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## 1. Introduction

- 1.1 The Trust is committed to providing a positive work environment where employees are able to balance their work and personal lives.
- 1.2 The Trust wholeheartedly believes in equality of opportunity for all employees and is committed to eliminating discrimination of any kind, including that arising from parental responsibilities.
- 1.3 This policy reflects the above commitments as well as statutory rights and responsibilities.
- 1.4 Shared parental leave enables eligible parents to share the care of their child during the first year of birth or adoption. It should not be confused with ordinary parental leave, which is an unpaid statutory entitlement as detailed in the Leave of Absence Policy.
- 1.5 This policy applies to all staff. Eligibility for entitlements is stated where applicable.

## 2. Responsibilities

- 2.1 Employees and managers are responsible for fully cooperating with this policy. They must ensure they provide information and/or documentation regarding their shared parental leave and pay as required.
- 2.2 Employees and managers are also responsible for responding to matters relating to shared parental leave without undue delay and in accordance with the principles of this policy.
- 2.3 The People department are responsible for developing, reviewing and overseeing shared parental leave provisions and procedures. They are also responsible for advising both employees and managers of requirements in accordance with this policy.

### **3. Principles**

- 3.1 The Trust understands that shared parental leave and pay provisions can be complex and may cause anxiety for new or expectant parents. The Trust encourages employees to engage in early discussion with their manager and/or the People department to allow uncertainties to be addressed at the earliest possible opportunity.
- 3.2 Shared parental leave allows flexibility regarding which parent is absence from work, allowing both parents to share the care for their child. This includes an option for both parents to be absent from work alternately or at the same time.
- 3.3 Eligible employees are entitled to take continuous periods of leave. Discontinuous periods of leave are subject to consideration and authorisation by the Trust.
- 3.4 The Trust will maintain a reasonable level of contact with an employee during their period of shared parental leave regarding key information and updates. Managers and employees should agree the level and reasons for contact before the shared parental leave commences.
- 3.5 Employment rights are protected whilst an employee is on shared parental leave. An employee's contract and continuity of service will not be affected by shared parental leave whether paid or unpaid.
- 3.6 Employees will accrue their full contractual leave entitlement during the period of their absence. Depending on the shared parental leave arrangement, it may be appropriate to take the leave before or after the shared parental leave period. In some instances, it may be necessary to financially reimburse accrued annual leave, for example in the case of term-time workers.
- 3.7 Any salary amendments arising due to pay awards and increment dates will be applied at the contractual date and will take effect from the date the employee returns to work.
- 3.8 An employee who normally pays pension contributions is required to continue to do so whilst they are in receipt of shared parental pay, regardless of whether they intend to return to work or not.
- 3.9 An employee who takes 26 weeks or less statutory leave, including shared parental leave and/or maternity, adoption, or paternity leave is entitled to return to the same job that they occupied prior to commencing the period of leave on the same terms and conditions.

- 3.10 An employee who takes more than 26 weeks statutory leave, including shared parental leave and/or maternity, adoption, or paternity leave may be entitled to return to the same job. However, if it is not reasonably practicable for the Trust to allow the employee to return to the same job, the employee may be offered suitable alternative work on terms and conditions that are no less favorable.
- 3.11 A fixed term contract may end during the shared parental leave if there is a fair and justifiable reason for non-renewal. In these circumstances the shared parental leave will end on the expiry date of the fixed term contract. The right to shared parental pay will continue if the employee already qualifies for it.
- 3.12 The same redundancy rights apply to all employees including the requirement to consult. Those on shared parental leave have the right to be offered any suitable alternative job if they are selected for redundancy ahead of colleagues, regardless of whether they are the most suitable person for the role.
- 3.13 Employees are eligible to apply for vacant posts whilst they are on shared parental leave regardless of their intended return to work date. Details of vacancies can be found on the Trust's website.
- 3.14 Employees returning from shared parental leave may want to amend their working arrangements. Whilst there is no automatic right to agree amendments to working hours or pattern, the Trust encourages all cases to be considered and approved where this is viable. Where this cannot be informally agreed, employees are able exercise their right to submit a statutory flexible working request (see Flexible Working Policy).
- 3.15 Failure to return to work by the end of any period of shared parental leave will be treated as an unauthorised absence unless the employee has reason to be absent due to sickness or under a provision within another Trust policy. If an employee is sick, they must produce a current medical certificate before the end of the shared parental leave period.
- 3.16 If the employee decides during shared parental leave that they do not wish to return to work, they should give written notice of their resignation to the company as soon as possible and in accordance with the terms of their contract of employment.
- 3.17 The People department will retain confidential records of in accordance with data protection legislation.

#### **4. Notification of Shared Parental Leave**

- 4.1 Employees are encouraged to inform their manager that they intend to take shared parental leave as early as possible. This is particularly the case where this a request for discontinuous periods of absence where consideration will need to be given about how to accommodate a request.
- 4.2 As a minimum, employees should give 8 weeks' notice of any leave they would like to take. This notice period applies to each block of leave where this is discontinuous.
- 4.3 The employee should complete a Shared Parental Leave Application Form (Appendix C) and submit it to the People department by email –

[people@brightonacademiestrust.org.uk](mailto:people@brightonacademiestrust.org.uk) in accordance with the above timescale. This will contain the following information:

- How many weeks maternity/adoption leave will be taken
- How much leave both parents are entitled to take
- How much leave both parents will take
- The start date and duration of any period(s) of leave

The application form must be signed by both parents. It should be submitted to the People department, accompanied by a declaration by the employees' partner that at the time of birth/adoption, they:

- Share the main responsibility of the child with the employee
- Meet the eligibility criteria as shown in section 5
- Consent to the employee taking the number of weeks of shared parental leave as stated on the application form

- 4.4 Within 14 days of receiving the application form, the People department will write to acknowledge receipt and request the following information:

For birth parents:

- A copy of the birth certificate, or a declaration of the place and date of birth (if the birth has not been registered yet)
- The name and address of your partner's employer or a declaration that your partner has no employer

For adoptive parents:

- Name and address of the adoption agency
- Date you were matched with the child
- Date the child will start to live with you
- Name and address of your partner's employer or a declaration that your partner has no employer

The employee must provide this information within 14 days of it being requested.

- 4.5 Shared parental leave may be cancelled if the mother or primary adopter cancels their decision to end maternity or adoption leave. To do this, the planned end date cannot have passed, and they must not have returned to work. Additionally, one of the following must apply:

- It's discovered during the 8-week notice period that neither partner is eligible for either shared parental leave or shared parental pay
- The employee's partner has died
- It is less than 6 weeks after the birth (and the mother gave notice before the birth)

## 5. Eligibility

5.1 For an employee to be eligible for shared parental leave and shared parental pay, both parents must:

- Share responsibility for the child at birth
- Meet work and pay criteria as shown in 6.2 or 6.3, depending on whether one or both parents are intending to take the shared parental leave and pay

5.2 If both parents want to take the shared parental leave and shared parental pay, they must:

- Be employees (not workers)
- Have been employed continuously by the same employer for at least 26 weeks by the 15<sup>th</sup> week before the expected week of childbirth, or in the case of adoption the date that they were matched with a child
- Remain with their employer during the period of shared parental leave
- Receive average earnings of equal or above the National Insurance lower earnings limit (*£123 per week as at April 2022*).

5.3 If either the mother *or* their partner would like to take shared parental leave and shared parental pay, the individual taking the leave must:

- Have been working for at least 26 weeks during the 66 weeks before the expected week of childbirth, or in the case of adoption the date they were matched with a child
- Have earned at least £390 in total across any 13 of the 66 weeks

Additionally, the other parent must meet the criteria of 5.2.

5.4 If the parent who wants to take the leave and pay is a worker (not employee), they are eligible for the shared parental pay but not shared parental leave.

5.5 If the parent who wants to take the leave and pay is an employee who earns less than £123 per week, they can get shared parental leave but not shared parental pay.

## 6. Shared Parental leave

6.1 Shared parental leave (SPL) can commence when a child has been born or placed for adoption. For SPL to begin, the mother/primary adopter must have:

- Returned to work, ending any maternity/adoption leave
- Given their employer 'binding' notice of the date they plan to end their leave.

When binding notice has been given, the other parent may begin SPL whilst they are on maternity or adoption leave.

6.2 SPL is available for up to 50 weeks following the initial 2 weeks after a child is born or placed for adoption.

6.3 SPL can be taken continuously or discontinuously.

6.3.1 Continuous SPL this is a single period of absence. A request from eligible parents cannot be declined.

6.3.2 Discontinuous SPL is an arrangement where an employee can take up to 3 blocks of absence that are interspersed with work. Each period of absence must be a minimum of one week in duration. A request for a discontinuous arrangement is not automatically granted. This will be considered by the Trust and decision will be made as to whether this can be:

- Accepted
- Agreed with a modification, subject to agreement by the employee
- Declined

Whilst every effort will be made to accommodate a request for discontinuous leave, it may not be feasible due to the operational needs of the Trust.

## **7 Shared Parental Pay**

7.1 Shared parental pay (ShPP) is a payment made by an employer on behalf of the Department for Work and Pensions (DWP) to eligible employees during their shared parental leave.

7.2 For ShPP to begin, the mother or primary adopter must give their employer binding notice of the date when they plan to end any maternity or adoption pay. If they are in receipt of maternity allowance, notice must be given to DWP instead.

7.3 ShPP is payable for up to 39 weeks. This is subject to the mother/primary adopter curtaining their statutory maternity/adoption pay and ShPP being claimed for the remaining weeks.

7.4 ShPP is paid at the rate of £156.66\* per week or 90% of average weekly earnings (whichever is the lower)

*\*amount payable as at April 2022*

7.5 The above payments are subject to lawful PAYE deductions including tax, national insurance and pension contributions if applicable. Deductions arising from salary sacrifice arrangements cannot be applied to ShPP, including but not exclusively court orders, child support agency payments, child care vouchers. Employees should contact the Payroll team by email [payroll@brightonacademiestrust.org.uk](mailto:payroll@brightonacademiestrust.org.uk) or by telephone 01424 711925 to discuss their individual queries.

## **8. Shared Parental Leave in Touch Days**

8.1 Employees may carry out up to 20 days' paid work during the period of shared parental leave without affecting their shared parental payments. These are referred to as Shared Parental Leave in Touch (SPLIT) days and are available to both parents. Working for part of a day will count as one whole day in terms of entitlement.

8.2 SPLIT days can be used for any work activity undertaken for the purpose of keeping the employee in touch with the workplace.



- 8.3 SPLIT days are subject to agreement with both the employee and manager. Neither party can insist on these taking place without the others agreement.
- 8.4 If the employee completes SPLIT days, they will receive any shared parental pay due plus payment for the hours worked.
- 8.5 SPLIT days are an additional entitlement to Keep in Touch (KIT) days that are available during a period of maternity/adoption leave.

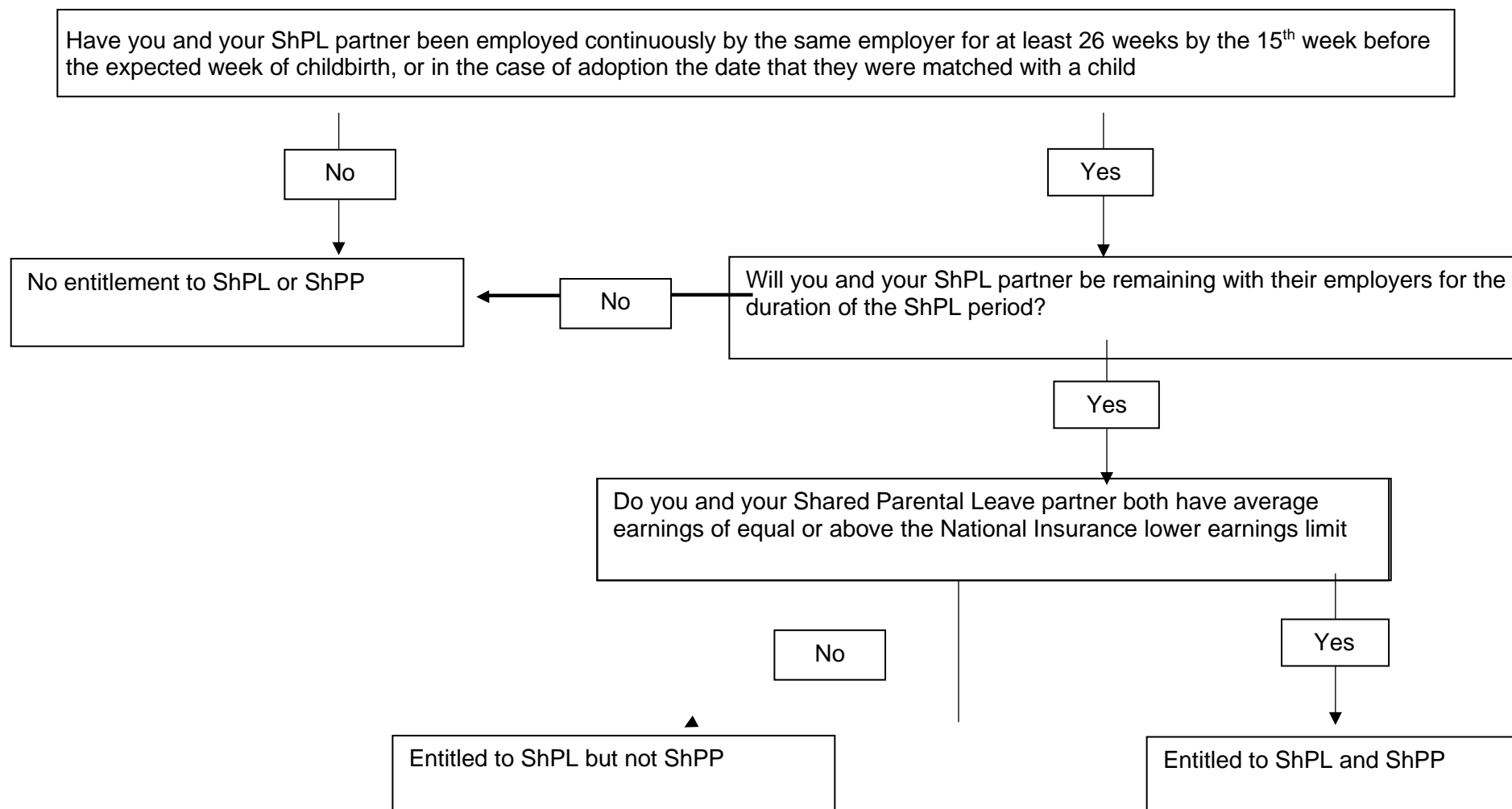
## 9. Returning to work following shared parental leave

- 9.1 Managers should ensure that employees returning from shared parental leave are supported back into the Trust with a return to work plan in place. It is important to ensure that the People department are notified of an employee's return to work as well as any changes to their expected return date.
- 9.2 If employees are anxious about returning to work, as a Trust we encourage them to access our employee assistance programme for support as well as raising their concerns to their manager and to the People department.
- 9.3 If a flexible working request has been made, it is important to note that it will be subject to the provisions of the flexible working policy in terms of seeking agreement for a new pattern being agreed.

## 10. Policy Status and Review

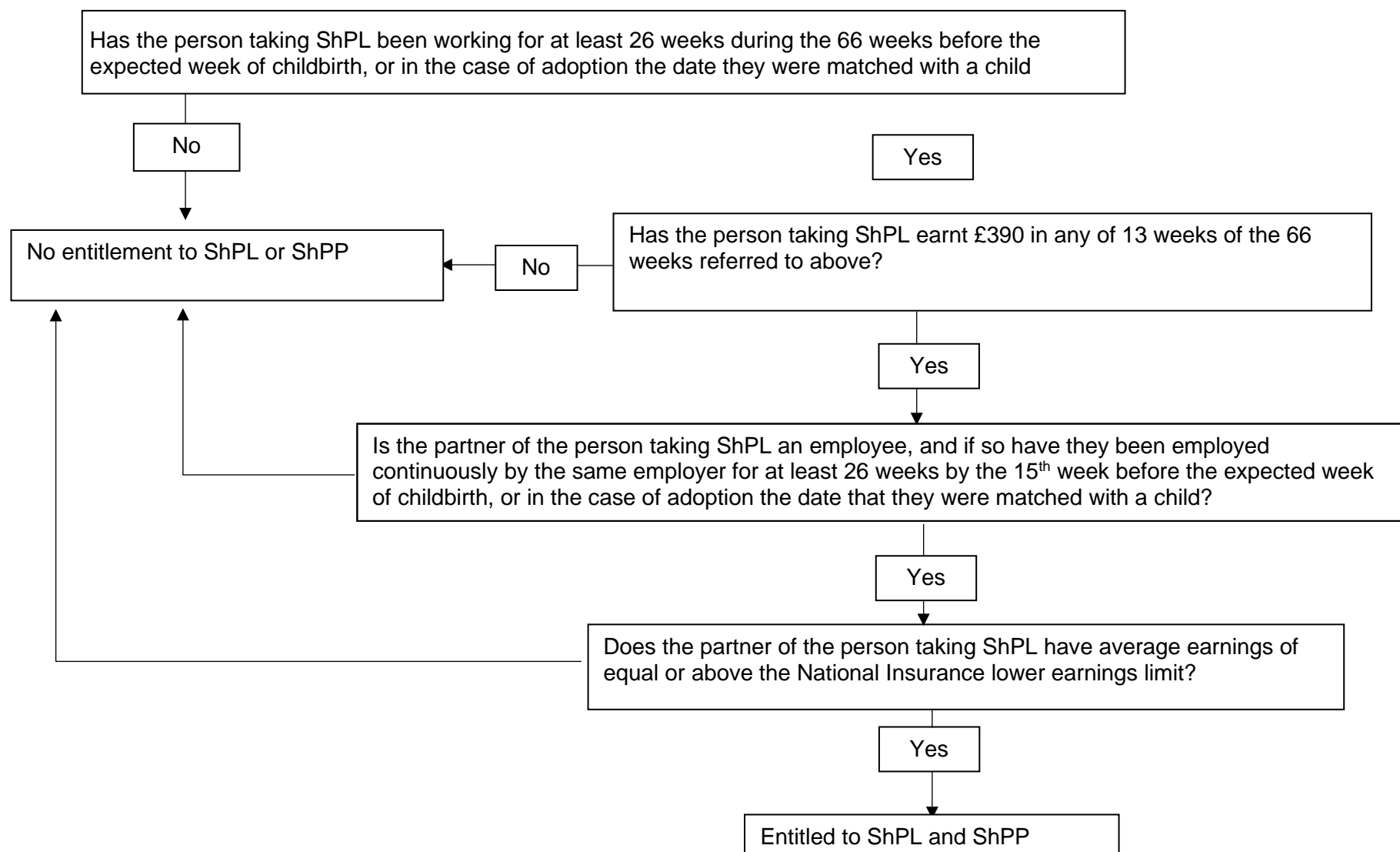
Written by	People Operations Manager		
Owner	Head of People		
Version	V3/2021	Status	TBC
Equality Impact Assessment	Initial Impact Assessment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Full Impact Assessment	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
JCC Consultation date	09/10/2018 – 31/10/2018 September 2021 04.2022 - Updated revised statutory figures		
Approval date	27/11/2018 - Executive Team 18/03/2019 - Updated revised statutory figures 24/02/2020 – Updated revised statutory figures 14 June 2021 – updated revised statutory figures and minor amendments to wording (RHR Committee) 04.2022 - Updated revised statutory figures		
Review date	June 2024		

**Appendix A: Shared Parental Leave Flowchart for cases where both parents want to take Shared Parental Leave**





## Appendix B: Shared Parental Leave Flowchart for cases where one parent wants to take Shared Parental Leave



## Appendix C- Shared Parental Leave Application Form

### Shared Parental Leave

#### Entitlement and Intention to Take Shared Parental Leave

Please complete the details below confirming your intention to take Shared Parental Leave. Please ensure that a 'Notification to End Maternity/Adoption Leave' form has either already been submitted or is submitted with this form.

1) Personal details (to be completed by the employee)	
Full name:	
Academy:	
Position title:	
Home address:	
Home email:	

2) Partners details (please confirm the details of the individual with whom the shared parental leave will be shared with)	
Full name:	
Home address:	
NI number:	
Employer's* Details: (please state if self-employed):	
Name of Employer:	
Address of Employer:	
Contact Name at present employer (e.g. Line Manager or HR):	
Email address for Contact	
Telephone number for contact:	

Please note: The Trust may contact your partners employer to conform the requested period of shared parental leave.

#### Employee Confirmation of Entitlement:

I confirm that (please tick as appropriate):

- I have 26 weeks' service at the 15th week before the expected week of childbirth (EWC) (for statutory purposes)

As relates to the mother or primary adopter:	
Start Date of Maternity/Adoption Leave:	
End Date of Maternity/Adoption Leave:	
End date of SMP/SAP:	
Expected week of childbirth:	
Date of birth / date of adoption (where appropriate):	

***If not already submitted, please attach a copy of the child's birth certificate, adoption matching certificate or MATB1 (if before the child is born) and a copy of the end of maternity/adoption form.***

Employee Commencement of Shared Parental Leave: I wish to exercise my right to shared parental leave as follows:	
Start date of shared parental leave:	
End date of shared parental leave:	
Intended date of return to work:	

**Employee Declaration:**

I confirm that both my partner and I meet the qualification requirements to take Shared Parental Leave (including the employment and earnings test) and we are sharing childcare responsibilities.

I will immediately inform the People department should I cease to meet the conditions of eligibility.

*Please tick this box if your partner is the mother or primary adopter:*

- I consent to the amount of leave that my partner intends to take and that I will immediately inform them should I cease to meet the conditions for eligibility.

Signature:	
Date:	

**Partner's Declaration:**

I confirm that I meet the requirements for Shared Parental Leave (including the employment and earnings test) and by signing this declaration consent for you to contact my employer for any confirmation required.

*Please tick this box if your partner is the mother or primary adopter:*

I consent to the amount of leave that my partner intends to take and that I will immediately inform him/her should I cease to meet the conditions for eligibility.

Partners Signature:	
Date:	

Please send a copy of your application form to [people@brightonacademiestrust.org.uk](mailto:people@brightonacademiestrust.org.uk) and your manager.

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## Appendix D: End of Maternity/Adoption Leave to take SPL form

### Shared Parental Leave- Notification to End Maternity/Adoption Leave

Please complete the details below to confirm that you propose to bring to an end your maternity/adoption leave and pay and start a period of Shared Parental Leave. You must give at least 8 weeks' notice.

Once this form has been submitted, you will receive confirmation of your intention plus the relevant forms to complete to provide details of how you wish to take your shared parental leave, if not already submitted.

1) Personal details (to be completed by the employee)	
Full name:	
Academy:	
Position title:	
Home address:	
Home email:	
2) Confirmation of Maternity / Adoption Leave and Pay Period	
Please confirm the start and end date of your maternity leave and pay period.	
Please note: the end date of the maternity leave period must allow for the 2-week compulsory maternity leave period immediately following the birth.	
Start Date of Maternity / Adoption Leave:	
End Date of Maternity/Adoption Leave:	
Expected week of childbirth:	
Date of birth / date of adoption (where appropriate):	

**Details:** Please provide brief details of how you intend to take your shared parental leave and who this will be shared with.

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**Declaration:**

Please sign below to confirm that your intention to end your maternity leave period and start an application for Shared Parental leave.

<b>Employee (Mother/Primary Adopter) Signature:</b>	
Date:	

Please return the completed form to [people@brightonacademiestrust.org.uk](mailto:people@brightonacademiestrust.org.uk) and to your manager.

<i>Version</i>	<i>v1/2021</i>	<i>Date Updated</i>	<i>03/06/2021</i>
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