



South Gosforth First School

*'Roots to grow and wings to fly'*

## Shared Parental Leave Policy & Provisions

	<b>Staff:</b> To read and offer feedback To implement policy	<b>Governors</b> Approve	<b>Accessibility</b> Website Saved to teachers drive
Date	October 2024	October 2024	October 2024
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### **1.0 Purpose**

This policy has been developed as a model policy for use in schools; it covers the main provisions of Shared Parental Leave. Under this provision, mothers/main adopters will be able to 'curtail' (end) their maternity/adoption leave after a minimum of two weeks to enable them to take shared parental leave with their partner.

### **2.0 Shared Parental Leave**

Shared Parental Leave (SPL) allows parents to flexibly share leave for up to a year following the birth or adoption of a child. Eligible parents who are sharing responsibility for a child can get shared parental leave in the first year after:

- the birth of their child
- adopting a child
- getting a parental order if they had the child through surrogacy

Parents can share blocks of leave following a period of statutory maternity/adoption leave. Some parents will also be entitled to Shared Parental Pay (ShPP) for some of their leave.

### **3.0 Who can take SPL?**

SPL can be taken by the mother/main adopter of a child and their partner. A partner is:

- a married employee's spouse
- an unmarried opposite sex partner
- a registered civil partner
- an unregistered same sex partner

For either parent to get shared parental leave, the birth parent or primary adopter must do one of the following:

- end their maternity or adoption leave and return to work
- give their employer notice to 'curtail' (end) their maternity or adoption leave early

The parent who is to take SPL must:

- be legally classed as an employee
- be sharing responsibility with the other parent from the day of the child's birth or adoption placement
- satisfy the 'continuity of employment' and the 'employment and earnings' tests below

If you want to take SPL, you will need to complete a Shared Parental Leave notification form which must be signed by you and your partner.

#### **4.0 Eligibility**

To be eligible to take SPL, you must satisfy the continuity of employment test and your partner must pass the employment and earnings test. You will both need to confirm this on the Shared Parental Leave notification form.

<b>Continuity of employment test</b>	<b>Employment and earnings test</b>
The employee has worked for the School for at least 26 weeks at the end of the 15 <sup>th</sup> week before the child's expected due date /matching date and still be employed by the School at the start of each leave period.	In the 66 weeks leading up to the child's due date/matching date, the person has worked for at least 26 weeks and has earned an average of £30 (as of 2015) per week in any 13 weeks.

In addition to the above tests, you will also need to have earned above the 'Lower Earnings Limit' in the 8 weeks leading up to and including the 15<sup>th</sup> week before the child's due/matching date and still be employed by the School at the start of the first period of SPL.

Your partner's employer will not be contacted to confirm that they have met the above tests or to confirm how much leave they have taken therefore you are required to submit an honest declaration. Employees who submit false declarations may be subject to formal disciplinary procedures.

## 5.0 How much leave can be taken?

Parents are entitled to share up to a maximum of 50 weeks between them following the 2 weeks period of statutory maternity/adoption leave. This leave is not in addition to maternity/adoption leave taken. The total amount of combined leave taken cannot exceed 52 weeks.

The number of weeks' entitlement to Shared Parental Leave will reduce depending on the number of weeks of maternity/adoption leave taken.

For example, if a mother takes 20 weeks maternity leave, the maximum number of Shared Parental Leave weeks that can be taken is 32 weeks.

## 6.0 How to take Shared Parental Leave

SPL can be taken either as one 'continuous' block or up to three 'discontinuous' blocks. SPL can start on any day of the week and must be taken in full weeks. If a period of maternity or adoption leave has been taken (minimum 2 weeks), the number of weeks maternity/adoption leave must be subtracted from 52 to work out the number of weeks SPL that can be taken.

It is possible for parents to take leave at the same time as long as the mother/main adopter has given notice to end or 'curtail' their maternity/adoption leave. As soon as notice to end maternity/adoption leave is received, the partner can then access SPL. As long as the overall amount of leave taken by both parents does not exceed 52 weeks (inclusive of the 2 weeks mandatory leave), it is up to the parents how they allocate this leave.

Ways eligible parents could use shared parental leave include:

- the birth parent or primary adopter returns to work early from maternity or adoption leave and takes shared parental leave at a later date
- the birth parent or primary adopter returns to work and their partner takes shared parental leave
- both parents are off at the same time
- both parents share shared parental leave evenly and are off at different times
- both parents return to work at the same time and take shared parental leave at a later date

SPL can be taken in the following ways:

### Continuous Leave

This is one continuous unbroken block of leave. You will need to give your Head teacher a minimum 8 weeks' notice of your intention to take continuous leave using the SPL notification form.

## **Discontinuous Leave**

You can take up to three periods of leave. You will need to give your Head teacher 8 weeks' notice of your intention to take discontinuous leave. Included in the 8 weeks are 2 weeks that should be dedicated to discussing and agreeing the dates of leave with your Head teacher. In the discussions, your Head teacher can agree or propose new dates.

If you can't agree the dates with your Head teacher, you can then take a period of continuous leave for the number of weeks you intend to take overall.

You are entitled to give up to a maximum three notifications of your intention to take discontinuous leave.

## **Early discussions about Shared Parental Leave**

If you are considering taking SPL, it would be helpful to let your Head teacher know as soon as possible so you can discuss dates and they can plan for how your work will be covered. You are under no obligation to take leave at this point.

You can also seek advice on whether you or your partner qualify to take SPL and/or receive Shared Parental Pay so that you can assess the wider financial implications this may have (for example, pay and pensions) which will help you plan for your leave.

## **7.0 Varying Shared Parental Leave dates**

If you wish to vary the dates of shared parental leave, you must give 8 weeks' notice of the change. Please note that every change amounts to one of the maximum of three notifications you are able to give. It would be helpful to discuss this change with your Head teacher prior to you giving notice.

Your Head teacher may propose different dates for you to take shared parental leave. Please note that this does not count as one of your three notifications, even if you agree to this change.

## **8.0 Shared Parental Pay (ShPP)**

Employees who qualify for SPL will be entitled to Statutory Shared Parental Pay (ShPP).

Statutory shared parental pay is either of the following, whichever is lower:

- £172.48 a week (as of April 2023)
- 90% of the employee's average weekly earnings

The rate is usually reviewed every year.

The overall number of weeks' entitlement to ShPP reduces depending on the amount of maternity/adoption leave taken.

You will need to confirm on the Shared Parental Leave notification form how much ShPP you and your partner intend to claim overall. Employee Services will work out from your Shared Parental Leave notification form how much ShPP we need to pay you for your leave.

## **9.0 Reasonable Contact and Shared Parental Leave in touch (SPLIT days)**

Keeping in touch with during SPL is important to make sure you're up to date with what's happening at work. Your Head teacher will make reasonable contact with you during your leave. This is not classed as work however; you can work up to 20 SPLIT days with no loss of ShPP.

For any SPLIT days you work, your Head teacher will inform Employee Services who will ensure you receive your usual rate of pay for the day or the hours that you attend work.

If you work any KIT days during a period of maternity/adoption leave, this is in addition to your SPLIT day's entitlement.

## **10.0 Return to work**

You have the right to return to work following a period of Shared Parental Leave. Your continuous service will continue.

## **11.0 Pensions**

Where your employment is pensionable, pension contributions continue to be deducted during your shared parental leave pay period and will be based on the rate of payment actually paid to you during that time. During a period of unpaid shared parental leave no contributions can be deducted and the period will not count for pension.

If you are in the LGPS you can elect to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence. If you wish to purchase the amount of lost pension and if you make the election within 30 days of returning to work then the cost of the APC is split between you and the School. You will pay one-third of the cost and the School will pay the rest. If you want to take this option you should contact the Tyne & Wear pension fund on 0191 424 4141 or [pensions@twpf.info](mailto:pensions@twpf.info) when you return to work.

If you are in the Teachers Pensions Scheme, there is no provision to buy back lost service.

## **12.0 Guidance for Head Teachers**

When you receive a notification that an employee wishes to take SPL you should meet with them at the earliest opportunity to discuss the notification.

If the notification is for continuous leave, you will need to forward the form to Employee Services who will process the leave.

If the notification is for discontinuous leave, you will need to think about the impact on the School. If the dates proposed cause major problems for the School, you will need to meet the employee to discuss the dates and to agree alternative dates.

If you cannot agree suitable dates, the employee may then take the number of weeks leave they have requested in one continuous block. You cannot refuse this leave.

You will need to confirm the outcome of the meeting using the [SPL meeting outcome letter](#) and forward a copy to Employee Services to process the leave.

<b>REVISION RECORD OF PUBLISHED VERSIONS</b>			
<b>AUTHOR</b>	<b>CREATION DATE</b>	<b>VERSION</b>	<b>STATUS</b>
HR SERVICES	SUMMER 2015	1.0	PUBLISHED
HR Services	Autumn 2016	2.0	Refresh
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