



Shared Parental Leave Policy

Our vision is to enable all to flourish.

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1.0 Policy Statement

1.1 DGAT (The Trust) is committed to supporting parents-to-be, before, during and after they return from shared parental leave (SPL). This policy provides guidance on claiming statutory shared parental pay, obligations during shared parental leave and statutory and contractual shared parental leave entitlements.

2.0 Purpose & Scope

2.1 This policy applies to support staff (green book) and teachers (burgundy book) and DGAT central team staff.

2.2 SPL is a legal entitlement that provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year. It consists of paid and unpaid time off work that an individual is entitled to when they have a baby.

2.3 SPL can be taken in relation to adoption or maternity leave.

3.0 Shared parental leave maternity, adoption and surrogacy

3.1 SPL can be taken by people who will be taking maternity leave and employees taking adoption leave. SPL rights also extend to employees engaged in surrogacy with some minor differences; further advice should be sought from your line manager in surrogacy cases.

3.2 An employee can take Shared Parental Leave with their spouse, civil partner or partner.

3.3 'Partner' is defined as someone (whether of a different gender or the same gender) who lives with the employee in an enduring family relationship (but who is not their child, parent, grandchild, grandparent, sibling, parents sibling, or siblings child)

3.4 Throughout this policy we will refer to the 'birth parent' and 'co-parent'. When we use the term 'birth parent' we are also referring to the 'adopter' and when we use the term 'co-parent' we are referring to the 'adopter's partner'. These terms are applicable regardless of gender identification or sexual orientation.

4.0 How shared parental leave operates

4.1 A birth parent who meets the eligibility criteria will be able to bring their maternity leave to an end and choose to take shared parental leave with their partner, who must also meet the

relevant eligibility criteria. Bringing maternity leave to an end early in order to convert the balance to Shared Maternity Leave is known as 'curtailment' and written confirmation of an employee's intention to do so is called a 'curtailment notice'.

- 4.2 The compulsory maternity leave period (the first two weeks after birth) is reserved for the birth parent. Therefore, the birth parent cannot end their maternity leave until at least two weeks after the birth.
- 4.3 The leave does not have to be taken in one continuous block; employees can return to work and take a further period of shared parental leave.
- 4.4 All Shared Parental Leave must be taken in the first 52 weeks after birth.
- 4.5 There is no obligation to take shared parental leave; parents can choose maternity/adoption and paternity leave.
- 4.6 While you are absent on maternity leave, and before converting the balance to Shared Parental Leave, your leave and pay will be subject to the provisions of the Trust Maternity Leave Policy.

5.0 Shared parental leave pay entitlement

- 5.1 Statutory Shared Parental Pay (ShPP) will be paid to employees who have chosen to move onto shared parental leave.
- 5.2 ShPP is paid at the rate of £172.48 a week or 90% of an employee's average weekly earnings, whichever is lower.
- 5.3 An employee and their partner who move onto shared parental leave will be entitled to 39 weeks ShPP minus the amount of maternity/adoption pay that has been received. For example, if the birth parent receives two weeks maternity pay prior to moving onto shared parental leave, 37 weeks of ShPP will remain.
- 5.4 Once a birth parent moves onto Shared Parental Leave, both their Statutory Maternity Pay (SMP) and Contractual Maternity Payments will cease.

6.0 Eligibility for shared parental leave

- 6.1 There is a two-stage test for eligibility for shared parental leave.
- 6.2 An employee must be eligible in their own right and the employee's partner must also meet certain eligibility requirements.
- 6.3 Please see the eligibility criteria or visit the Government website to check eligibility.
- 6.4 A birth parent employed by the Trust will be eligible for shared parental leave if they:
 - Have at least 26 weeks' continuous employment by the end of the 15th week before the expected week of childbirth and remains in continuous employment with the school or Trust until the week before any period of shared parental leave they take

- Have the main responsibility for the care of the child at the date of the birth (apart from the responsibility of their partner)
- Are entitled to statutory maternity/adoption leave
- Have complied with the relevant notice and evidence requirements.

6.5 In addition, their partner (i.e. the child's co-parent or the birth parent's spouse, civil partner or partner) must:

- Have been employed or self employed during at least 26 of the 66 weeks before the expected week of childbirth
- Have an average weekly earnings of at least £30.00 for any 13 of those 66 weeks
- Have the main responsibility for the child at the date of birth (apart from the responsibility of the birth parent).

6.6 An employee does not have to be the co-parent of a child to be eligible to take shared parental leave alongside the child's birth parent. Shared parental leave is available to the spouse, civil partner or partner of the child's birth parent, if they have, or expect to have, the main responsibility for the care of the child alongside the birth parent.

6.7 An employee who is the partner of the child's birth parent will be eligible for shared parental leave if they:

- Have at least 26 weeks' continuous employment by the end of the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental leave they take.
- Have the main responsibility for the care of the child at the date of the birth (apart from the responsibility of the their partner or the birth partner).
- Have complied with the relevant notice and evidence requirements.

6.8 In addition the child's birth parent must:

- Have been employed or self employed during at least 26 of the 66 weeks before the expected week of childbirth.
- Have average weekly earnings of at least £30.00 for any 13 of those 66 weeks.
- Have the main responsibility for the child at the date of birth (apart from the responsibility of the employee.
- Be entitled to statutory maternity leave, statutory maternity pay or maternity allowance.
- Have curtailed (ended) their maternity leave, or if they are not entitled to statutory maternity leave, curtailed their statutory maternity pay or maternity allowance.

7.0 Curtailment of maternity/adoption leave

7.1 Curtailment is notice to end maternity/adoption leave with the intention to use any remaining leave and pay through shared parental leave.

8.0 Notification to take shared parental leave

8.1 To move from maternity/adoption leave to shared parental leave firstly the birth parent must provide in writing their entitlement to shared parental leave and ShPP, including:

- The partner's name.
- The maternity leave start and end dates.
- The total amount of shared parental leave and ShPP available and how much each partner intend to take.
- Confirmation that both partners are sharing childcare responsibilities.

8.2 The letter must also include a signed declaration from the partner stating:

- Their name, address and national insurance number.
- That they satisfy the qualifying requirements for shared parental leave and ShPP.
- That they agree to the shared parental leave and ShPP.

8.3 Once the headteacher/line manager has received this information they will ask for:

- A copy of the child's birth certificate (this can be provided up to 14 days after the child is born).
- The name and address of the partner's employer.

8.4 Employees will have 14 days to provide this information, with the exception of the birth certificate, if the employee is notifying an intention to use shared parental leave prior to the child being born/placed.

9.0 Continuous and discontinuous shared parental leave requests

9.1 Once there is a decision to take shared parental leave the line manager needs to be informed how the leave and pay will be taken.

9.2 There are two different ways to request leave:

- **Continuous leave request** – This type of request is for a block of leave e.g., four weeks from the 1st September to the 29th September.
- **Discontinuous leave request** – This type of request is for several blocks of leave that is requested all at once e.g., four weeks from the 1st September to the 29th September and four weeks from 1st November to the 29th November.

9.3 There is also the opportunity to take the unpaid part of shared parental leave before the paid part, so if a block of leave is requested the employee must state whether they wish it to be paid or unpaid.

10.0 Changing the leave date

10.1 Eight weeks' notice is required of any changes to the initial plan for shared parental leave.

11.0 Refusal of a request for shared parental leave

- 11.1 Line managers cannot refuse a continuous period of leave and can only refuse a discontinuous period of leave if it compromises the effective operation of the service. The line manager has two weeks from the request submission to review and approve, decline or discuss in further detail with the employee.
- 11.2 The employee is allowed to submit three separate leave notices. Therefore three separate blocks of leave can be taken, provided that the line manager is given a separate notice of each period of leave, at least eight weeks before it starts.
- 11.3 If a discontinuous leave request is not approved within two weeks the employee can withdraw the request within 15 days of making the request

12.0 Discontinuous shared parental leave – where an agreement cannot be reached

- 12.1 If, following discussion in the two week period, there is no agreement on the discontinuous leave request and the employee hasn't withdrawn the request within the 15 days of submitting it the leave request will be automatically bunched together into a continuous leave and taken from the date of the discontinuous request.
- 12.2 For example, if you were to request four weeks from 1st September to 29th September and four weeks from 1st November to 29th of November. The request is not approved, declined, or withdrawn so the request is transformed to a continuous block of leave from 1st September to 27th October.
- 12.3 This cannot be withdrawn and must be taken.

13.0 Using shared parental leave

- 13.1 There are many variations in the use of shared parental leave however it must be taken in blocks of at least one week.
- 13.2 Below are two examples of potential shared parental leave formats:
 - An employee ends maternity leave after 12 weeks, leaving 40 weeks (of the total 52 week entitlement) available for shared parental leave. Both the birth parent and partner are eligible, and decide that the partner will take a 20 week block followed by the birth parent taking the remaining 20 weeks.
 - The birth parent is a school or Trust employee but will only receive statutory pay for both maternity leave and shared parental leave. The partner's employer pays full pay for the entire shared parental leave period. The parents want to maximise their income while caring for their baby. They therefore decide that the birth parent will take six weeks maternity leave at the higher rate of statutory pay. The birth parent will then end maternity leave early and return to work, and the partner will take shared parental leave for the remaining 46 weeks during which their employer will pay them in full.

14.0 Both partners taking shared parental leave at the same time

- 14.1 If both partners meet the eligibility criteria, they have the opportunity to take shared parental leave the best way for them. For example: One partner ends their adoption leave after two weeks leaving 50 weeks of shared parental leave for both partners to take. They decide to split the remaining 50 weeks in half and take them at the same time. So, each person receives 25 weeks shared parental leave.
- 13.2 The partner can begin SPL whilst the birth parent is still on maternity leave, if the birth parent has provided their employer with a maternity leave curtailment notice, and all the relevant eligibility criteria and notice requirements are satisfied, the partner can begin a period of shared parental leave while the birth parent is still on maternity leave.

15.0 Responsibility for pay

- 15.1 If shared parental leave is taken, it is the employer of the partner who is responsible for paying the partner. The amount paid to the employee's partner by their employer will depend on the terms of any policy they may have in place, but must be no less than the statutory amount due.
- 15.2 An employee does not have the right to transfer entitlement to enhanced pay to their partner.

16.0 Pensions contributions, NI and tax and shared parental leave

- 16.1 Statutory shared parental pay is subject to income tax and national insurance in the same way as normal pay.
- 16.2 If the employee is a member of the Local Government Pension Scheme (LGPS), and is in the main section of the Scheme, during ordinary and any periods of paid additional Shared Parental Leave, the pensionable pay figure used to work out the pension is the assumed pensionable pay. Using the assumed pensionable pay (where this is higher than actual pensionable pay received), rather than the amount of pensionable pay actually received when on Shared Parental Leave, means that they will continue to build up a pension in the section of the LGPS they are in, as if they were working normally and receiving pay.
- 16.3 Unless the value of pensionable pay received is greater than the value of assumed pensionable pay. In such cases the value of the pensionable pay received is used to work out benefits as it would be higher than the value of assumed pensionable pay.
- 16.4 If the employee is in the LGPS or Teachers Pension Scheme they will pay pension contributions on the statutory shared parental pay received.
- 16.2 During unpaid shared parental leave an employee can normally choose whether or not to pay pension contributions. Where contributions are not paid, the period is not counted as service and therefore is not included in future pension benefit calculations.
- 16.3 The employee can make up these payments on returning to work. Employees who wish to do this must contact their pension provider within 30 days of the return to work.
- 16.4 Any further queries should be referred directly to pensions.

17.0 Shared parental leave in touch ('SPLiT') days

- 17.1 Employees are entitled to work up to 20 days during shared parental leave. These are called SPLiT days (shared parental leave in touch days).
- 17.2 These are in addition to the ten 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.
- 17.3 SPLiT days can be used where both parties feel it would be beneficial for the employee to attend a work-related activity or assist in the employee's return to work. KIT and SPLiT days are optional and there is no obligation on the employer to offer or the employee to agree to them. However, the line manager will keep the employee updated on everyday work issues. How and when contact is maintained may be agreed in advance of the leave period being taken.

18.0 Notice to end maternity/adoption leave

- 18.1 Once notice has been given to end maternity/adoption leave and either parent has informed their entitlement to take shared parental leave then the notice to end maternity leave is binding and cannot be withdrawn unless:
- Within 8 weeks of the birth parent submitting notice to end their maternity/adoption leave it transpires that neither parent qualifies for shared parental or Shared Parental Pay (ShPP).
 - When notice was given before birth, it may be withdrawn without a reason up to 6 weeks following the birth.
 - The birth parent's partner dies.

19.0 Shared parental leave and bank holidays

- 19.1 The entitlement is the same as it would be had the employee remained at work.

20.0 Training and shared parental leave

- 20.1 If it is agreed between the employee and their line manager that attendance at a training course is necessary, then it will be taken as one of the SPLiT days.

21.0 Redundancy and shared parental leave/pay

- 21.1 The school or Trust will try to re-deploy as per the Trust Redundancy Policy. Whenever possible, suitable alternative employment will be offered, with a period of temporary pay protection if appropriate.
- 21.2 An employee on shared parental leave, and employees who have returned to work within 18 months after the birth of a child or adoption placement following shared parental leave must be offered an alternative job if a suitable alternative is available. While every reasonable effort will be made to offer alternative employment, if no suitable vacancy exists the employee will be made redundant.
- 21.3 An employee who has taken less than six continuous weeks of shared parental leave is entitled to enhanced redundancy protection only for the period of leave that they take. However, if

an employee takes 6 or more consecutive weeks of shared parental leave, they will be protected from the start of their shared parental leave until 18 months from the date of the child's birth/placement for adoption (or from the child's entry into Great Britain if they have been adopted from overseas).

- 21.4 If an employee has taken maternity or adoption leave before taking shared parental leave they are only entitled to the protected period for the original period of maternity or adoption leave.
- 21.5 If an employee is made compulsorily redundant whilst on shared parental leave and as a result unable to fulfil the requirement to return to work for three months, there would be no requirement to repay ShPP received.
- 21.6 If an employee chooses to apply for voluntary redundancy whilst on shared parental leave and this is accepted, they may be required to repay any ShPP already received.
- 21.7 However if an employee applies (and are accepted) for voluntary redundancy after they have returned to work following shared parental leave they will not be required to repay any ShPP previously received, provided three months employment is completed between the return to work date and the date which employment with the school ends.
- 21.8 Employees made redundant whilst on shared parental leave, who qualify for statutory shared parental leave pay, will receive the notice pay due under the redundancy policy or any remaining ShPP (whichever is the larger) at the end of their employment.
- 21.9 Shared parental leave and employment will finish at the end of the redundancy notice period if redeployment is not achieved.

22.0 Returning to work from shared parental leave

- 22.1 Employees must return to work for three months in order to keep ShPP payments.
- 22.2 Employees who wish to work different days or hours on their return will need to make a flexible working request. Where a return to work is agreed on a different basis or parental leave or a career break is taken immediately after shared parental leave, the employee will still need to return to work for three months to keep ShPP payments.
- 22.3 If they do not return to work for three months they will not be entitled to ShPP. If ShPP has already been received it will have to be paid back.

23.0 Resignation and shared parental leave

- 23.1 Employees must resign in writing giving the appropriate notice. If they do not return to work for three months they will not be entitled to ShPP. If ShPP has already been received it will have to be paid back.

24.0 Eligibility tests

- 24.1 **Continuity of Employment Test (for employee claiming shared parental leave)**

The individual has worked for the same (or associated) employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each leave period.

(N.B. This is the same earnings requirement as needed to qualify for Statutory Maternity Pay).

24.2 Employment and Earnings Test (for the other parent)

In the 66 weeks up to the child's expected due date/matching date, the person has worked for at least 26 weeks and earned an average of at least £30.00 (as of 2023) a week in any 13 weeks.

(N.B. This is the same earnings requirement as needed to qualify for Maternity Allowance).

24.3 Lower Earnings Limit Test (for employee claiming Shared Parental Pay)

The individual must have earned above the 'Lower Earnings Limit' (currently £123.00 per week) in the eight weeks leading up to and including the 15th week before the child's due date/matching date and still be employed with the same employer at the start of the first period of SPL/ShPP.

(N.B. This is the same earnings requirement as needed to qualify for Statutory Maternity Pay).