

# 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 colleagues 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:

- colleagues 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
- colleagues 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)
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023

## 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 **June 2024**. This policy supersedes any previous policies or procedures relating to shared parental leave and pay.

### **Approval and Review**

The Head of Human Resources is the owner of this policy.

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.

In line with the agreed schedule, the School will review the Shared Parental Leave Policy at least every two years, or as soon as practicable after any change of relevant legislation, to ensure that the policy and associated procedures continue to comply with current employment legislation and to meet the School's operational needs.

***Date of next review: Summer 2026***

### **Appendices**

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

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Version 3/Issue 1/June 2024

# 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.

**ShPL:** 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 ShPL (*see Form 3A/B and Form 4A/4B*).

### Shared Parental Leave (ShPL) entitlement

ShP 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 ShPL 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 ShPL.

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

Mothers/lead adopters and their partners can take leave at different times, or at the same time. Their partner can start ShPL 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.

ShPL 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 ShPL 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 ShPL scheme;
- they are employed by the School at the start of each period of ShPL;

- they comply with the School's notification procedures and timescales; and
- their partner (who may or may not take ShPL) 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 ShPL 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 ShPL 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 ShPL 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 ShPL. Further guidance regarding varying or cancelling booked ShPL 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](https://www.gov.uk/shared-parental-leave-and-pay) webpages.

## **Eligibility for shared parental pay**

In addition to meeting the eligibility requirements for ShPL, 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 ShPL.

## **Contact during Shared Parental Leave**

The School reserves the right to maintain reasonable contact with employees during Shared Parental Leave. This may be to discuss employees' plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence. The way in which this will be done will be agreed with the employee before their leave begins.

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

The employee is allowed up to 20 days at work during ShPL without affecting the ShPL 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.

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

## **Holiday Entitlement**

The employee will accrue holiday entitlement whilst on ShPL. 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 colleagues annual holiday entitlement will be prorated accordingly.

The School reserves the right to manage all holidays accrued during ShPL, 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 ShPL 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 ShPL. During any unpaid period of ShPL the employee will no longer be able to make pension contributions and employer contributions will stop.

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

Employment rights are protected when colleagues are on various forms of family leave, and so normal contractual terms and conditions generally remain in force, e.g. entitlement to any pay awards and increments due during the leave, accruing annual leave etc. Employment rights applicable to contractual remuneration and pension

contributions may be affected during unpaid family leave. The HR Team is available to answer any questions employees may have regarding their employment rights and contractual entitlements.

### Returning to work following Shared Parental Leave

The employee has the right to return to the same job when returning from ShPL if the period of leave, when added to any other period of ShPL, 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 ShPL and the period of leave taken is more than 26 weeks, when added to any other period of ShPL, 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.

### Redundancy protection for parents

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 extends the previous redundancy safeguards to give pregnant women and new parents greater protection from being made redundant by giving them priority in being offered a suitable available vacancy.

The protections apply to parents as summarised in the following table:

	<b>Start of protection</b>	<b>End of protection</b>
<b>Pregnancy which is followed by maternity leave</b>	The date the School is informed of the pregnancy	The date the employee’s maternity leave starts.  <i>(NB: protection then continues in line with maternity leave, below)</i>
<b>Pregnancy with baby loss before 24 weeks</b> <i>(NB: employees who experience the loss of a baby after 24 weeks are entitled to maternity leave)</i>	When the School is informed of the pregnancy	Two weeks after the end of the pregnancy
<b>Maternity Leave</b>	Start of Maternity leave	18 months after the expected week of childbirth or the child’s actual birth date (if the employee notifies the School of this before the end of the maternity leave period)
<b>Adoption Leave</b>	Start of Adoption leave	18 months after the child is placed with the employee for adoption or enters the country in the case of an overseas adoption
<b>Shared Parental Leave</b>	Start of Shared Parental Leave (ShPL)	18 months after the child was born or placed for adoption provided the employee has taken six or more consecutive weeks of Shared Parental Leave. If they have not, the protection applies only to the period they are on ShPL Leave.

		(NB: if the employee has also taken maternity or adoption leave, those protection periods apply, rather than the ShPL one)
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## 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 colleagues 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.

- **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/>
- **NHS Inform: Ready Steady Baby:** NHS Scotland website giving advice relating to pregnancy, labour and birth, and early parenthood up to 8 weeks <https://www.nhsinform.scot/ready-steady-baby>
- **ParentClub:** Scottish Government website giving tips and advice to help with the highs and lows of parenting, information about baby boxes, as well as a directory of other trusted organisations offering health and wellbeing support (searchable by topic or child's age) <https://www.parentclub.scot/>

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 ShPL/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 ShPL
- Step 3: the parents taking the leave booking time-off

Employees should submit all ShPL related documentation to HR.

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

Before either parent can take ShPL/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 ShPL, 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 ShPL, 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: ShPL Application Form: non-binding notice of intention and entitlement to take ShPL/ShPP (Forms 2A or 2B)**

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

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

Form 2B: ShPL/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 ShPL (Forms 3A or 3B or 4A or 4B)

Booking notices must be submitted at least 8 weeks in advance of the first period of ShPL/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 ShPL available and is given at least 8 weeks in advance of the start of the ShPL.

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

Form 3B: ShPL/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: ShPL/ShPP Booking Notification for a continuous period – mother/lead adopter

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

## Varying/Cancelling Booked ShPL (Form 5)

An employee may vary or cancel a booked period of ShPL/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 ShPL, the employee must complete **Form 5** Varying/Cancelling Booked ShPL/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	ShPL/ShPP Application Form - Mother/Lead Adopter
Form 2B	ShPL/ShPP Application Form - Partner

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

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