



# **Shared Parental Leave Policy (Birth)**

**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:

- Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.
- 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's partner if not the father).
- 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 fifteenth week before the expected week of childbirth.

## **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 birth other than maternity or paternity 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 birth of a child and any SPL not taken by the child's first birthday 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 is entitled to SPL in relation to the birth of a child if:

- a) they are the child's mother, and share the main responsibility for the care of the child with the child's father (or their partner, if the father is not their partner);
- b) they are the child's father and share the main responsibility for the care of the child with the child's mother; or
- c) they are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

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 other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings as indicated in the regulations ; and
  - c) the employee and the other parent must give to the respective employers the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.
- 3.3 The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).
- 3.4 If the employee taking the SPL is the mother they cannot start SPL until after the compulsory maternity leave period, which lasts for two weeks after the birth.

#### **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 - birth (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 the child's mother, the start and end dates of their maternity leave;
  - c) if the employee is the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
  - d) the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
  - e) how many weeks of the available SPL will be allocated to the employee and how many to the other parent. (an employee can change the allocation by giving us 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 SMP or MA period taken or to be taken), payable over a period of 52 weeks following the birth of the child;
  - 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 other parent that the statutory conditions for the entitlement to SPL and ShPP are met (see Appendix A)

#### **5. Ending maternity leave**

- 5.1 If an employee wishing to opt-in to the SPL scheme is the child's mother, they must give at least eight weeks' written notice to end maternity leave early by completing the form Ending maternity leave early (Curtailment Notice) – birth (see Appendix B)

before SPL can be taken. The notice must state the date the maternity leave will end. Notice can be given before or after childbirth, but an employee cannot end maternity leave until at least two weeks after childbirth.

- 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 - birth (Appendix A) (see paragraph 4 above) or a written declaration that the child's father or employee's partner has given his or her employer an opt-in notice and that the necessary declarations have been given in that notice.
- 5.3 The other parent may be eligible to take SPL from their employer before the maternity leave ends, provided the curtailment notice has been given.
- 5.4 The curtailment notice is usually binding and cannot be revoked. A curtailment notice can only be revoked if maternity leave has not yet ended and one of the following applies:
  - a) if it becomes apparent to the employee that neither they nor the other parent 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 curtailment notice was given before giving birth, an employee can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
  - c) if the other parent 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 6.4 b.

## **6. Ending a partner's maternity leave or pay**

- 6.1 If the employee is not the mother and she is still on maternity leave or claiming SMP or MA, the employee will only be able to take SPL once the mother has either:
  - a) returned to work;
  - b) given her employer a curtailment notice to end her maternity leave;
  - c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
  - d) given the benefits office an ending maternity leave early (curtailment notice) to end her MA (if she is not entitled to maternity leave or SMP).

## **7. Discussions regarding Shared Parental Leave**

- 7.1 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 Trust.
- 7.2 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.

- 7.3 Upon receiving a Notice to Opt-In to the Shared Parental Leave Scheme - birth (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.
- 7.4 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.
- 7.5 At the meeting the employee may be accompanied by a workplace colleague or a trade union representative.
- 7.6 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.

## **8. Booking Shared Parental Leave dates**

- 8.1 Having opted into the SPL scheme an employee will need to give Notice of Dates for Shared Parental Leave - birth (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 - birth (Appendix C) must also include the dates on which the employee intends to claim shared parental pay (ShPP), if applicable.
- 8.2 If the Notice of Dates for Shared Parental Leave - birth (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.
- 8.3 An employee can submit up to three periods of Notice of Dates for Shared Parental Leave - birth (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).

## **9. Procedure for requesting split periods of Shared Parental Leave**

- 9.1 In general, the Notice of Dates for Shared Parental Leave - birth (Appendix C) should set out a single continuous block of leave. The Trust 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 – birth (Appendix C). This will give the Trust more time to consider the request and hopefully agree a pattern of leave from the outset.
- 9.2 An employee must submit a Notice of Dates for Shared Parental Leave - birth (Appendix C) setting out the requested pattern of leave at least eight weeks before the requested start date. If the Trust is unable to agree to the request straight away,

there will be a two-week discussion period. At the end of that period, the Trust 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 Trust 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).

## **10. Changing the dates or cancelling Shared Parental Leave**

- 10.1 An employee can cancel a period of leave by notifying the Trust in writing at least eight weeks before the start date in the Notice of Dates for Shared Parental Leave - birth (see Appendix C).
- 10.2 An employee can change the start date for a period of leave, or the length of leave, by notifying the Trust in writing at least eight weeks before the original start date and the new start date.
- 10.3 An employee does not need to give eight weeks' notice if they are changing the dates of their SPL because their child has been born earlier than the EWC, where they wished to start their SPL a certain length of time (but not more than eight weeks) after birth. In such cases the employee should notify the Trust in writing of the change as soon as possible.
- 10.4 An employee can change the end date for a period of leave by notifying the Trust in writing at least eight weeks before the original end date and the new end date.
- 10.5 An employee can combine split periods of leave into a single continuous period of leave by notifying the Trust in writing at least eight weeks before the start date of the first period.
- 10.6 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 Trust will consider any such request as set out in section 9 above.
- 10.7 A notice to cancel or change a period of leave will count as one of the three period of leave notices, unless:
  - a) A Notice of Dates for Shared Parental Leave - birth (see Appendix C) requesting a discontinuous period of SPL is withdrawn by the employee on or before the fifteenth day after the notice was given;
  - b) The variation is a result of the child being born earlier or later than the EWC;
  - c) The variation is at the Trust's request; or

d) The Trust and employee agree otherwise.

## **11. Shared Parental Pay**

- 11.1 Shared Parental Pay (ShPP) is payable for a maximum of 37 weeks over a period of 52 weeks following the birth of the child, as 2 weeks Statutory Maternity Pay (SMP) or Maternity Allowance (MA) must be taken immediately after the birth.
- 11.2 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.
- 11.3 ShPP is paid at a rate set by the government each year.

## **12. Other terms during Shared Parental Leave**

- 12.1 An employee's terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 12.2 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.

## **13. Keeping in touch**

- 13.1 The Trust 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.
- 13.2 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 maternity leave. KIT/SPLIT days are not compulsory and must be discussed and agreed. Any SPLIT days worked do not extend the period of SPL.
- 13.3 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.

## **14. Returning to work**

- 14.1 If an employee wishes to end a period of SPL early, they must give the Trust eight weeks' prior written notice of the new return date. This should be addressed to the Headteacher for school based employees or the Executive Headteacher for Trust based staff.

- 14.2 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 - birth (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 Trust'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 Trust.
- 14.3 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 Trust 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 maternity or paternity 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.
- 14.4 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.
- 14.5 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 - birth

### Appendix A: Notice to Opt-In to Shared Parental Leave - birth

Use this form to opt in to the shared parental leave scheme following the birth of a child. A separate form is available for adoptive parents. Please see our Shared Parental Leave Policy (Adoption) for more information.

If you are the child's mother you must also submit a signed Ending maternity leave early (Curtailment Notice) – birth (Appendix B) to bring your maternity 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		
<b>Guidance notes.</b> Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the mother'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	Please state whether you are: the child's mother the child's father the mother's partner	
A3	Child's expected week of birth	
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 - birth

### Section B: Maternity leave, statutory maternity pay or maternity allowance

**Guidance notes.** If you are the mother, please give your maternity leave (ML) dates below. If you are still on ML you must also submit an Ending Maternity Leave Early (Curtailed Notice) – birth (Appendix B) to bring your ML to an end. If you are the child's father or the mother's partner, please give the mother's ML dates. If she is not entitled to statutory ML (for example, because she is an agency worker, self-employed or unemployed), give the dates she started and ended (or will end) her statutory maternity pay (SMP) or maternity allowance (MA) period as applicable. She must give her employer notice to curtail her ML or SMP period, or give notice to the Department for Work and Pensions to curtail her MA period as appropriate.

B1	ML / SMP / MA start date	
B2	ML / SMP / MA end date	
B3	Total ML / SMP / MA (weeks)	

### Section C: Shared parental leave

**Guidance notes.** The total shared parental leave (SPL) available is 52 weeks minus the mother's ML, SMP, or MA period (see B3).

The first period of shared parental leave cannot start until at least two weeks after the child is born and 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 period of leave notice is given.	

## Appendix A: Notice to Opt-In to Shared Parental Leave - birth

Section D: Statutory shared parental pay (ShPP)		
<b>Guidance notes.</b> The total statutory shared parental pay (ShPP) available is 39 weeks minus the mother's SMP or MA period (see B3), over a period of 52 weeks following the birth.		
D1	Total ShPP available (whole weeks).	
D2	Number of whole weeks' ShPP intended to be taken by child's mother.	
D3	Number of whole weeks' ShPP intended to be taken by child's father/mother'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. (Notice to End Maternity Leave Early (Curtailed Notice) - birth (Appendix B) 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 - birth**

**Section E: Employee's declaration**

**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.  
Please tick as appropriate

	I am the child's mother and I am entitled to statutory ML. I have submitted an Ending Maternity 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).
	<i>Or</i> I am the child's father, or the child's mother's partner.
	I had at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth (EWC) 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.

The information I have given in this notice is accurate.

Signed: ..... Print name: .....

Date: .....

**Appendix A: Notice to Opt-In to Shared Parental Leave - birth**

**Section F: Declaration by person taking shared parental leave with employee**

**Guidance notes.** "The employee" and "the child" are the employee and child referred to in Section A. If the employee is the child's mother, you must be the child's father or the mother's partner. If the employee is not the child's mother, you must be the child's mother. "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.

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 mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your employee starts parental leave.
<input type="checkbox"/>	<b>Or</b> I am the child's father.
<input type="checkbox"/>	<b>Or</b> I am the partner of the child's mother.
<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 EWC.
<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.

I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

Signed: ..... Print name: .....

Date: .....

**Appendix B: Ending maternity leave early (Curtailement Notice) – birth**

**Appendix B: Ending maternity leave early (Curtailement Notice) – birth**

I wish my ordinary/additional maternity leave period to end early on:

Date ..... ('the Maternity Leave Curtailement Date').

I confirm that the above date is:

At least 1 day after the end of the compulsory maternity leave period (2 weeks after the birth of my child);	
At least 8 weeks after the date on which I signed and dated this Ending Maternity Leave Early (Curtailement Notice) and provided a copy to [insert role / my line manager/office of person at the Employer	
I confirm that the Maternity Leave Curtailement Date is at least 1 week before the last day of my additional maternity leave period.	
I understand that if this Ending Maternity Leave Early (Curtailement Notice) is submitted to my line manager after the birth of my child/children it is binding. (see paragraph 5.4 of the Shared Parental Leave policy).	
I understand that if this Ending Maternity Leave Early (Curtailement Notice) is submitted to my line manager prior to the birth of my child/children then I am able to revoke this notice up to six weeks after the birth.	

I confirm that a copy of this Ending Maternity 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 – birth

1. 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 born and ends the day before my child's first birthday. If dates are requested prior to the birth of your child then you may include a start date which is expressed to be on the day on which your child is born, or a number of days following your child's birth, or the form may contain an end date expressed as a number of days following the date of the child's birth.
2. 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.
3. 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 Notice of Dates for Shared Parental Leave requesting discontinuous period for SPL which is withdrawn by me on or before fifteenth day after the notice was given.
  - b) A variation notice given as the result of my child being born earlier or later than the expected week of confinement.
  - 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
4. 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 - birth**

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

Signed:.....Print name: .....

Dated: .....

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*School use only*

Received by:

Name: .....Job Title: .....

Date: .....