of the end date of any period of SPL. The employee 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 school's normal arrangements for sickness absence will apply.

## 6. Changing shared parental leave plans

- 6.1 Leave arrangements that have been notified can be changed where agreed by both parents through a notice to vary the agreed leave. 8 weeks' notice must be given. An employee can give notice to end a period of leave earlier or later than previously notified, or to aggregate a number of discontinuous weeks into a single block using a variation notice.

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<sup>2</sup> [www.gov.uk/shared-parental-leave-and-pay/what-youll-get](http://www.gov.uk/shared-parental-leave-and-pay/what-youll-get)

6.2 A notice to vary agreed leave counts towards the statutory cap of 3 notifications to book leave.

## 7. Shared parental leave in touch days

7.1 The employee can agree to work or attend training for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" (SPLIT) days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes and the employee will receive full pay for any day worked. The shared parental leave period is not extended due to SPLIT days being taken during this period.

## 8. Terms and conditions during shared parental leave

8.1 The contract of employment does not change and employees are entitled to receive all their contractual benefits, except for salary. Any staff benefits continue and contractual annual leave and sickness payment entitlement continues to accrue.

8.2 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid shared parental leave. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking shared parental leave.

## 9. Returning to work

9.1 The same rights to return to work will apply as per maternity leave: each parent will have the right to return to the same job if they have taken not more than 26 weeks shared parental leave; if they have taken more than 26 weeks shared parental leave, they will have the right to return to the same job as far as reasonably practicable or to a suitable alternative.

### Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the link governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement.

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**This policy has been reviewed and endorsed by the Full Governing Body of The Devonshire Hill Nursery and Primary School.**

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**Headteacher**

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**Date**

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**Chair of Governors**

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**Date**