

THE CHARTER SCHOOLS

EDUCATIONAL TRUST

Shared Parental leave and Pay Policy

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1 Scope

This policy applies to all staff employed at The Charter Schools Educational Trust (the 'Trust') i.e. Teachers, support staff, Central Services staff, including those on fixed-term, part-time, permanent or temporary contracts.

2 Rationale

All our family friendly policies are designed to support staff in enjoying a good work life balance and allow them to take time off when needed to look after a child/children and their welfare needs, and this policy gives you the opportunity to do this.

In relation to shared parental leave the Trust Equality, Diversity and Inclusion Policy and the Equality Act 2010 will be adhered to all times and applies to all eligible employees regardless of their sexual orientation and/or gender identity.

3 Aim

Congratulations on your pregnancy/your partner's pregnancy or adoption!

Shared parental leave will enable you and your partner to choose how to share the care of your child during the first year after birth or adoption and we very much hope it allows you to have the flexibility you need during your child's first important year with you.

The purpose of this policy therefore is to provide a clear and concise summary of your rights and benefits, along with the procedure that you will need to follow. Shared Parental Leave can feel quite complex especially in terms of the administration and procedure, so if you are unsure of anything, please refer to your School HR Lead in the first instance, who will take further HR advice if needed.

4 What is Shared Parental Leave?

Shared Parental Leave enables eligible parents to share responsibility for caring for their child in the first year.

It is available to couples where one of the parents qualifies for maternity leave and/or statutory maternity pay or maternity allowance, or in the case of adopters and individuals who are having a baby with the help of a surrogate mother, adoption leave and/or statutory adoption pay.

Essentially the parent who qualifies for maternity or adoption entitlements is able to turn any leave and pay/allowance which they do not intend to use into shared parental leave and or shared parental leave pay.

Up to 50 weeks of shared parental leave and up to 37 weeks of shared parental leave pay are potentially available and eligible parents can also take this leave and pay in a more flexible way: each parent can take up to three blocks of shared parental leave and pay and can return to work between periods of leave if they wish.

5 Eligibility for Shared Parental Leave (SPL)

If you meet the following criteria you are eligible for Shared Parental Leave:

- a) Have 26 weeks' service at the 15th week prior to expected week of childbirth (the qualifying week), or notification of a match in terms of adoption, and still be employed by the Trust in the week before any shared parental leave is due to start
- b) Have a partner who has worked (employed or self-employed) for 26 of the 66 weeks prior to the expected week of childbirth/placement week and who has earned on average at least £360 per week in any 13 weeks
- c) Share the primary responsibility for the child with the other parent at the time of the birth/adoption
- d) Have properly notified us of their entitlement and have provided the necessary declarations and evidence.

6 How much Shared Parental Leave (SPL) can be taken

If you are eligible, you may be entitled to take up to 50 weeks SPL during your child's first year with you from birth or adoption. You can decide how you wish to split SPL provided that your partner takes their compulsory two weeks' maternity leave entitlement as a legal requirement.

The remaining 50 weeks of SPL can be split and decided upon by you and your partner (subject to your Headteacher's approval if requesting discontinuous leave as detailed later in this policy). SPL must be taken in minimum blocks of one week and should end no later than 52 weeks after the date SPL started.

Partners (i.e. the baby's father/mother's husband/mother's civil partner/mother's partner) are still entitled to take two weeks Paternity Leave subject to qualifying conditions. A partner/father may take ordinary paternity leave before taking SPL but not after having taken SPL. Please refer to the Trust Paternity leave policy.

7 Booking Shared Parental leave (SPL)

You must submit various notices to the Headteacher to take SPL, at least eight weeks in advance:

- a) The mother or primary adopter must provide a Curtailment Notice to end Statutory Maternity or Adoption Leave. This must be given after the 11th week prior to the expected week of childbirth but at least eight weeks prior to the start date of the first period of SPL, and can only be revoked in limited circumstances
- b) You must provide a Notice of Entitlement setting out both your eligibility, and your partners eligibility to take SPL and approximate indication of how periods of SPL will be taken
- c) If requested, you will need to provide:
 - i. In relation to a birth, the birth certificate and your partner's employer's details
 - ii. In relation to an adoption, the name and address of the adoption agency; the date that you were notified of having been matched for adoption with the child; and the date on which the adoption agency expects to place the child with you.
- d) You will need to submit a 'Period of Leave Notice' to book a period of shared parental leave. This will state the start and end date of each period of requested leave. The period of leave or amendment (see below) can only be submitted on a maximum of three occasions.

The forms required for curtailment, entitlement and period of leave notices can be accessed on the [ACAS website](#).

8 Accommodating the Notifications/requests

If you request one continuous block of leave in a Period of Leave Notice, you are automatically entitled to take this period of leave if you have that amount of SPL available to you (as above) and you have given at least eight weeks' notice to your Headteacher.

You may request more than one period of leave i.e. what is known as "discontinuous blocks of leave," but you are not automatically entitled to it. Discontinuous leave is, for example, where a

period of six weeks' SPL is requested, then you return to work for a period of four weeks and then take a further six weeks of SPL.

When discontinuous leave is requested, your Headteacher will meet with you to fully consider your request and the outcome of the discussion may be one of the following:

- a) Agreement to the request
- b) Proposal of alternative leave dates or working hours (e.g. part time); or
- c) Refusal of the request.

In making their decision the Headteacher will consider the needs of your school or department at that time.

Even where the leave is for a single continuous block, it would still be good practice for the Headteacher to meet with you to discuss arrangements and contact whilst you are away from work and how best to support you.

You are entitled to be accompanied by your trade union representative at meetings to discuss SPL.

Your Headteacher will confirm your notice for continuous leave in writing, and where any request for discontinuous leave has been refused, after careful consideration, then this will also be confirmed in writing, along with any agreement to any mutually agreed modifications to your original request.

9 Variations to arranged SPL

You can vary or cancel an agreed and booked period of SPL, if you advise your Headteacher 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 or cancellation notification made by you, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one notification. However, a change because of a child being born early, or because you and your Headteacher have mutually agreed the change, this will not count as further notification.

Any variation will be confirmed in writing by your Headteacher.

10 Working during shared parental leave (SPL)

During SPL you may work for up to 20 days without entitlement to statutory payments being affected. These days are called SPLIT days i.e. Shared Parental Leave in Touch days.

We recognise the mutual benefit of SPLIT days and encourage you to use them, however, they are optional and need to be mutually agreed by you and your Headteacher.

You will be paid at normal rate for work on a SPLIT day and you will be paid for the hours you work. Any work done on one day will count as using up one of the 20 SPLIT days you are entitled to, even if it is for a few hours or less.

11 Shared parental pay (ShPP)

If eligible, you may be entitled to be paid up to 37 weeks ShPP while taking SPL. The number of weeks paid will depend on the amount by which the mother/bearing parent/adopter reduces their maternity/adoption pay period or Maternity Allowance period and may only be after the mother has taken the two weeks' Compulsory Maternity Leave.

In addition to meeting the eligibility requirements for SPL, you must further satisfy each of the following criteria to claim ShPP:

- a) The mother/bearing parent/primary 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
- b) You must intend to care for the child during the week in which ShPP is payable
- c) You must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date which are not less than the lower earnings limit in force for national insurance contributions
- d) You must remain in continuous employment with the Trust until the first week of ShPP has begun
- e) You must give proper notification.

The Trust offers enhanced shared parental pay for all its employees if you have one year's continuous service with us by the beginning of the 15th week before your expected week of childbirth (EWC) or adoption placement.

You will be entitled to nine weeks' pay at 100% of your weekly salary (inclusive of SMP), followed by 18 weeks half pay plus SMP (but not in any circumstances more than your normal salary), and a further 10 weeks at the standard statutory rate.

If you do not qualify for enhanced shared parental leave pay but have 26 weeks continuous employment with the Trust by the end of the 15th week before your EWC/leading into the week in which you are notified of being matched with a child for adoption, you will be entitled to receive statutory ShPP (where payable). This is currently paid for a maximum of 37 weeks at 90% of your weekly earnings or the statutory rate set annually by the government, whichever is lower.

If you have more than one baby/adopt more than one baby, your entitlement to ShPP will be the same as one baby, i.e. you are not entitled to any additional ShPP.

If you take the full 50 weeks SPL, the final 13 weeks will be unpaid.

ShPP is treated as pay. Therefore tax, NI and, where appropriate, pension contributions should be deducted in the usual way.

12 HOLIDAYS AND BENEFITS

You will continue to receive all contractual benefits (except for salary) during SPL.

Annual leave entitlement accrues during all periods of SPL.

We encourage you to take any outstanding annual leave due in the current holiday year before the commencement of Shared Parental Leave, or during periods of work in between periods of SPL follows:

Teachers

Teachers who take a full year of maternity leave are allowed to carry over their statutory annual leave entitlement into the next year so that they can take it during periods of school closure. Teachers may not take their statutory annual leave entitlement during term time unless there are insufficient school closure days to take this leave.

Support Staff

You will be advised of your contractual annual leave entitlement prior to commencing your maternity leave. On returning to work any outstanding annual leave can be taken in term time during that leave year, at a time agreed with your line manager, if there are insufficient school closures to accommodate your annual leave in that holiday year. A good solution for support staff is to take accrued annual leave immediately after the end of their maternity leave.

13 Contact whilst away from work

For the benefit of both parties, we encourage communication during periods of SPL. You should meet with your line manager before leave is due to start to agree the level of contact and how you would prefer to be contacted (phone call, letter, home visit, workplace visit etc). Your Headteacher reserves the right in any event to maintain reasonable contact from time to time with you.

Near the end of your leave period, your line manager or Headteacher will contact you to discuss plans for your return to work, to discuss training that may be available, or simply to update you on developments at work during the absence if contact has been limited.

If there are any critical school/Trust changes that impact your role whilst on leave, you will be considered in the same way as any other employee and this will be communicated with you.

14 Surrogacy and SPL and ShPP

If you are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order and is eligible for adoption leave and pay, you may be entitled to SPL and ShPP.

You must take at least two weeks of adoption leave before it can be curtailed. The remaining 50 weeks of leave can be split as decided by employees (subject to our approval in certain circumstances).

Statutory entitlement to SPL relies on the amount of leave available using the mother/bearing parent/primary adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks leave. If they reduce their maternity/adoption leave entitlement, then they and/or their partner may opt into SPL and take any remaining weeks as SPL.

15 Rights on or after returning from SPL

After SPL, provided the total amount of leave taken by you (including maternity leave) does not exceed 26 weeks, you are entitled to return to the same job on the same terms and conditions of employment. If you have taken SPL (and any other period of relevant statutory leave) in relation to the same child for more than 26 weeks and for less than 52 weeks, you are entitled to return to work on no less favourable terms and conditions, but not necessarily to the same job.

If you wish to resign from your employment during or at the end of your SPL, the terms of your notice period are the same as those set out in your contract of employment.

16 Part-time or Flexible Working

We are committed to support all our staff with a healthy and fulfilling work life balance. If you wish to consider part time or flexible working following your Shared Parental Leave (or indeed at any other time), please talk to your school HR Lead in the first instance and refer to our Flexible Working Policy.

17 Other family leave

You should also refer to the Trust Maternity leave, Parental Leave and Adoption leave policies where applicable.

18 Monitoring and evaluation

It is important that the Trust keep records of all maternity leave, including for Inland Revenue Purposes. These will be retained in line with our Data protection policies and the Trust records retention policy.

19 Related documents

This policy should be read in conjunction with the following Trust policies:

- Maternity leave and Pay
- Adoption Leave and Pay
- Ordinary Parental leave and Pay

- Parental Bereavement Leave and Pay
- Paternity Leave and Pay
- Discretionary Leave
- Sickness Absence and pay
- Emergency time off for dependents
- Flexible working
- Equality, Diversity, and Inclusion

This policy should be read in conjunction with the following external regulations and guidance:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- [Gov.UK Shared Parental Leave and Pay](#)
- ACAS guidelines: [Shared Parental Leave and Pay](#)