

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

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Supporting documents, procedures & forms of this policy		

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 birth of a child. If you are adopting a child please see the Shared Parental Leave (Adoption) 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 THIS 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 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.

Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

Parent: means 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: means a spouse, civil partner or someone with whom you live in an enduring family relationship, but who is not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Qualifying Week: the fifteenth week before the EWC.

4. WHAT IS SHARED PARENTAL LEAVE?

- 4.1 Shared parental leave (SPL) is a form of leave that may be available if your child is expected to be born 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 birth than simply taking maternity and paternity 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 are entitled to SPL in relation to the birth of a child if:
 - 5.1.1 you are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
 - 5.1.2 you are the child's father and share the main responsibility for the care of the child with the child's mother; or
 - 5.1.3 you 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).
- 5.2 The following conditions must also be fulfilled:
 - 5.2.1 you must have at least 26 weeks continuous employment with The Heath 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 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 of at least £30 during 13 of those weeks; and
 - 5.2.3 you and the other parent must give 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.
- 5.3 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).
- 5.4 If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

- 5.5 If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

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 the other parent;
 - 6.1.2 if you are the child's mother, the start and end dates of your maternity leave;
 - 6.1.3 if you are 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;
 - 6.1.4 the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
 - 6.1.5 how many weeks of the available SPL will be allocated to you and how many to the other parent (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 SMP or MA period taken or to be taken;
 - 6.1.7 how many weeks of available SSPP will be allocated to you and how much to the other parent. (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 the other parent that you both meet the statutory conditions to enable you to take SPL and SSPP.

7. ENDING YOUR MATERNITY LEAVE

- 7.1 If you are the child's mother and want to opt into the SPL scheme, you must give the Principal at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth.

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- 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 the other parent has given their employer an opt-in notice and that you have given the necessary declarations in that notice.
- 7.3 The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.
- 7.4 The curtailment notice is binding and cannot usually be revoked. You can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:
- 7.4.1 if you realise that neither you nor the other parent 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;
 - 7.4.2 if you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
 - 7.4.3 if the other parent has died.
- 7.5 Once you have revoked a curtailment notice you will be unable to opt back into the SPL scheme, unless you revoked it in the circumstances in paragraph 7.4.2.

8. ENDING YOUR PARTNER'S MATERNITY LEAVE OR PAY

- 8.1 If you are not the mother, and she is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once she has either:
- 8.1.1 returned to work;
 - 8.1.2 given her employer a curtailment notice to end her maternity leave;
 - 8.1.3 given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
 - 8.1.4 given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

9. EVIDENCE OF ENTITLEMENT

- 9.1 You must provide on request:
- 9.1.1 A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and

- 9.1.2 The name and address of the other parent'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:

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- 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 do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify the Principal in writing of the change as soon as you can.
- 12.4 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.
- 12.5 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.
- 12.6 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.
- 12.7 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 your child being born earlier or later than the EWC;
 - 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 SMP or MA claimed by the mother) 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. ShPP 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.

15.2.1 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 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.)

15.2.2 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.

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

15.4 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 maternity 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 maternity 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.

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- 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.