

The Good Shepherd Multi Academy Trust

Adoption, Paternity and Parental Leave Policy



**The Good Shepherd
Multi Academy Trust**

Date of Adoption	March 2018
Reviewed	
Date of Next Review	

1. Values

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

2. Introduction

The purpose of this scheme is to bring together information on the various family leave entitlements available to parents, adopters and those who support them. These entitlements, together with the introduction of Shared Parental Leave provide an opportunity for parents/adopter to be flexible in the way they choose to manage their work life balance in a way which works best for them.

Maternity leave entitlements can be found in the separate Maternity Policy.

This scheme sets out the statutory provisions for the above family leave together with the entitlements under the relevant terms and conditions of employment.

3. Scope

This scheme applies to all Trust employees and the principle is that employees should be supported to combine the development of their career with family responsibilities and are encouraged to return to work following any family leave. Provision is made for flexible working arrangements where possible.

Planning prior to and communication during family leave are important to make the process as smooth as possible for the both the employee and employer.

4. Process/Checklist of Actions

Action	Responsibility
1. An employee intending to take family leave should notify their manager/headteacher within the required timescale.	Employee
2. Arrange meeting with employee	Manager/Headteacher
3. Submit any relevant certifications e.g. MATB1 or Adoption Matching Certificate	Employee
4. Complete any relevant notification forms	Employee
5. Send forms to HR and payroll provider	Manager/Headteacher
6. Confirm entitlement to leave, start and end dates, and entitlement to pay	HR and Payroll provider
7. Maintain reasonable contact throughout the period of leave	Manager/Headteacher and employee
8. Return on the date indicated or provide relevant notice of a change to this date	Employee
9. Complete an application form for any change to working arrangements on return	Employee
10. Respond to any requests in the required timeframe	Manager

5. Leave and Pay Summary

The different kinds of leave and pay available are as follows:

Maternity leave and pay	Applies to pregnant employees and those who have just given birth. Further information on this can be found within the Maternity Policy.
Adoption leave and pay	Applies to the child's adopter, if a couple are adopting jointly, only one of them is entitled to adoption leave. This also applies to employees who are adopting as the intended parents in a surrogacy arrangement where they are applying for a parental order.
Maternity support leave and pay	Applies to a nominated carer ie the person nominated by the mother/ adopter as the primary provider of support at or around the time of birth/ placement. The additional pay element this leave attracts may be added to paternity pay if the nominated carer is the father or partner.
Paternity leave and pay	Applies to fathers (biological or adopted) or partners, including civil partners.
Parental leave	Applies to parents, adopters, partners, including civil partners or those with parental responsibilities
Shared parental leave	Applies to parents, adopters, partners, including civil partners, or those with main caring responsibilities, where the mother has curtailed (ended) their maternity or adoption leave early.

6. Fair Treatment

Employees will not be dismissed or subjected to unfavourable treatment for taking or requesting to take family leave.

Throughout the leave period an employee's terms and conditions are protected. Employees are entitled to any pay rises and improvements in terms and conditions given during their leave.

There is only one period of leave and pay for each instance of pregnancy or adoption regardless of the number of children born or placed for adoption.

Throughout the document a "week" equals the length of time an employee normally works over 7 days.

All periods of leave are counted as continuous service for the purposes of the sickness scheme and annual leave entitlement. Throughout the leave period employees continue to build up holiday entitlement.

7. Health and Safety

An employee who is prevented from attending work because of contact with infectious disease will be entitled to receive normal pay. The period of absence will not count towards sick pay entitlements and absence triggers. Advice can be sought from the Trust HR Provider and the appropriate Occupational Health provider.

8. Pay and Pensions

All Statutory and Occupational Pay is subject to deductions (tax, NI, pension etc.) in the same way that an employee's normal pay would be.

Employees will continue to be members of the pension scheme and the employee's pension contributions will continue to be deducted according to the total amount of pay received. If an employee takes unpaid leave, they have the option of paying pension contributions for this period, so that it will count in full for pension purposes.

9. Statutory Leave and Statutory Pay

All adopters and partners are entitled to the statutory levels of leave and pay for ordinary adoption leave and statutory adoption pay (SAP) and paternity leave and statutory paternity pay (SPP). Additionally employees may be entitled to Occupational Adoption Pay (OAP) and Maternity Support Pay dependent on the eligibility requirements. See sections below for a summary of all statutory and occupational entitlements.

All periods of leave and pay are proportional for part-time employees.

9. Maternity Support Leave & Pay and Paternity Leave & Pay

9.1 Maternity Support Leave and Pay:

For maternity support leave purposes, a 'Nominated Carer' is the person nominated by the mother /adopter as the primary provider of support at or around the time of birth/placement. It is anticipated that in most cases this will be partner, however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother/ adopter and/ or the child. The mother/adopter can only have 1 nominated carer

Employees are entitled to 5 days paid leave at **employees** normal **rate of** pay, subject to the following conditions:

- Employees must provide notice of expected dates of absence and provide written notification from the expectant mother/ adopter that they are the **nominated carer*** of the child. This should be no later than the 6th week before the Expected Date of Birth (EWC), or placement, or as soon as is reasonably possible.
- Employees must provide a copy of the MATB1 or matching certificate or written confirmation from the adoption agency.
- Employees must take the leave in a block of 5 days at or around the time the child is born or placed.

9.2 Paternity Leave and Pay (Statutory Provisions)

For paternity leave purposes, a 'Partner' is a person (whether of a different sex or the same sex) who lives with the adopter/ **mother** and the child in an enduring family relationship, but is not a relative of the **mother/** adopter i.e. a parent, grandparent, sister, brother, aunt or uncle.

Employees are entitled to 1 weeks leave at normal pay (ie Statutory Paternity Pay (SPP) plus maternity support see section 9.1 above) plus a further optional 1 week of leave paid at the current rate of Statutory Paternity Pay (SPP) (or 90% of your earnings if this is less than SPP), subject to the following conditions:

- You need a minimum of 26 weeks continuous service by either
 - the 15th week before the Expected Date of Confinement, or
 - the week in which the adopter is notified of being matched with the child.
- You must remain employed up to the date of birth/placement.
- Your average earnings in either the 8 weeks up to either:
 - the 15th week before the Expected Date of Confinement; or
 - the week in which the adopter is notified of being matched with the childmust be equal to or above the Lower Earnings Limit (i.e. roughly speaking, you should have paid National Insurance on your earnings in those 8 weeks).
If your earnings are not at this level, you will only qualify for paternity leave, NOT Statutory Paternity Pay (although you may be eligible for other benefits).
- You must be married to or be the **partner** of the child's mother/adopter.
- You must confirm that you expect to have responsibility for the upbringing of the child (other than the responsibility of the primary mother/adopter).

- You must confirm that you are taking the time off work to support the mother/adopter and/or care for the child.
- You must take the leave in a block of 1/2 consecutive weeks, in the period up to 56 days (8 weeks) after the child is born/ placed.
- The entitlement is for one period of leave regardless of the number of children born/ matched.

Within the statutory provision of up to 2 weeks paternity leave requests from staff members for flexibility **may** be considered, on a case by case basis, with regard to how the leave is taken, as long as the following requirements are met:

- That the request is entirely driven by the member of staff
- The leave has to be taken within the statutory 8 week period
- The pattern of days is established well in advance
- Taking the leave as odd days, as opposed to full weeks, has no detrimental impact on work delivery and cost to the Trust/ school
- The request, and therefore the pattern of leave, for school staff is agreed by both the head and LGB (or for heads the LGB and Trust CEO) and for central staff is agreed by the Personnel Committee and CEO.

10. **Adoption Leave and Pay**

All of the entitlements below apply to newly matched adoptive parents and surrogacy arrangements **only**, not to employees who are: adopting a family member or stepchild; arranging a private adoption; or who become a special guardian or kinship carer.

Within the context of surrogacy arrangements if you're genetically related to the child (ie the egg or sperm donor) you can choose to take paternity leave or pay instead. You can't get both.

10.1 **Adoption Support**

Employees who are adopting are entitled to take time off to attend adoption appointments. An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments. The other can elect to take unpaid time off to attend up to two adoption appointments.

Employees are requested to bear in mind the requirements of their post, where possible, when arranging appointments.

10.2 **Adoption Leave**

There are two types of adoption leave, Ordinary Adoption Leave (OAL) and Additional Adoption Leave (AAL). Each lasts for 26 weeks, giving up to 52 weeks adoption leave in total. The 26 weeks Additional Adoption Leave must immediately follow the 26 weeks ordinary leave, without a break.

Benefit	Amount of Entitlement	Qualifying Conditions
Ordinary Adoption Leave	26 weeks leave	You must have a minimum of 26 weeks continuous service by the week in which: <ul style="list-style-type: none"> • You are notified of being matched with the child.(UK adoptions) • You get official notification of adoption (overseas adoption) • It is the 15th week before the baby is due (surrogacy arrangements)
Additional Adoption Leave	A further 26 weeks leave to be taken immediately after Ordinary Adoption Leave	

Employees who take 39 weeks adoption leave to coincide with the period of SAP should be aware that this automatically takes them into the Additional Adoption Leave period.

10.3 Notification – Start of Adoption Leave

You must provide at least 28 days' notice (or as much as is reasonably possible) of the date you wish to stop work, to adopt a child, how much leave you want to take and when you want your Statutory Adoption Pay to start. Statutory Adoption Pay starts when you take adoption leave.

1. To be eligible for adoption leave and pay you must be the child's adopter and be newly matched with the child by an adoption agency.
2. You must have notified the adoption agency that you have agreed for the child to be placed with you on the date of placement.
3. You must provide confirmation of the adoption placement ie:
 - a matching certificate or written notification from the adoption agency for UK adoptions which includes your name and address and that of the agency as well as a match date, **or**
 - an Official Notification from a UK authority that you can adopt from abroad for overseas adoptions and proof the child arrived in the UK (for example plane tickets). Additionally for overseas adoption you must sign and submit form SC6 to confirm you are not taking paternity leave or pay. **or**
 - proof of surrogacy ie you intend to apply for and expect to be granted a parental order. This is in the form of a 'statutory declaration' that you've applied for or will apply for a parental order in the 6 months after the child's birth and must be signed in the presence of a legal professional.
4. You must provide notification that you intend to take adoption leave, within 7 days of being notified that you have been matched with the child (UK adoptions) or confirm within 28 days of the estimated date of arrival and 28 days of the actual date of arrival for overseas adoptions.
5. Adoption leave can start:
 - 14 days before the date the child is expected to be placed with you and the latest you can start adoption leave is the date the child is expected to be placed with you. (UK adoptions)
 - when the child enters Great Britain, and the latest is 28 days after the child enters Great Britain. (overseas adoptions)
 - the day the child's born or the day after.(surrogacy arrangements)
6. If the date of placement (or UK arrival date for overseas adoptions) changes, or if you wish to change the start date within the confines of the dates depending on the type of adoption you should provide 28 days' notice of the change, as far as is possible.
7. Once you have started adoption leave you cannot stop it and start again at a later date.

10.4 Statutory Adoption Pay

There are two types of adoption pay, **Statutory** Adoption Pay (SAP) and **Occupational** Adoption Pay (OAP).

Statutory Adoption Pay is payable for 39 weeks – 6 weeks at 90% of earnings and 33 weeks at the standard SAP rate (or 90% of earnings, whichever is lower). SAP is worked out by looking at average earnings in the eight week period up to the week in which employees are notified of being matched with a child (UK and overseas adoptions) or up to and including the 15th week before the expected week of childbirth (surrogacy arrangements). Earning over this period must be equal or above the Lower Earnings Limit.

Occupational Adoption Pay rates differ according to whether you are a teacher or a member of support staff. It should be noted that there are also different qualifying conditions for OAP, details of which can be found within the sections outlining the OAP (Support Staff) and OAP (Teachers) at 11.1 and 11.2 respectively.

The qualifying conditions for Statutory Adoption Pay (SAP) are outlined in the table below.

Statutory Adoption Pay	
Amount of Entitlement	Qualifying Conditions
39 weeks' pay as follows: <ul style="list-style-type: none"> • 6 weeks at 90% of weekly earnings. • 33 weeks Statutory Adoption Pay (*SAP), (or 90% of weekly earnings if this is less than the SAP amount). 	1). You must have a minimum of 26 weeks continuous service by the week in which: <ul style="list-style-type: none"> • You are notified of being matched with the child.(UK adoptions) • You get official notification of adoption (overseas adoption) • It is the 15th week before the baby is due (surrogacy arrangements) 2). Average earnings in the 8 week period up to the week in which employees are notified of being matched with a child (UK and overseas adoptions) or up to and including the 15 th week before the expected week of childbirth (surrogacy arrangements) must be equal to or above the Lower Earnings Limit. (i.e. roughly speaking, the employee should have paid National Insurance on their earnings for those 8 weeks). 3). You must provide confirmation of the adoption placement ie: <ul style="list-style-type: none"> • a matching certificate or written notification from the adoption agency for UK adoptions which includes your name and address and that of the agency as well as a match date, or • an Official Notification from a UK authority that you can adopt from abroad for overseas adoptions and proof the child arrived in the UK (for example plane tickets). Additionally for overseas adoption you must sign and submit form SC6 to confirm you are not taking paternity leave or pay. or • proof of surrogacy ie you intend to apply for and expect to be granted a parental order. This is in the form of a 'statutory declaration' that you've applied for or will apply for a parental order in the 6 months after the child's birth and must be signed in the presence of a legal professional.

SAP is reviewed annually by the government. The current amount can be found on the gov.uk website.

You must provide at least 28 days' notice (or as much as is reasonably possible) of the date you wish to stop work, to adopt a child, how much leave you want to take and when you want your Statutory Adoption Pay to start. Statutory Adoption Pay starts when you take adoption leave.

Within 28 days employees will receive a letter from the payroll administrator confirming their adoption pay if eligible. If employees are ineligible, then they will receive a form SAP1 within 7 days of the eligibility decision. If you do not qualify for SAP you may qualify for other benefits instead. Please contact Jobcentre Plus or your local Social Security office, who will be able to discuss your entitlements with you.

10.5 Disruption of Adoption

In circumstances where the adoption is ended after an employee has started their leave, they will not be entitled to the full adoption leave entitlement. The employee will be entitled to a further 8 weeks leave and (if applicable) pay, after the week in which the placement was disrupted, or until the end of their statutory leave or pay period if this is sooner. They will need to provide 21 days' notice of the date when they will return to work.

10.6 Occupational Adoption Pay (OAP)

In addition to statutory pay, employees who meet the qualifying criteria will receive the relevant occupational pay according to whether they are support staff or teachers.

For all staff total payments (ie SAP + OAP) will not exceed the employee's normal pay.

10.6.1 Support Staff Occupational Adoption Pay (OAP)

Occupational Adoption Pay for Support Staff is in addition to SAP. OAP is 6 weeks at full pay paid over a period agreed with the line manager. If taken, the earliest this can start is the 7th week of adoption leave.

SUMMARY OF ENTITLEMENTS – Support Staff

Benefit	Amount of Entitlement	Qualifying Conditions
Occupational Adoption Pay (TGSMAT scheme based on CCC)	In addition to your SAP entitlement: A further amount equivalent to 6 weeks of full pay, spread over a period agreed with your manager (where the pay + SAP does not exceed your normal full pay) e.g. <ul style="list-style-type: none"> • 12 weeks at 50% of pay + SAP or • 20 weeks at 30% of pay + SAP or • Receive the additional OAP amount in full on returning to work 	<ul style="list-style-type: none"> • You need a minimum of 1 year’s continuous service by the week in which you are notified of being matched with the child. • The 6 weeks full pay amount are only payable if you have declared in writing that you are returning to work and you complete at least 3 months service on your return. • If you are not returning to work, you will receive the SAP entitlement only. • If you are unsure if you are returning or not, you can defer the payment of the 6 weeks full pay amount (less SAP already received) until you have decided whether or not you intend to return.

*SAP is reviewed annually by the government. The current amount can be found on the gov.uk website.

10.6.2 Support Staff - Annual/ Bank Holiday Leave Entitlements when on Adoption Leave

Employees continue to accrue both statutory and contractual holiday entitlement during both the 26 weeks’ ordinary adoption leave period and 26 weeks’ additional adoption leave period.

10.6.21 Full Time Support Staff

1. An employee who requests adoption leave should be advised to take any outstanding leave entitlement accrued before commencing their adoption leave. The above also applies to any outstanding flexi time/TOIL accrued where this is applicable.
2. Where it is not possible to take the outstanding leave before the commencement of maternity/ adoption leave, the employee can carry the leave forward and take it on their return to work after their adoption leave period ends.
3. Existing terms on annual leave only allow employees to carry forward a maximum of 5 days leave into the following leave year; however this may be waived in these circumstances.
4. Outstanding leave carried forward or leave accrued during the adoption leave period should be taken after the ordinary adoption or additional adoption leave period ends. Leave cannot break the ordinary and additional leave. This gives the employee a number of options when considering using up any outstanding leave, these include:
 - a) bringing forward the official return date by the number of outstanding leave days, this would mean the employee regains full pay whilst being on leave up until their original official return to work date.
 - b) Keep the previously agreed return to work date then take all carried over/accrued leave entitlement in one block, so that they are paid in full from their previously agreed return to work date to their actual return to work

- c) Keep the original return to work date and allow the employee to retain any leave carried forward/accrued and take the remaining entitlement as they wish, following agreement with the line manager
- 5. All leave scenarios for employees will differ depending on the individual's leave year commencement date (start of employment). Where an employee's new leave year is due to commence shortly after the agreed return to work date it would be useful to considering using up any carried over/accrued leave prior to the commencement of the new leave year. In circumstances where timescale does not allow leave to be taken, leave entitlement may be carried forward.
- 6. Line managers should discuss all options available to the employee with them at the earliest opportunity. Any agreement made regarding outstanding leave entitlement will be dependent on business need at the time and may result in a change to the originally agreed return to work from maternity leave date.
- 7. If an employee decides not to return to work and resigns, they are entitled to annual leave pro-rata for the months that they have been employed, including both their paid and (if applicable) unpaid adoption leave periods.

10.6.22 Term Time Only Support Staff

- 8. Term-time only employees have a leave year which will be specified in their contract of employment. They are required to take their annual leave during school closure periods; however no specific time within these 13 weeks is allocated as annual leave. School closure periods can be said to be either annual leave or non-working time.
- 9. The amount of annual leave / bank holiday that they are entitled to is set out in the contract itself and specified in the calculation of the employee's pay.
- 10. Under the Green Book, employees accrue contractual annual leave / bank holiday entitlements throughout both ordinary and additional adoption leave.
- 11. A term-time only employee who takes adoption leave must be able to take the annual leave / bank holiday due to them for that period of time either before or after their adoption leave. No part of the adoption leave period can be treated as annual leave or bank holiday entitlement.
- 12. Annual leave / bank holiday entitlement can be offset by any period of school closure that occurs in the leave year in question i.e. both before and after the adoption leave period.
- 13. A term-time only employee should be reminded of their annual leave entitlement and of the policy regarding how this is taken before their adoption leave commences.
- 14. If, on a term-time only employee's return from adoption leave, there are insufficient school closure periods to accommodate the employee's outstanding annual leave / bank holiday entitlement the employee must be allowed to take any remaining leave during term time.
- 15. Where there is not enough time on the employee's return before the end of the annual leave year for them to take the remaining annual leave / bank holiday entitlement, they must be allowed to carry over their annual leave / bank holiday to the next leave year. An employee can be required to take this during the remaining periods of school closure after the employee's annual leave entitlement for that leave year has been accommodated. The employee should receive pay for the annual leave / bank holiday carried over.

16. However, outstanding annual leave / bank holiday should be taken in the leave year if there is sufficient time to take it in school closure periods or in term time. Under the Working Time Regulations annual leave / bank holiday entitlement should be taken in the leave year in which it accrues if possible.
17. Where employment is continuing, a term-time only employee cannot insist on having payment in lieu of untaken annual leave. In general, it is not possible to pay in lieu of statutory annual leave, except on termination of employment.
18. The payroll provider will help the term time employee by providing a calculation of the annual leave / bank holiday entitlements based on their specific annual leave year and adoption leave periods.

10.7 Teachers Occupational Adoption Pay

Occupational Adoption Pay is paid under the Teachers Scheme and is **in addition** to SAP.

SUMMARY OF ENTITLEMENTS - Teachers

Qualifying Service	Amount of unpaid/paid leave
Not less than 1 years recognised continuous teaching service by the week in which you are notified of being matched with the child with the intention of returning after the birth.	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP) 18 weeks occupational adoption pay (OAP) (4 weeks at full pay, 2 weeks at 90% of full pay, 12 weeks at ½ pay + flat rate SAP) Remainder unpaid <i>* OAP + SAP must not exceed your normal full pay</i>
Not less than 1 years recognised continuous teaching service by the week in which you are notified of being matched with the child, with the intention of NOT to return after the birth.	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP) 6 weeks occupational adoption pay (OAP) (4 weeks at full pay, 2 weeks at 90% of full pay) <i>* OAP + SAP must not exceed your normal full pay</i>
Less than 1 years recognised continuous teaching service but 26 weeks continuous service by the week in which you are notified of being matched with the child, with the intention of returning to work after the birth.	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP) Remainder unpaid
Minimum of 26 weeks recognised continuous service by the week in which you are notified of being matched with the child with the intention of NOT returning to work after the birth	52 weeks adoption leave 39 weeks statutory adoption pay (SAP) (6 weeks at 90%, 33 weeks flat rate SAP)
Less than 26 weeks recognised continuous service by the week in which you are notified of being matched with the child regardless of whether you intend to return to work or not	52 weeks unpaid adoption leave, adoption allowance may be payable.

*SAP is reviewed annually by the government. The current amount can be found on the gov.uk website.

10.8 Subsequent obligations on the Teacher

Should you qualify for OAP you have an obligation to return to work for **at least** 13 weeks (including periods of school closure) in order to retain the additional 12 weeks half pay OAP as outlined in the table above.

Where your Line Manager agrees, a full time Teacher may return to work on a part time basis which equates to 13 weeks of full time service. Similarly a part time Teacher may return to work on a different part time basis for a period which equates to 13 weeks part time service relating to her previous contract.

10.9 Teachers - Annual/ Bank Holiday Leave Entitlements when on Adoption Leave

1. Teachers do not have a contractual entitlement to paid annual leave or a specified annual leave year; however they are entitled to 24 days' statutory annual leave under the Working Time Regulations.
2. A teacher who takes adoption leave must be able to take the 24 days statutory annual leave at a time outside of their adoption leave. No part of the adoption leave period can be treated as annual leave;
3. Annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question, i.e. both before and after the adoption leave period;
4. A teacher should be advised prior to commencing their adoption leave that they have a statutory entitlement to 24 days annual leave and that this should be taken either before or after the adoption leave period during school closure periods. On their return from adoption leave, a teacher must be allowed to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate their leave in that leave year;
5. Where the return from adoption leave is so close to the end of the leave year that there is not enough time to take all their annual leave entitlement, a teacher must be allowed to carry over any balance of their leave to the following leave year. A teacher can be required to take this during the remaining periods of school closure after the 24 days' annual leave for that leave year has been accommodated;
6. It is not possible for either the teacher or the Trust to decide to carry over the annual leave into the next leave year if there is time to take the leave in the current leave year i.e. in school closures or in term time;
7. It will not usually be possible for a teacher to obtain payment in lieu of untaken annual leave instead of taking leave during the leave year.
8. As an employee has 24 days leave under the WTR, the accrual of leave is not affected by what stage of adoption leave an employee is at or whether they are receiving pay.

11. Parental Leave (Statutory Provision) - unpaid

Parental leave is a right to take unpaid time off work to look after the welfare of a child's for whom the employee has parental responsibility. Employees are entitled to 18 weeks unpaid leave, subject to the following conditions:

- Employees must have completed one year's continuous service with an employer to qualify.
- Employees must be named on the child's birth or adoption certificate or confirm that you expect to have responsibility for the upbringing of the child
- Leave may be taken straight after the birth or adoption or following a period of maternity leave.
- Employees must give 21 days notice of **the start and end dates** of the parental leave in writing
- Parental leave can only be taken as whole weeks (e.g. 1 week or 2 weeks) rather than individual days - unless the employee's child has been awarded disability living allowance or personal independence payment, in which case the leave may be taken

one day at a time or in blocks or multiples of one day.

- A **maximum** of 4 weeks parental leave can be taken in any one year
- The right to a period of unpaid parental leave is available in respect of each child and applies up to the child's 18th birthday.

Parental leave requests **cannot** be postponed by the employer where the leave is immediately following maternity or adoption leave or it means that an employee would no longer qualify for parental leave eg postponing it until after the child's 18th birthday. A request for parental leave should not be postponed unless there is a significant reason eg it would cause serious disruption to the Trust. **NB** Parental leave applies to each child, not an individual's job, subject to eligibility with each employer.

12. Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP)

Shared Parental Leave (SPL) is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents are able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

Each parent qualifies separately for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP).

To qualify for SPL employees must share responsibility for the child with one of the following:

- their husband, wife, civil partner or joint adopter
- The child's other parent
- their partner (if they live with them and the child)

Employees or their partners must also be eligible for maternity pay or leave, adoption pay or leave or to maternity allowance. Employees must also pass the continuity of employment test. In turn, the other parent in the family must meet the employment and earnings test.

Continuity of employment test: the person must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and is still employed by them while SPL is taken.

Employment and earnings test: your partner must have worked for at least 26 weeks in the 66 weeks leading up to the due date (they don't need to be in a row) and have earned above the maternity allowance threshold in 13 of the 66 weeks (add up the highest paying weeks, they again don't need to be in a row).

This can be as an employed or self employed person. Partners don't have to be working at the date of birth or when employees start SPL or ShPP.

Where both parents satisfy these tests they will both be able to share the leave. However, a family can still use SPL even when only one parent actually meets the eligibility criteria. For example, a self-employed parent will not be entitled to take SPL but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

Up to 50 weeks' leave and 37 weeks' pay can be shared between the two parents if the mother (or person getting adoption leave) brings their maternity/adoption leave and pay to an early end. SPL must end no later than one year after the birth/placement of the child.

Employees are eligible for ShPP if one of the following applies:

- Either they are eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP)
- Or they are eligible for Statutory Paternity Pay (SPP) and their partner is eligible for SMP, Maternity allowance or SAP

12.1 Starting SPL or ShPP

To start SPL or ShPP either the mother must end her maternity Leave (for SPL) or her maternity allowance or maternity pay (for ShPP or if adopting then the partner must end adoption leave or adoption pay early instead. This must be either through the mother (or the person getting adoption leave) having either returned to work or given their employer binding notice of the date they plan to end their leave and/ or pay. In the case of Maternity Allowance they must give notice to the job centre. (note they will not be able to restart maternity pay, maternity allowance or adoption pay once its ended).

Employees can start SPL and ShPP while their partner is still on maternity pay or leave, adoption pay or leave or maternity allowance, as long as binding notice to end has been given.

If eligible then employees can take:

- the remaining leave as SPL (52 weeks minus any weeks of maternity or adoption leave)
- the remaining pay as ShPP (38 weeks minus any weeks of maternity pay, maternity allowance or adoption pay).
- If neither parent is entitled to maternity leave or adoption leave, then the SPL will be 52 weeks minus any weeks of maternity pay, maternity allowance or adoption pay.

Parents can share SPL and ShPP between them if they are both eligible.

Agency workers who are entitled to statutory maternity pay or statutory paternity pay are not eligible for shared parental leave but their employed partner may be. Agency workers and or/their partners may be entitled to statutory shared parental pay.

In certain circumstances the mother or adopter may be able to cancel their decision to end maternity or adoption leave early. This can only happen if the planned end date hasn't passed **and** they haven't already returned to work. Additionally one of the following **must also** apply:

- They find out during the 8 week notice period that neither parent/ adopter is eligible for SPL or ShPP
- Their partner dies
- The mother tells her employer less than 6 weeks after the birth (and she gave notice before the birth)

12.2 Applying for Shared Parental Leave and Pay

To get SPL or ShPP employees must follow the rules for starting SPL and ShPP outlined in section 12.1 above **and** give 8 weeks notice of the leave dates.

Employees can change their mind about how much SPL or ShPP they plan to take and when they want to take it but they must give notice of any changes at least 8 weeks before they intend to start the leave.

In addition employees must provide the name and address of their partners employer or a declaration that their partner has no employer

Plus for new babies:

- A copy of the birth certificate or a declaration of the place and date of birth(if the birth hasn't been registered yet)

Or for adoptions:

- Name and address of the adoption agency
- Date you were matched with the child and the date the child will start to live with them

Employees partners must apply to their own employer if they also want SPL or ShPP.

ShPP is paid at a standard rate set by the government or 90% of your weekly earnings whichever is lower. This is at the same rate as Statutory Maternity Pay, excluding the first 6 week SMP pay period.

12.3 Booking Blocks of SPL

Employees can book up to 3 separate blocks of SPL instead of taking it all in one go, even if they aren't sharing the leave with their partner. If their partner is also eligible for SPL, then they can take up to 3 blocks of leave each, at different times, or both at the same time. All leave, in either blocks or continuous, is subject to the same 8 week notice period.

13. Working during adoption or shared parental leave

An employee on adoption or shared parental leave may work up to 10 'keeping in touch' (KIT) days without the period of leave coming to an end. (it should also be noted that working KIT days does not extend the pay or leave period).

In addition an employee on SPL may work up to 20 shared parental in touch (SPLIT) days.

Employees are not obliged to work KIT or SPLIT days, nor is their employer obliged to offer them. Decisions about whether to offer or agree KIT or SPLIT days will be made on a case by case basis by each line manager in consultation with each affected employee. Employees will be paid contractual pay for the hours they work (inclusive of any SMP or OMP that they are receiving). Attending work for part of a day will count as a full day in terms of the 10 KIT day and 20 SPLIT day maximum, although full pay will only be paid for the actual hours worked.

14. Returning to work.

Employees should return to work on the date indicated agreed prior to taking the leave. If an employee wishes to return earlier than this, they will need to provide:

- at least 7 days' notice (if returning from Ordinary Adoption Leave) or
- at least 21 days' notice (if returning from Additional Adoption Leave) of their intention to return.

If an employee does not provide the appropriate notice, their return may be postponed by up to 7 or 21 days (although not beyond the end of their leave).

Unpaid parental leave of up to 4 weeks can be taken immediately following maternity, adoption, paternity or shared parental leave. Where the employee then returns to work, for a period of at least three months for support staff or 13 weeks for teachers, they will not be required to refund money from any occupational maternity, adoption or shared parental paid leave.

Where an employee has received occupational pay for maternity, adoption or shared parental leave and does not return to work, or returns to work but works less than three months for support staff or 13 weeks for teachers, then they will be required to repay in full the additional occupational pay they received according to the conditions set out in the relevant sections.

Employees have the right to return to their job if they take:

- Ordinary maternity leave
- Ordinary adoption leave
- Ordinary paternity leave
- Shared parental leave
- Parental leave of four weeks or less

Employees who take additional adoption/ maternity leave and shared parental leave have the right to return to the same job or a similar job, if it's not possible for them to return to

their job due to restructure proposals.

Serious consideration will be given to all requests for a change in working arrangements and requests will be accommodated where possible. An employee who wishes to change their working arrangements (e.g. number of hours worked, the times worked, the place of work) should raise this as soon as possible before their return from any kind of family leave.

If a redundancy situation arises while an employee is on maternity, adoption, paternity, parental or shared parental leave they have the same rights to consultation as their colleagues.