

Shared Parental Leave Policy (Adoption)

Approved By: Trustees

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1. Terms of Reference

- 1.1 This policy applies to all employees of the West Norfolk Academy Trust.
- 1.2 Definitions:
- Parent: One of two people who will share the main responsibility for the child's upbringing.
 - Partner: spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
 - Qualifying Week: the week the adoption agency notifies the employee that they have been matched with a child for adoption.

2. General Principles

- 2.1 Shared Parental Leave (SPL) is a form of family leave that gives eligible employees flexibility in how to share care of a child in the first year after they have been placed for adoption other than adoption leave. Parents are able to choose how to split available leave between them and can decide to be off work at the same time or at different times. It may be possible for leave to be taken in more than one block.
- 2.2 SPL must end no later than one year after the date the child is placed for adoption and any SPL not taken by this date is lost.
- 2.3 This policy is non contractual and it may be amended at any time.

3. Entitlement to Shared Parental Leave

- 3.1 An employee may be entitled to SPL if an adoption agency has placed a child with them and/or their partner and they intend to share the main responsibility for the care of the child.
- 3.2 The following conditions must also be fulfilled:
- a) an employee must have at least 26 weeks' continuous employment with the Trust by the end of the Qualifying Week, and still be employed by the Trust in the week before the leave is to be taken;
 - b) the employee's partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
 - c) the employee and their partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).
- 3.3 Either the employee or the employee's partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.
- 3.4 The total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either the employee or the employee's partner (or the weeks in which the

employee's partner has been in receipt of SAP if they were not entitled to adoption leave)

4. Opting in to Shared Parental Leave and Pay

- 4.1 Not less than eight weeks before the date an employee intends their SPL to start, they must give a written Notice to Opt-In to Shared Parental Leave - adoption (Appendix A). This notification will include:
- a) the employee's full name and the full name of the other parent;
 - b) if the employee is taking adoption leave, the adoption leave start and end dates;
 - c) if the employee is not taking adoption leave, the employee's partner's adoption leave start and end dates, or if the employee's partner is not entitled to adoption leave, the start and end dates of their SAP;
 - d) the total SPL available, which is 52 weeks minus the number of weeks' adoption leave or SAP taken by the employee or the employee's partner;
 - e) how many weeks of the available SPL will be allocated to the employee and how many to the employee's partner (an employee can change the allocation by giving a further written notice, and an employee does not have to use their full allocation);
 - f) if an employee is claiming Statutory Shared Parental Pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SAP taken or to be taken), payable over a period of 52 weeks following the date of adoption;
 - g) an indication of the desired pattern of leave, including suggested start and end dates for each period of leave (see sections 8,9 and 10 on taking leave). This indication will not be binding at this stage, but employees are requested to give as much information as possible about their future intentions; and
 - h) declarations by the employee and the employee's partner that the statutory conditions for the entitlement to SPL and ShPP are met (see Appendix A)

5. Ending adoption leave

- 5.1 If an employee is taking, or intending to take, adoption leave and wishes to opt-in to the SPL scheme, they must give at least eight weeks' written notice to end adoption leave early (Curtailment Notice) (see Appendix B) before SPL can be taken. The notice must state the date the adoption leave will end. Notice can be given before or after adoption leave starts but at least two weeks' adoption leave must be taken.
- 5.2 At the same time as the curtailment notice is given, an employee must give a Notice to Opt-in to Shared Parental Leave (Appendix A) (see paragraph 4 above) or a written declaration that the employee's partner has given their employer an opt-in notice and that the necessary declarations have been given in that notice.
- 5.3 If the employee's partner is eligible to take SPL from their employer they cannot start it until the employee has given their curtailment notice.
- 5.4 The curtailment notice is usually binding and cannot be revoked. A curtailment notice can only be revoked if adoption leave has not yet ended and one of the following applies:

- a) if it becomes apparent to the employee that neither they nor their partner are eligible for SPL or ShPP (the curtailment notice can be revoked in writing up to eight weeks after it was given);
 - b) if the employee's partner has died.
- 5.5 Once a curtailment notice has been revoked, a second curtailment notice cannot be given, unless the revocation was given in the circumstances in paragraph 5.4 b.

6. Ending a partner's adoption leave or pay

- 6.1 If the employee's partner is taking adoption leave, or claiming SAP from their employer, the employee will only be able to take SPL once their partner has either:
- a) returned to work;
 - b) given their employer a curtailment notice to end adoption leave;
 - c) given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave); or

7. Evidence of entitlement

- 7.1 An employee must provide on request:
- a) One of more documents from the adoption agency showing the agency's name and address and the expected placement date; and
 - b) The name and address of the employee's partner's employer (or a declaration that they have no employer)

8. Discussions regarding Shared Parental Leave

- 8.1 An employee who is considering taking SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding potential entitlement, employee plans and support available from the school and trust.
- 8.2 A line manager may, upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to discuss intentions and how they expect to use their SPL entitlement.
- 8.3 Upon receiving a Notice to Opt-In to the Shared Parental Leave Scheme (Appendix A), a meeting will usually be arranged to discuss it. Where a notice can be approved without further discussion, a meeting may not be necessary.
- 8.4 Where a meeting is arranged it will take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then a discussion may take place over the telephone.
- 8.5 At the meeting the employee may be accompanied by a workplace colleague or a trade union representative.

- 8.6 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a different arrangement would be agreeable to you and us and what the outcome may be if no agreement is reached.

9. Booking Shared Parental Leave dates

- 9.1 Having opted into the SPL scheme an employee will need to give Notice of Dates for Shared Parental Leave (see Appendix C). This can be given at the same time as the Opt-In notice (Appendix A), or it can be given later, as long as it is given at least eight weeks before the start of the leave. The Notice of Dates for Shared Parental Leave (Appendix C) must also include the dates on which the employee intends to claim shared parental pay (ShPP), if applicable.
- 9.2 If the Notice of Dates for Shared Parental Leave (see Appendix C) gives dates for a single period of continuous leave of SPL the employee will be entitled to take the leave set out in the notice.
- 9.3 An employee can submit up to three periods of Notice of Dates for Shared Parental Leave (Appendix C). This may enable up to three separate blocks of SPL (although if a notice to vary or cancel a period of leave is given this will in most cases count as a further period of leave notice).

10. Procedure for requesting split periods of Shared Parental Leave

- 10.1 In general, the Notice of Dates for Shared Parental Leave (Appendix C) should set out a single continuous block of leave. The school may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best for the employee to discuss this with their line manager in advance of submitting any Notice of Dates for Shared Parental Leave (Appendix C). This will give the school more time to consider the request and hopefully agree a pattern of leave from the outset.
- 10.2 An employee must submit a Notice of Dates for Shared Parental Leave (Appendix C) setting out the requested pattern of leave at least eight weeks before the requested start date. If the school is unable to agree to the request straight away, there will be a two-week discussion period. At the end of that period, the school will confirm any agreed arrangements in writing. If an agreement has not been reached, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in the notice (for example, if an employee requested three separate periods of four weeks each, they will be entitled to one 12-week period of leave). Alternatively, an employee may:
- a) choose a new start date (which must be at least eight weeks after the original Notice of Dates for Shared Parental Leave was given), and tell the school within five days of the end of the two-week discussion period; or

- b) withdraw the Notice of Dates for Shared Parental Leave within fifteen days of the date of the Notice (in which case it will not be counted and the employee may submit a new one if required).

11. Changing the dates or cancelling Shared Parental Leave

- 11.1 An employee can cancel a period of leave by notifying the school in writing at least eight weeks before the start date in the Notice of Dates for Shared Parental Leave (see Appendix C).
- 11.2 An employee can change the start date for a period of leave, or the length of leave, by notifying the school in writing at least eight weeks before the original start date and the new start date.
- 11.3 An employee can change the end date for a period of leave by notifying the school in writing at least eight weeks before the original end date and the new end date.
- 11.4 An employee can combine split periods of leave into a single continuous period of leave by notifying the school in writing at least eight weeks before the start date of the first period.
- 11.5 An employee can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. The school will consider any such request as set out in section 9 above.
- 11.6 A notice to cancel or change a period of leave will count as one of the three period of leave notices, unless:
 - a) The variation is a result of the child being placed with you earlier or later than the expected placement date;
 - b) The variation is at the school's request; or
 - c) The school and employee agree otherwise.

12. Shared Parental Pay

- 12.1 Shared Parental Pay (ShPP) is payable for a maximum of 37 weeks over a period of 52 weeks following the date of adoption, as 2 weeks Statutory Adoption Pay (SAP) must be taken.
- 12.2 An employee may be able to claim ShPP if they have at least 26 weeks' continuous employment with the Trust at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year.
- 12.3 ShPP is paid at a rate set by the government each year.

13. Other terms during Shared Parental Leave

- 13.1 An employee's terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 13.2 If an employee is a member of the employer's pension scheme, employer pension contributions will be made during any period of paid SPL, based on an employee's normal salary, in accordance with the pension scheme rules. Any employee contributions will be based on the amount of any shared parental pay, unless the employee notifies of their wish to make up any shortfall.

14. Keeping in touch

- 14.1 The school may make reasonable contact with an employee during SPL although this will be kept to a minimum. This may include contacting the employee to discuss arrangements for their return to work.
- 14.2 An employee may ask, or be asked, to work (including attending training) on up to 20 "shared parental leave in touch" days (SPLIT days) during their SPL. This is in addition to any "keeping in touch" days (KIT days) that may have been taken during adoption leave. KIT/SPLIT days are not compulsory and must be discussed and agreed. Any SPLIT days worked do not extend the period of SPL.
- 14.3 An employee will be paid at their normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any ShPP entitlement.

15. Returning to work

- 15.1 If an employee wishes to end a period of SPL early, they must give the school eight weeks' prior written notice of the new return date.
- 15.2 If an employee wishes to extend their SPL, assuming they still have unused SPL entitlement remaining, they must submit a new A Notice of Dates for Shared Parental Leave (see Appendix C) at least eight weeks before the date they were due to return to work. If the employee has already submitted notices they will not be able to extend their SPL without the school's agreement. If an employee is unable to request more SPL they may be able to request annual leave or ordinary parental leave, which will be subject to consideration of the needs of the school.
- 15.3 An employee will normally be entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for the school to enable the employee to return to the same position, another suitable and appropriate position may be given on terms and conditions that are not less favourable, but only in the following circumstances:
 - a) if the SPL and any adoption leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
 - b) if SPL was taken consecutively with more than four weeks of ordinary parental leave.

- 15.4 If an employee wishes to change their hours or other working arrangements on return from SPL they should make a request under the Trust's Flexible Working Policy.
- 15.5 If an employee decides that they do not wish to return to work they should give notice of resignation in accordance with their contract of employment.

Appendix A: Notice to Opt-In to Shared Parental Leave – Adoption

Use this form to opt in to the shared parental leave scheme following the placement of a child for adoption. Please see the Trust's Shared Parental Leave Policy for more information.

If you are the child's adopter you must also submit a signed Ending Adoption Leave Early (Curtailment Notice) (Appendix B) to bring your adoption leave entitlement to an end. Please discuss this form, in particular the dates in sections B and C, with your line manager before completing it.

Section A: Basic information		
Guidance notes. Shared parental leave may be shared between a child's adopter and his/her partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the adopter's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.		
A1	Employee's name	
A2	I am the child's adopter or the partner of the child's adopter (*delete as appropriate)	
A3	Child's expected week of placement for adoption	
A4	Child's actual date of birth (if known)	
A5	Child's place of birth (if known)	
A6	Child's name (if known)	

Appendix A: Notice to Opt-In to Shared Parental Leave - Adoption

Section B: Adoption leave, statutory adoption pay

Guidance notes. If you are the adopter, please give your adoption leave (AL) dates below. If you are still on AL you must also submit an Ending Adoption Leave Early (Curtailment Notice) (Appendix B) to bring your AL to an end. If you are the adopter's partner, please give the adopter's AL dates. If your partner is not entitled to statutory AL, give the dates your partner started and ended (or will end) their statutory adoption pay (SAP) period as applicable. The adopter must give their employer notice to curtail the AL period.

B1	AL / SAP start date	
B2	AL / SAP end date	
B3	Total AL / SAP (weeks)	

Section C: Shared parental leave

Guidance notes. The total shared parental leave (SPL) available is 52 weeks minus the adopter's AL period (see B3).

The first period of shared parental leave cannot start until at least eight weeks after you submit this opt-in notice.

C1	Total SPL available (whole weeks).	
C2	Number of whole weeks' SPL intended to be taken by you.	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with.	
C4	Indication of dates you would like to take shared parental leave.	
C5	The dates in C4 will be treated as a non-binding until a Notice of Dates for Shared Parental Leave is given.	

Appendix A: Notice to Opt-In to Shared Parental Leave - Adoption

Section D: Statutory shared parental pay (ShPP)		
Guidance notes. The total statutory shared parental pay (ShPP) available is 39 weeks minus the adopter's AL period (see B3), over a period of 52 weeks following the Qualifying Week.		
D1	Total ShPP available (whole weeks).	
D2	Number of whole weeks' ShPP intended to be taken by child's adopter.	
D3	Number of whole weeks' ShPP intended to be taken by child's adopter's partner.	
D4	Indication of dates you wish to take ShPP.	
D5	The dates in D4 will be treated as a non-binding until a notice to take ShPP is given. If you want to treat this notice as a notice to take ShPP on the dates given in D4 tick here.	

Appendix A: Notice to Opt-In to Shared Parental Leave - Adoption

Section E: Employee's declaration	
<p>Guidance notes. "Child" means the child referred to in Section A. "Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p> <p>Please tick as appropriate</p>	
	I am the child's adopter and I am entitled to statutory AL. I have submitted an Ending Adoption Leave Early (Curtailment Notice) (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).
	Or I am the child's adopter's partner.
	I had at least 26 weeks' continuous employment in the week in which I was notified of having been matched with a child for adoption and have remained continuously employed since then.
	My normal weekly earnings in the eight-week period ending with the 15th week before the EWC were not less than the lower earnings limit as indicated in the regulations. (state if not applicable)
	I expect to share the main responsibility for the care of the child with the person who has completed Section F.
	I intend to care for the child during each week that I am on shared parental leave and receiving ShPP.
	I will immediately inform my line manager if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or ShPP.
<p>The information I have given in this notice is accurate.</p> <p>Signed: Print name:</p> <p>Date:</p>	

Appendix A: Notice to Opt-In to Shared Parental Leave - Adoption

Section F: Declaration by person taking shared parental leave with employee	
<p>Guidance notes. "The employee" and "the child" are the employee and child referred to in Section A. If the employee is the child's adopter, you must be the adopter's partner. "Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
Name	
National Insurance number	
Address	
Your employer's name and address (if employed) or your business address if self-employed.	
Please tick as appropriate	
<input type="checkbox"/>	I am the adopter of the child and I am (or was) entitled to AL. I have curtailed my AL and SAP, or will have done so by the time your employee starts parental leave.
<input type="checkbox"/>	Or I am the partner of the child's adopter.
<input type="checkbox"/>	I expect to share the main responsibility for the care of the child with your employee.
<input type="checkbox"/>	I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the week I/your employee was notified of being matched with a child.
<input type="checkbox"/>	My average weekly earnings are at in accordance with the limits specified in the regulations.
<input type="checkbox"/>	I consent to your employee taking shared parental leave and claiming ShPP as set out in this notice and will immediately inform him/her if I cease to satisfy any of the conditions in this declaration.
<p>I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.</p> <p>Signed: Print name:</p> <p>Date:</p>	

Appendix B: Ending Adoption leave early (Curtailement Notice) – Adoption

Appendix B: Ending Adoption Leave Early (Curtailement Notice) – Adoption

I wish my adoption leave period to end early on:

Date ('the Adoption Leave Curtailement Date').

I confirm that the above date is:

At least 8 weeks after the date on which I signed and dated this Ending Adoption Leave Early (Curtailement Notice) and provided a copy to my employer	
I understand that if this Ending Adoption Leave Early (Curtailement Notice) is binding and cannot be revoked (subject to limited circumstances in paragraph 6.4 of the Shared Parental Leave Policy)	

I confirm that a copy of this Ending Adoption Leave Early (Curtailement Notice) has been provided to my line manager:

Line Manager:

Signed:

Print Name:

Date:

Appendix C: Notice of Dates for Shared Parental Leave – Adoption

1. I understand that I may not submit a period of leave notice unless this is accompanied by a notice of entitlement and intention to take SPL.
2. I understand that I may not request SPL with a start or end date which is outside the period in which SPL may be taken. This is within the period which begins on the date my child is placed for adoption and ends the day before the first anniversary or the date on which my child was placed for adoption.
3. I understand that SPL must be taken in multiples of complete weeks, as one continuous period or up to three discontinuous periods. The minimum period of SPL which may be taken is one week.
4. I understand that I may give a total of three Notice of Dates for Shared Parental Leave, (including variation notices). The following notices do not count towards the three permitted notices:
 - a) A period of leave notice requesting discontinuous period of SPL which is withdrawn by me on or before the fifteenth day after the notice was given.
 - b) A variation notice given as the result of my child being placed with me earlier or later than the expected placement date.
 - c) A variation notice given in response to a request from the school that I vary a period of leave.
 - d) Where we agree otherwise
5. I confirm that I would like to take shared parental leave (SPL) and the dates/s requested are:

Start Date	End Date

Please tick A or B

- ☐ A I intend to claim shared parental leave pay for these dates.
- ☐ B I do not intend to claim shared parental leave pay for these dates.

Start Date	End Date

Please tick A or B

- ☐ A I intend to claim shared parental leave pay for these dates.
- ☐ B I do not intend to claim shared parental leave pay for these dates.

Appendix C: Notice of Dates for Shared Parental Leave - Adoption

Start Date	End Date

Please tick A or B

- ☐ A I intend to claim shared parental leave pay for these dates.
- ☐ B I do not intend to claim shared parental leave pay for these dates.

Please tick A or B

- ☐ A I confirm that **Notice to Opt-In to Shared Parental Leave - Adoption** (Appendix A) accompanies this form.
- ☐ B I confirm that I have already presented a **Notice to Opt-In to Shared Parental Leave – Adoption** (Appendix A) to my line manager.

Signed:.....Print name:

Dated:

School use only

Received by:

Name:Job Title:

Date: