

# Shared Parental Leave Policy and Procedures

## Introduction

The Shared Parental Leave Policy is part of our suite of Family Friendly policies, designed to explain the School's positive approach to helping staff balance their family and work commitments, and aligned to the core principle of the School, *ex corde caritas*.

## Policy Aim and Statement

Shared parental leave was introduced to give greater flexibility and more choice to parents about how they can care for their child.

This policy, and the associated procedures, aims to provide clear guidance for parents in relation to statutory shared parental leave, including eligibility, entitlement to take leave, and the processes associated with requesting and taking this leave.

For clarity, this policy is about Shared Parental Leave, not **unpaid** Parental Leave or Paternity Leave which are covered in separate policies.

## Scope

The policy applies to all employees of the School who meet the eligibility criteria regardless of their sex or sexual orientation.

## General Principles

In managing any family friendly leave, the School is committed to ensuring that:

- staff are supported before, during, and after a period of family leave
- we uphold the principles of our Equality, Diversity and Inclusion Policies, Guidance and Procedures at all times
- staff are never treated unfavourably, or dismissed, because they are reasonably taking, or wish to take, any family leave (i.e. maternity, paternity, adoption and surrogacy, parental, or shared parental leave)

## Data Protection

When managing an employee's family leave and/or pay, the School processes personal data collected in accordance with its Data Protection Policy. Data collected from the point at which an employee informs the School that they plan to take any such leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their family leave and/or pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the School's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the School's disciplinary procedure.

## Relevant Legislation

The following legislation is relevant in relation to the School's suite of Family Friendly policies:

Employment Rights Act 1996 (and subsequent amendments)

Equality Act 2010

Maternity and Parental Leave etc. Regulations 1999 (and subsequent amendments)

Paternity and Adoption Leave Regulations 2002 (and subsequent amendments)

## Other Relevant Policies

Adoption, Surrogacy and Fostering Policy

Maternity Policy  
Paternity Policy  
Parental Leave Policy  
Special Leave Policy  
Equality, Diversity and Inclusion Policies, Guidance and Procedures  
Flexible Working Policy  
Grievance Policy and Procedure

### **Effective Date**

The Shared Parental Leave Policy and associated procedures are effective from 6 June 2022. This policy supersedes any previous policies or procedures relating to shared parental leave and pay.

### **Approval and Review**

The Shared Parental Leave Policy has been approved by the Staff Committee of the Governing Council, following endorsement by the Principal's Leadership Team and ICE Committee.

The School will regularly review this policy, and any associated procedures, to ensure that it continues to comply with current employment legislation and the School's operational needs. In line with the HR policy review schedule agreed with the ICE Committee, a policy review will take place at least every two years, or as soon as practicable after any change of relevant legislation.

***Date of next review: Summer 2024***

### **Appendices**

Appendix 1 Shared Parental Leave Procedures  
Appendix 2 Shared Parental Leave process guidance and forms

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Version 2/Issue 1/June 2022

# Appendix 1

## Shared Parental Leave Procedures

### Introduction

The following information clarifies the procedures associated with Shared Parental Leave, including eligibility and entitlement, and the various processes associated with requesting and taking this leave.

If you have any questions regarding any of this information, please do not hesitate to contact the HR Team.

### Definitions

**Child:** Throughout this policy all references to the singular word 'child' also apply in instances of multiple birth, adoptive placement and surrogacy arrangement. A multiple birth, adoptive placement or surrogacy arrangement does not entitle the employee to multiple periods of leave or payment.

**Parent:** is the person who is either the:

- **Mother/lead adopter:** person who is eligible for maternity leave or is eligible for and has elected to take adoption leave.
- **Partner:** this is the person with whom the mother/lead adopter decides to share parental leave. They will have joint responsibility for the care of the child and can be the child's biological father, the mother/adopter's spouse, civil partner or a person who lives with the mother and child in an enduring family relationship.

**SPL:** Shared Parental Leave.

**ShPP:** Shared Parental Pay.

**EWC:** Expected Week of Childbirth is the week, beginning on a Sunday, in which a baby is expected to be born.

**QW:** Qualifying week is the 15th (Sunday to Saturday) week before the EWC.

**Booking Notice:** the form to complete to request a period of SPL (see *Form 3A/B and Form 4A/4B*).

### Shared Parental Leave (SPL) entitlement

SPL allows a mother/lead adopter to shorten their 52 weeks' maternity/adoption entitlement and share the remaining leave with their partner before the first anniversary of their child's birth/placement. This is referred to as curtailment. Any SPL not taken by this date will be lost.

In line with employment legislation, mothers/lead adopters must take 2 weeks of maternity leave immediately following the birth/placement of the child. The remaining weeks of unused maternity/adoption leave (50 weeks) can be used as SPL.

Partners should consider taking their statutory 2 weeks' paternity leave and pay before taking SPL as paternity leave/pay is lost once SPL starts.

Mothers/lead adopters and their partners can take leave at different times, or at the same time. Their partner can start SPL while the mother/lead adopter is still on maternity/adoption leave as long as they have given notice to curtail their leave, which allows their partner to share the leave.

SPL may begin on any day of the week but must be taken in blocks of at least one week.

### Eligibility for shared parental leave

All employees of the School have the right to take SPL provided:

- they have a minimum of 26 weeks' service at the end of the Qualifying Week;
- they share with a partner the main responsibility for the care of their child at the time of its birth/placement;

- the child's mother/lead adopter has curtailed their maternity/adoption leave and pay and opted-in to the SPL scheme;
- they are employed by the School at the start of each period of SPL;
- they comply with the School's notification procedures and timescales; and
- their partner (who may or may not take SPL) meets the **statutory** "employment and earnings" tests.

These links respectively confirm the two current statutory eligibility criteria for birth parents and those for adopters and parents using a surrogate:

a) <https://www.gov.uk/shared-parental-leave-and-pay/eligibility-for-birth-parents>

b) <https://www.gov.uk/shared-parental-leave-and-pay/eligibility-for-adopters>

Each parent qualifies separately for SPL and ShPP. If the mother/lead adopter is not entitled to maternity/adoption leave but is entitled to Statutory Adoption Pay or Maternity Allowance they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks. This is calculated by deducting from 52 the number of weeks of Statutory Adoption Pay or Maternity Allowance taken by the mother.

### Notice Requirements for Shared Parental Leave

Part of the eligibility criteria requires the employee to follow the School's notification process, details of which are contained within Annex A. In addition, employees are encouraged to inform their line manager of their interest in taking shared parental leave at an early stage to enable arrangements to be considered and put in place to cover their absence from work.

Employees have the right to submit up to three notifications, specifying the periods of SPL they wish to take.

Each notification may contain a request for either:

- a single, unbroken period of leave - referred to as '**continuous leave**'; or
- two or more periods of leave, interspersed with periods of work - referred to as '**discontinuous leave**'.

Requests for continuous leave will be granted, provided the required notice is given; requests for discontinuous leave need to be considered by the relevant member of PLT who will assess the impact of the request. Requests for discontinuous leave may be refused in the event that granting the request would be disruptive for the School, pupils, quality or consistency of learning for example.

### Confirmation of Shared Parental Leave

The employee will receive confirmation of SPL within 2 weeks of the booking notice (refer to Form 3) having been received.

If the School cannot accommodate the requested pattern of discontinuous leave, HR will arrange for the employee and their line manager to meet and discuss the leave request and explore alternative arrangements.

This meeting will take place within 2 weeks of the booking notice having been received and will be attended by a member of the HR team, who will confirm the outcome of the meeting to the employee in writing.

If the original request cannot be accommodated, employees may withdraw and/or vary their request for SPL. Further guidance regarding varying or cancelling booked SPL is contained within Appendix 2.

### Shared Parental Pay (ShPP)

A total of 39 weeks' statutory maternity/adoption pay or maternity/adoption allowance is available for the mother/lead adopter. As there is a compulsory maternity/adoption period of two weeks, the mother/lead adopter could share up to 37 weeks' statutory shared parental pay, if eligible, with their partner. The number of actual weeks available will depend on the amount by which the mother/lead adopter reduces their maternity/adoption pay/allowance period.

ShPP is paid at the weekly flat rate set by the Government or 90% of the employee's average weekly earnings, whichever is the lowest.

The current statutory rates can be found on the [GOV.UK Shared Parental Leave and Pay](#) webpages.

### **Eligibility for shared parental pay**

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must satisfy each of the following criteria:

- the mother/lead adopter must have reduced their maternity/adoption pay/allowance period
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun and
- the employee follows the School's notification process.

### **Notice Requirements for Shared Parental Pay**

Notifications for ShPP must be included as part of the notice of entitlement to take SPL.

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

The employee is allowed up to 20 days at work during SPL without affecting the SPL arrangement. These days are known as Shared Parental Leave in Touch (SPLIT) days. SPLIT days may be used for normal work, training or any other activity that allows the employee to keep in touch or up to date for the purpose of their role. Employees will be paid at their normal rate of pay for time spent working on a SPLIT day. Where ShPP is being paid, the difference between the employee's actual daily salary and the daily ShPP rate will be paid for SPLIT days worked.

There is no obligation for an employee to undertake or for the School to provide SPLIT days.

### **Holiday Entitlement**

The employee will accrue holiday entitlement whilst on SPL. Accrued holidays will be based on the employee's annual contractual entitlement, except for teachers, for whom holidays are capped at 40 days per annum (in line with the 2011 COSLA agreement). For part-time staff annual holiday entitlement will be prorated accordingly.

The School reserves the right to manage all holidays accrued during SPL, and will require the employee to take all or part of accrued leave as time off, or may agree to make payment for all or part of this.

The employee may also be entitled to accrued holidays calculated up to the date SPL starts. This entitlement is offset against holidays already taken in the holiday year and where a positive balance remains, the employee will be required to take this time off, or the School may agree to make a payment for this.

### **Pension Contributions**

If the employee is a member of a pension scheme provided through the School, they will continue to make contributions to this at their normal percentage rate, based on ShPP received. Employer contributions will continue to be made at the normal percentage rate, based on annual salary, as though the employee is not on SPL. During any unpaid period of SPL the employee will no longer be able to make pension contributions and employer contributions will stop.

### **Rights during Shared Parental Leave**

During SPL, all terms and conditions of the employee's contract except normal pay will continue.

The School may make reasonable contact with the employee, from time to time, during SPL.

## Returning to work following Shared Parental Leave

The employee has the right to return to the same job when returning from SPL if the period of leave, when added to any other period of SPL, statutory Maternity Leave or Statutory Paternity Leave taken by the employee in relation to the same child, is 26 weeks or less.

If the employee is returning to work from SPL and the period of leave taken is more than 26 weeks, when added to any other period of SPL, Statutory Maternity or Paternity Leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of Ordinary Parental Leave of more than four weeks, or a period of additional Maternity Leave, the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the School to permit a return to the same job, the employee has the right to return to another job, where one exists, that is suitable and appropriate for them.

## Other Leave Entitlements

### Parental Leave

All employees are entitled to up to 18 weeks' **unpaid** Parental Leave per child if they are the birth or adoptive parent of a child who is under 18 years of age. To qualify for Ordinary Parental Leave, employees must have completed at least one year's continuous service with the School. Further details can be found in the **Parental Leave Policy**.

### Paternity Leave

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' Paternity Leave provided that he/she has 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the week in which the child is expected. Further details can be found in the **Paternity Leave Policy**.

## The right to be treated fairly

Employees have the right not to be treated unfavourably or to be dismissed because they are reasonably taking, or wish to take, parental leave.

If an employee feels they have been treated unfavourably, or the policy has not been applied appropriately, they should first consider raising the issue informally with their line manager, PLT member or Human Resources. If the matter cannot be addressed or resolved informally, the School's **Grievance Policy and Procedure** should be used.

## Additional Information

The School is committed to supporting our staff to achieve a successful work-life balance that works for them. We have therefore provided links to some other information and agencies that may be useful for parents.

- **Employee Assistance Programme:** Information for parents provided by Care First as part of our employee benefits offering: <https://www.gwc.org.uk/portal/staff-resources/operations/staff-benefits/>
- **UK Government:** Information on benefits and financial support for families: <https://www.gov.uk/browse/benefits/families>
- **Parenting across Scotland:** partnership of charities (with funding from the Scottish Government) offering support for parents and families in Scotland through their information service and partners' helplines: <https://www.parentingacrossscotland.org/>

Although we try only to give useful sources of support and information, this is not a recommendation or endorsement by the School. We take no responsibility for the content of other websites and the services other organisations or agencies provide.

# Appendix 2

## Shared Parental Leave Process: Guidance and Forms

Before beginning the formal process of applying for SPL/ShPP, employees are encouraged to contact HR who will talk them through the policy and notification steps consisting of:

- Step 1: the mother/lead adopter curtailing their maternity/adoption leave
- Step 2: both parents declaring their intention and entitlement to take SPL
- Step 3: the parents taking the leave booking time-off

Employees should submit all SPL related documentation to HR.

### **Step 1: the mother/lead adopter curtailing their maternity/adoption leave (Form 1)**

Before either parent can take SPL/ShPP, the mother/lead adopter must curtail their existing leave/pay entitlement. The balance of up to 50 weeks' maternity/adoption leave and the balance of up to 37 weeks' maternity/adoption pay can then be shared between the two partners.

If the mother/lead adopter is employed by the School, curtailment will also bring to an end their entitlement to Occupational Maternity Pay.

To curtail their maternity/adoption leave/pay, and opt in to SPL, the mother/lead adopter must either:

- a) Return to work; or
- b) Curtail their maternity/adoption leave/pay at a specified date in the future by completing a Maternity/Adoption Leave Curtailment Notice (**Form 1**)

In both circumstances, the mother/lead adopter must give at least 8 weeks' written notice.

### **Cancelling a Curtailment Notice (Form 1A)**

The mother/lead adopter may only cancel the Curtailment Notice if:

- It was given prior to the birth/placement, and is cancelled within 6 weeks of the birth/placement (in which case the mother/adopter may serve a second Notice at a later date), or
- It is discovered that either parent is not entitled to SPL, for example, because they no longer have responsibility for the care of the child (in which case the mother/adopter has no right to serve a second Notice)
- Their partner dies.

These forms (i.e. Form 1 and if required Form 1A) should be sent to HR who will acknowledge the receipt and notify the appropriate line manager.

### **Step 2: SPL Application Form: non-binding notice of intention and entitlement to take SPL/ShPP (Forms 2A or 2B)**

Employees who wish to take SPL/ShPP, must complete the SPL Application form and send it to HR at least 8 weeks before the first period of requested SPL is due to start.

Form 2A: SPL/ShPP Application Form – mother/lead adopter.

Form 2B: SPL/ShPP Application Form –partner

The mother/lead adopter should ideally submit Forms 1 and 2A at the same time

## Evidence of entitlement

The School will take the declarations made by employees under this policy on trust. Should evidence be required, employees must provide this within 14 days of the School's request.

Employees must let the School know if their entitlements change at any point. Failure to do so may be treated as a disciplinary matter under the School's Disciplinary Policy.

## Step 3: Booking SPL (Forms 3A or 3B or 4A or 4B)

Booking notices must be submitted at least 8 weeks in advance of the first period of SPL/ShPP. Employees can book their leave at the same time as submitting Forms 1 and 2.

Employees have the right to submit **up to three** Booking Notices.

**Form 3** should be used to request one single, **continuous** block of leave. A request for continuous leave will be granted provided it does not exceed the total number of SPL available and is given at least 8 weeks in advance of the start of the SPL.

Form 3A: SPL/ShPP Booking Notification for a continuous period – mother/lead adopter

Form 3B: SPL/ShPP Booking Notification for a discontinuous period – partner

**Form 4** should be used to request multiple, **discontinuous** blocks of leave. A request for discontinuous leave must be considered and authorised and can be refused.

Form 4A: SPL/ShPP Booking Notification for a continuous period – mother/lead adopter

Form 4B: SPL/ShPP Booking Notification for a discontinuous period – partner

## Varying/Cancelling Booked SPL (Form 5)

An employee may vary or cancel a booked period of SPL/ShPP, provided they:

- have sufficient booking notices remaining and
- this is submitted within 8 weeks' written notice of any new period of leave.

Variation or cancellation will normally count as Booking Notice except where:

- the baby is born early
- the School requests a change, to which the employee agrees
- the employee withdraws a request for discontinuous leave within 2 weeks of making the request.

In order to vary and/or cancel a booked period of SPL, the employee must complete **Form 5** Varying/Cancelling Booked SPL/ShPP and send it to the HR team who will acknowledge the receipt and notify the appropriate line manager.

## [Summary of forms - available on the Staff Portal](#)

Form	Title of form
Form 1	Maternity/Adoption Leave Curtailment Notice
Form 1A	Maternity/Adoption Leave Curtailment Cancellation Notice
Form 2A	SPL/ShPP Application Form - Mother/Lead Adopter



Form 2B	SPL/ShPP Application Form - Partner
Form 3A	SPL/ShPP Booking Notice for a Continuous Period - Mother/Lead Adopter
Form 3B	SPL/ShPP Booking Notice for a Continuous Period - Partner
Form 4A	SPL/ShPP Booking Notice for Discontinuous Periods - Mother/Lead Adopter
Form 4B	SPL/ShPP Booking Notice for Discontinuous Periods - Partner
Form 5	Varying/Cancelling Booked Shared Parental Leave