

**The Heath Family Multi Academy Trust  
Shared Parental Leave Policy (Adoption)**

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<b>Supporting documents, procedures &amp; forms of this policy</b>		

*Where appropriate, this policy should be read in conjunction with the Parental Leave, Maternity, Paternity and Flexible Working Policies*

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## **1. SCOPE AND PURPOSE**

- 1.1 This policy outlines the arrangements for shared parental leave and pay in relation to the adoption of a child. If you or your partner are pregnant or have given birth please see the Shared Parental Leave (Birth) Policy instead.
- 1.2 This policy only applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## **2. WHO IS RESPONSIBLE FOR THE POLICY?**

- 2.1 The Heath Family Multi Academy Trust has overall responsibility for the effective operation of this policy. The Board of Directors has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal.
- 2.2 The Governing Body/Principal have a specific responsibility to ensure the fair application of this policy and ensuring that all staff understand what is expected of them.
- 2.3 All staff are responsible for supporting colleagues and ensuring the success of this policy.
- 2.4 Questions regarding the content or application of this policy should be directed to the Principal.

## **3. DEFINITIONS**

The definitions in this paragraph apply in this policy.

**Partner:** means your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is placed for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** the week the adoption agency notifies you that you have been matched with a child for adoption

#### **4. WHAT IS SHARED PARENTAL LEAVE?**

- 4.1 Shared parental leave (SPL) is a form of leave that may be available where an adoption agency places a child with you and/or your partner on or after 5 April 2015.
- 4.2 It gives you and your partner more flexibility in how to share the care of your child in the first year after the child being placed with you rather than simply taking adoption leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you, and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block.

#### **5. ENTITLEMENT TO SHARED PARENTAL LEAVE**

- 5.1 You may be entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption and you intend to share the main responsibility for the care of the child with your partner.
- 5.2 The following conditions must be fulfilled:
  - 5.2.1 you must have at least 26 weeks continuous employment with The Heath Family Multi Academy 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;
  - 5.2.2 your 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
  - 5.2.3 you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end any adoption leave or statutory adoption pay (SAP).
- 5.3 Either you or your partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.
- 5.4 If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay. You should consider using this before SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.
- 5.5 The total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either you or your partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave).

## **6. OPTING IN TO SHARED PARENTAL LEAVE AND PAY**

- 6.1 Not less than eight weeks before the date you intend your SPL to start, you must give the Principal a written opt-in notice giving:
- 6.1.1 your name and the name of your partner;
  - 6.1.2 if you are taking adoption leave, you adoption leave start and end dates;
  - 6.1.3 if you are not taking adoption leave, your partner's adoption leave start and end dates, or if your partner is not entitled to adoption leave, the start and end dates of their SAP;
  - 6.1.4 the total SPL available, which is 52 weeks minus the number of weeks' adoption leave or SAP taken or to be taken by you or your partner;
  - 6.1.5 how many weeks of the available SPL will be allocated to you and how many to your partner (you can change the allocation by giving the Principal a further written notice, and you do not have to use your full allocation);
  - 6.1.6 if you are claiming statutory shared parental pay (SSPP), the total SSPP available, which is 39 weeks minus the number of weeks of the SAP taken or to be taken;
  - 6.1.7 how many weeks of available SSPP will be allocated to you and how many to your partner (you can change the allocation by giving the Principal a further written notice, and you do not have to use your full allocation);
  - 6.1.8 an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
  - 6.1.9 declarations by you and your partner that you both meet the statutory conditions to enable you to take SPL and SSPP.

## **7. ENDING YOUR ADOPTION LEAVE**

- 7.1 If you are taking or intend to take adoption leave and want to opt into the SPL scheme, you must give the Principal at least eight weeks' written notice to end your adoption leave (a curtailment notice) before you can take SPL. The notice must state the date your adoption leave will end. You can give the notice before or after adoption leave starts, but you must take at least two weeks' adoption leave.
- 7.2 You must also give the Principal, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see paragraph 6 above) or a written declaration that your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice.

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- 7.3 If your partner is eligible to take SPL from their employer they cannot start it until you have given the Trust/School your curtailment notice.
- 7.4 The curtailment notice is binding on you and cannot usually be revoked. You can only revoke a curtailment notice if your adoption leave has not yet ended and one of the following applies:
- 7.4.1 if you realise that neither you nor your partner are in fact eligible for SPL or SSPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given; or
  - 7.4.2 if your partner has died.
- 7.5 Once you have revoked a curtailment notice you will be unable to opt back into the SPL scheme.

## **8. ENDING YOUR PARTNER'S ADOPTION LEAVE OR PAY**

- 8.1 If your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:
- 8.1.1 returned to work;
  - 8.1.2 given their employer a curtailment notice to end their adoption leave;
  - 8.1.3 given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

## **9. EVIDENCE OF ENTITLEMENT**

- 9.1 You must provide on request:
- 9.1.1 One or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
  - 9.1.2 The name and address of your partner's employer (or a declaration that they have no employer).

## **10. BOOKING YOUR SHARED PARENTAL LEAVE DATES**

- 10.1 Having opted into the SPL system you will need to give a period of leave notice telling the Principal the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks

before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim SSPP, if applicable.

- 10.2 If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.
- 10.3 You can give up to three period of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice; see paragraph 12 below) . **[In exceptional circumstances you may be allowed to give more than three period of leave notices but there is no obligation for the Principal to allow you to do so.]**

## **11. PROCEDURE FOR REQUESTING SPLIT PERIODS OF SHARED PARENTAL LEAVE**

- 11.1 In general, a period of leave notice should set out a single continuous block of leave. The Principal 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 to discuss this with your Line Manager/Principal in good time before formally submitting your period of leave notice. This will give the Principal more time to consider the request and hopefully agree a pattern of leave with you from the start.
- 11.2 You must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If it is not possible to agree to your request straight away, there will be a two-week discussion period. At the end of that period, the Principal will confirm any agreed arrangements in writing. If an agreement is not reached, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, you may:
  - 11.2.1 choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell the Principal within five days of the end of the two-week discussion period; or
  - 11.2.2 withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

## **12. CHANGING THE DATES OR CANCELLING YOUR SHARED PARENTAL LEAVE**

- 12.1 You can cancel a period of leave by notifying the Principal in writing at least eight weeks before the start date in the period of leave notice.
- 12.2 You can change the start date for a period of leave, or the length of the leave, by notifying the Principal in writing at least eight weeks before the original start date and the new start date.
- 12.3 You can change the end date for a period of leave by notifying the Principal in writing at least eight weeks before the original end date and the new end date.
- 12.4 You can combine split periods of leave into a single continuous period of leave by notifying the Principal in writing at least eight weeks before the start date of the first period.
- 12.5 You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. The Principal will consider any such request as set out in paragraph 11 above.
- 12.6 A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:
  - 12.7.1 the variation is a result of the child being placed with you earlier or later than the expected placement date;
  - 12.7.2 the variation is at the Principal's request; or
  - 12.7.3 it is agreed otherwise.

## **13. STATUTORY SHARED PARENTAL PAY**

- 13.1 SSPP of up to 39 weeks (less any weeks of SAP claimed by you or your partner) may be available provided you have at least 26 weeks' continuous employment with The Heath Family Multi Academy Trust at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. SSPP is paid at a rate set by the government each year.

## **14. TERMS AND CONDITIONS DURING SHARED PARENTAL LEAVE**

- 14.1 Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

## **15. ANNUAL LEAVE**

15.1 During SPL annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.

15.2 This entitlement applies to all employees including term time only teachers.

15.3 Term Time Only Workers – In order to calculate the entitlement to annual leave it is necessary to carry out a 'Balance of Salary' calculation at the start of the SPL period and a second calculation at the end of your leave period. This calculation takes into account your start date with The Heath Family Multi Academy Trust and the number of completed weeks of the academic year up to the point you start your SPL. The proportion of completed weeks will then be compared to the salary you have been paid for the same period. In most cases this results in a payment of a balance of salary, however, there may be instances where the salary paid exceeds the weeks which have been worked and a recovery of salary is necessary. Once you return to work, a second calculation is carried out to identify whether you are entitled to a payment in respect of annual leave you have accumulated whilst on SPL. (Please note: The date on which you start and end your SPL can significantly affect the balance of salary calculation. Please contact the Trust/School's Business Manager to establish how this is likely to affect you.)

15.4 Teachers – The School Teacher's Pay & Conditions Document/your contract of employment makes no reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 28 days per annum under the Working Time Regulations. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of SPL will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.

15.5 The Heath Family Multi Academy Trust's holiday year runs from 1 September to 31 August.

15.6 If the holiday year is due to end during your absence on SPL, you should ensure that you have taken your full year's entitlement before your paternity leave starts.

## **16 PENSIONS**

16.1 For details of the implication of SPL on your pension please contact the Trust/School's Business Manager who will advise further.

## **17 KEEPING IN TOUCH DURING SHARED PARENTAL LEAVE**

- 17.1 Your Line Manager/the Senior Leadership Team may make reasonable contact with you from time to time during your SPL.
- 17.2 You may work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during your SPL. This is in addition to any KIT days that you may have taken during adoption leave. The arrangements, including pay, would be set by agreement with the Principal. You are not obliged to undertake any such work during SPL.
- 17.3 Shortly before you are due to return to work, the Principal may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:
- 17.3.1 updating you on any changes that have occurred during your absence;
  - 17.3.2 any training records you might have; and
  - 17.3.3 any changes to working arrangements (for example if you have made a request to work part-time).

## **18 RETURNING TO WORK**

- 18.1 You are normally entitled to return to work following SPL to the same job you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.
- 18.2 However, if you have taken any period of SPL and it is not reasonably practicable to allow you to return into the same position, the Governing Body may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
- 18.2.1 if your SPL and any adoption or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
  - 18.2.2 if you took SPL consecutively with more than four weeks of ordinary parental leave.
- 18.3 If you wish to end a period of SPL early, you must give the Principal at least eight weeks' prior written notice of the new return date. If you have already given three

period of leave notices you will not be able to end your SPL early without the Governing Body's agreement.

- 18.4 If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give the Principal a written period of leave notice at least eight weeks before the date you were due to return to work. If you have already given three period of leave notices you will not be able to extend your SPL without the Governing Body's agreement. You may instead be able to request annual leave or ordinary parental leave, subject to the needs of the School.

## **19. DECIDING NOT TO RETURN**

19.1 If you do not intend to return to work or are unsure, it is helpful if you discuss this with the Principal as early as possible. If you decide not to return you should submit your resignation in accordance with your contract of employment. Wherever possible, you should provide as much notice as possible in order to facilitate workforce planning.

19.2 Once you have given notice that you will not be returning to work, you will be unable to change your mind without the Governing Body's agreement.

## **20 RETURNING TO WORK PART-TIME**

20.1 The Principal will deal with any requests by employees to change their working patterns (such as working part-time) after SPL on a case-by-case basis. The Principal will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in the Heath Family Multi Academy Trust's Flexible Working Policy.