



TrustEd CSAT Alliance Shared Parental Leave

This policy has been consulted through the Trust Forum Group, which includes Support Staff and Teacher's representation for all schools within our Trust.

FREQUENCY OF REVIEW: Every two years

COMMITTEE: Personnel Committee

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AUTHOR: Shropshire HR

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Adopted by the Board of TrustEd CSAT Alliance

Signed _____
Chair of Trust Board

Dated _____

Signed _____
Chief Education Officer (CEO)

Dated _____

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TrustEd CSAT Alliance Shared Parental Leave

1. Introduction

This scheme sets out the rights of Trust employees to Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). It is designed to give parents more flexibility sharing the care of their child in the first year following birth or adoption.

If certain qualifying conditions are met, an eligible mother or adopter may choose to reduce their maternity or adoption leave early and opt-in to SPL. In doing so, parents can share up to 50 weeks of leave and up to 37 weeks of pay.

Parents will need to share the pay and leave in the first year after a child is born or placed with their family. SPL can be taken in blocks separated by periods of work or taken all in one go. Parents can also choose to be off work together or stagger the leave and pay.

2. Roles and Responsibilities

The employee has responsibility to formally notify the Headteacher of their intentions to request SPL. The Headteacher has responsibility for ensuring that the employee's request is considered, and for notifying the Trust's payroll provider to ensure accurate payment of salary. Throughout this scheme, it implies that the Headteacher will be the line manager, however this is not always the case and can sometimes be another senior member of staff. Reference to 'Headteacher' throughout this scheme may include Executive Headteacher or Chief Education Officer (CEO) of the Trust.

3. Scope

This scheme refers to all staff employed by the Trust. SPL is an entitlement for eligible parents of babies due or children placed for adoption. This also includes the intended parents in a surrogacy adoption arrangement. The Trust is committed to ensuring that this scheme will be applied fairly and consistently and in a non-discriminatory way, i.e., regardless of:

- Race
- Gender
- Sexual orientation
- Disability
- Religion and belief
- Age
- Contract type
- Trade union membership.

4. Legislation

The right to Shared Parental Leave is a statutory right, introduced by the Employment Relations Act 1999, the Shared Parental Leave (SPL) arrangements are covered in the Children and Families Act 2014, the Shared Parental Leave Regulations 2014.

5. Glossary

SPL – Shared Parental Leave

ShPP – Statutory Shared Parental Pay

SPLIT - Shared Parental Leave in Touch
EDC- Expected week of childbirth
EDP- Expected date of placement
KIT - Keeping in Touch

6. Eligibility criteria for Shared Parental Leave

If a mother or adopter decides not to take their full maternity or adoption leave entitlement, they and the partner will be able to apply for Shared Parental Leave.

Shared Parental Leave can only be used by two people:

- The mother or adopter and their partner who must be,
- the father of the child (in the case of birth) or the spouse, civil partner or partner of the child's mother or adopter who is living with the mother or adopter and the child in an enduring relationship.

Other parental circumstances should be discussed with the Headteacher. The employee should also be able to seek advice from their union as appropriate.

The mother or adopter seeking to take SPL must also satisfy the following eligibility criteria:

- they must be an employee,
- they must have been entitled to maternity or adoption leave and maternity or adoption pay or maternity allowance,
- they already have or expect to share main responsibility for caring for the child at the time of the birth or placement for adoption,
- they must meet work and pay criteria - these are different depending on which parent wants to use the shared parental leave and pay,
- they must have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth (EWC) or expected date of placement (EDP) in the case of adoption. This is known as the continuity of employment test. Employees can check if they will get SPL & ShPP by referring to: <https://www.gov.uk/shared-parental-leave-and-pay/eligibility-for-birth-parents>,
- the employee's partner must satisfy the employment and earnings test. The partner must have been employed or a self-employed earner for at least 26 weeks in the 66 weeks immediately before the EWC or EDP and have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they may be separate or consecutive),
- they must remain continuously employed until the week before any period of shared parental leave starts,
- they must have curtailed their entitlement to maternity or adoption leave or returned to work,
- they must provide formal notification of their intention to take Shared Parental Leave by completing the 'Notification of Entitlement & Intention to take SPL and or ShPP Form' (Appendix A) and provide any evidence requested by the Trust within 14 days of the request.

This may include a copy of the birth certificate, or a declaration from the parents confirming the date and place of the child's birth if the birth certificate is not yet available or matching certificate in cases for adoption, and the name and address of the other parent's employer.

Where both parents satisfy the continuity of employment test requirement, they will both be able to make use of SPL.

The regulations also mean that a family can still use SPL even when only one parent meets all of the eligibility criteria. For example, a self-employed parent will not be entitled to take SPL, but they could still pass the employment and earnings test allowing the other parent in the family to qualify.

7. Duration of Shared Parental Leave

The full maternity or adoption leave period is 52 weeks. However, a mother or adopter must take at least 2 weeks compulsory maternity or adoption leave following the birth or placement of a child. These 2 weeks cannot be shared.

The mother or adopter can choose to end their maternity or adoption leave at any stage during the 50 weeks. The proportion of maternity or adoption leave, which is untaken by the mother or adopter, may, in effect, be converted into SPL. The remaining weeks may be shared between both eligible parents.

SPL only becomes available once the mother or adopter has given notice to end their entitlement to maternity or adoption leave. SPL must end before the child is 1 year old, or within 1 year of the child being placed for adoption (including adoption of a child entering the UK).

Parents may choose how to split up the remaining weeks of leave between them. The mother or adopter may return to work for part of the time, whilst the partner takes SPL, the parents could decide to be off work at the same time or request to take it in turns to have periods of leave to look after the child. The leave can be taken by the parents separately or at the same time, subject to the following requirements:

- the minimum period of leave must be at least 1 week,
- the leave must be taken in multiples of complete weeks, and
- the leave may be taken as 1 continuous period or,
- leave may be taken as discontinuous periods, subject to approval by the Headteacher.

The mother or adopter can return to work after maternity or adoption leave and take SPL at a later date or dates (subject to the notice requirements explained below). Similarly, the partner can take SPL at any time. It does not need to start as soon as the mother or adopter has given notice to curtail their entitlement to maternity or adoption leave or returned to work. A mother or adopter does not have to have completed their maternity or adoption entitlements for SPL to start for their partner. Provided the mother or adopter has given advance notice reducing their maternity or adoption entitlements, their partner can start to take SPL.

SPL can also be taken when the other partner is on another type of leave, such as paternity leave or unpaid parental leave.

8. Eligibility for Shared Parental Pay

Subject to eligibility, employees are entitled to up to 39 weeks of statutory maternity or adoption pay or maternity allowance during maternity or adoption leave. Employees eligible for SPL will receive statutory maternity or statutory adoption pay or maternity allowance for the first 2 weeks of absence. The remaining entitlement of 37 weeks may be transferred into Shared Parental Pay (ShPP) if the mother or adopter gives notice to end their maternity or adoption entitlement before they have received it all. ShPP may be payable during some or all of the SPL, depending on the length and timing of the leave.

If both parents qualify for ShPP they must decide who will receive it, or how it will be divided, and they must each inform their employer of their entitlement.

The mother or adopter seeking to claim ShPP must also satisfy the following criteria:

- they must be/have been entitled to statutory maternity or adoption pay or maternity allowance, and must have reduced their maternity or adoption pay period or maternity allowance period,
- they must have average weekly earnings for the period of 8 weeks leading up to and including the 15th week before the EWC/EDP of not less than the lower earnings limit in force for national insurance contributions (£123 from April 2022),
- they must intend to care for the child during each week that ShPP is payable,
- they must remain in continuous employment until the first week of ShPP has begun,
- they must give proper notification. A declaration signed by their partner should confirm.
 - their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee,
 - (when the partner is the mother or adopter) they must confirm that they have reduced their maternity or adoption pay or maternity allowance,
 - (when the partner is the mother or adopter) they must immediately inform their partner if they cease to satisfy the eligibility criteria who should notify their Headteacher/or line manager.

Rate of Shared Parental Pay

Shared Parental Pay (ShPP) is paid for a maximum of 37 weeks at the **lower** of the statutory prescribed rate (£156.66 per week at April 2022, as at the same for statutory maternity and adoption pay) or 90 per cent of the relevant parent's normal weekly earnings (subject to the lower earnings limit), throughout the leave period. The remaining 13 weeks of SPL are unpaid.

Unlike with statutory maternity or adoption pay, there is no provision for the first 6 weeks to be paid at 90 per cent of the parent's actual weekly earnings. This is the case even if the mother or adopter returns from maternity or adoption leave after only 2 weeks, during the period where the higher level of maternity or adoption pay would have been available to them.

Where both parents are employees of the Trust taking SPL, they will both be paid the same rate of ShPP.

If an employee's employment comes to an end while they are still entitled to outstanding ShPP, then any remaining weeks will usually remain payable unless they start working for someone else.

BIS www.gov.uk has published an online calculator for prospective parents to help them work out their leave, including SPL.

9. Process for Requesting Shared Parental Leave

9.1. Informal discussions

An employee considering SPL should contact their Headteacher for an informal discussion as soon as possible to talk about their plans and to enable the school/Trust to support them with their request.

The purpose of the meeting is to discuss in detail the request of the leave proposed and what will happen while the employee is away from work. Where there is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to both parties and what the outcome may be if no agreement is reached. Although it is not a formal meeting, a workplace colleague, trade union representative or even a personal friend or family member may accompany the employee. If necessary, the meeting can be held over the phone.

If it is not possible to agree to the request immediately there may be a discussion period of 2 calendar weeks. After that time, any agreed arrangements will be confirmed in writing by the Headteacher.

9.2. Completion of Shared Parental Leave Form

The mother or adopter must give their employer 8 weeks' notice to end their entitlement to maternity or adoption leave early, by completing the 'Notification of Entitlement & Intention to take SPL and or ShPP Form' (shown in Appendix A), which will then enable both parents to take advantage of SPL.

Additionally, if one or both parents wish to take SPL they should notify their employer, so each employer has at least 8 weeks' notice before the start of the first period of SPL.

The employee should give prior consideration to how the leave may be taken, either as a continuous block of leave or discontinuous leave.

This notice can be given before the birth or when a child is placed, however, the mother or adopter is able to revoke the notice up to 6 weeks after the birth or when the child is placed. This may be necessary if an unplanned situation arises following the birth of the child or when the child is placed. If it is submitted after the birth or when a child is placed, the notice is binding.

It will be beneficial to both the employee and employer if the planning and curtailing leave is booked in advance of the commencement of maternity or adoption leave, so that the number of weeks of maternity or adoption leave to be taken is clear.

Parents may vary the amount of SPL they intend to take by giving written notice to their employer; as long as this is done before the formal 'Shared Parental Leave Form' has been submitted (see sections 6 & 7).

Only three SPL forms in total can be given by each parent, including requests to vary a period of leave that has already been arranged.

9.3 Responding to a Shared Parental Leave request

The school may, within 14 calendar days of the 'notification of entitlement' form being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead),
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth),
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

9.4. Agreeing the outcome

The agreed outcome will vary depending on the pattern of leave that has been requested.

- **Continuous periods of shared parental leave:**

If an employee simply requests one period of continuous SPL, the employee is entitled to take that period of leave. The Headteacher cannot refuse this request provided the employee meets the eligibility criteria above.

- **Discontinuous periods of shared parental leave:**

Agreement must be reached whereby an employee requests discontinuous periods of SPL meaning there are 2 or more periods of leave separated by periods at work. Headteachers may be willing to consider separate periods of leave (of at least 1 week) with periods of work in between. It may be possible to take up to 3 separate blocks of SPL. It is best if the employee discusses this with the Headteacher before submitting any formal forms. Each request for discontinuous leave will be considered on a case-by-case basis and will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

Within 2 weeks of the date of the 'booking leave notice' form the Headteacher manager may:

- agree to the periods of leave requested,
- propose alternative dates, or
- refuse the leave without proposing alternative dates.

If the parties can agree the periods of leave within this 2-week period then the employee is entitled to take that leave on the agreed dates. If the parties cannot agree the periods of leave then the employee may either withdraw the request or take the total amount of leave requested as one continuous period of leave. The default position is that leave should be taken in a single block commencing on a date specified by the employee but with at least 8 weeks' notice to the employer. If the request is withdrawn at any time on or before the 15th day after making the request, it does not count towards one of the employee's three requests.

If no agreement is reached, the employee will be entitled to take the full amount of requested SPL in one block, starting on the start date given in the notice (for example, if the employee requested 2 separate periods of 6 weeks each, he or she will be entitled to one 12-week period of leave). Alternatively, the employee may choose a new start date (which must be at least 8 weeks after the original leave notice was given) or withdraw his or her leave notice and submit a new one.

10. Varying Shared Parental Leave

10.1. Change in employees' circumstances

Parent's circumstances may change after periods of SPL have been arranged. The parents may vary (a later or earlier date), cancel or postpone the amount of SPL they intend to take by giving written notice to their employers. Staff must give the Headteacher at least 8 weeks' written notice of a change in the planned arrangements by completing a new 'booking leave notice' form and giving the start and end dates of the new periods of leave requested.

If less than 8 weeks written notice is given to vary a period of leave before either parent is due to start the leave, the Headteacher may still insist the employee takes the period of leave. This leave must be treated as SPL and will start on the same date that the planned SPL was due to start. This is because arrangements to cover the absence may be difficult to change at short notice. Therefore, the SPL will either end on the same end date, or eight weeks from the date the Headteacher/or line manager is informed of the change in circumstances, whichever is earlier.

The Headteacher should notify the Trust's payroll provider who will reply in writing within 14 days of receiving the 'Shared Parental Leave Request form', confirming the dates and pay details as agreed with the Headteacher.

If the curtailment notice was given before the birth or matching date it can be revoked up to eight weeks after it was given, or up to 6 weeks after the birth or matching date, whichever is later. Additionally, when a change is requested because the baby is born or matched earlier than expected or as a result of the school's request, and the employee agreeing to this change, it will not count as a further notification.

11. Shared Parental Leave In Touch Days and Keeping Contact

Shared Parental Leave in Touch, (SPLIT) days, enable parents taking SPL to keep in touch with their employer whilst taking SPL. They are in addition to the Keeping in touch (KIT) days available for employees on statutory maternity or adoption leave. Each parent is entitled to 20 SPLIT days each under SPL.

It is not compulsory for employees to work any SPLIT days if they do not wish to, and they are to be mutually agreed with the Headteacher. SPLIT days may include attending work to help reintegrate the employee, attending an appraisal meeting or attending training sessions. SPLIT days may be worked without losing any entitlement to ShPP. Any work carried out on a day will constitute a day's work, at a rate agreed with the Headteacher.

Additionally, the Headteacher reserves the right to remain in reasonable contact with the employee. This may be to provide updates on any developments or important events taking place within the school. The employee should also be notified of any job vacancies within the school. Additionally, the Headteacher may make contact to discuss arrangements for returning

to work. Contact may be by email or phone on a monthly basis, or as agreed prior to the commencement of SPL.

12. Returning to Work

The Trust's payroll provider will write to the employee to formally advise them of their SPL end date and the date of return to work date. If the employee is unable to attend due to sickness or injury the normal reporting arrangements must be followed and the Trust's Managing Attendance Policy will apply. A late return to work without prior agreement will be treated as unauthorised absence under the disciplinary procedure.

If the employee decides that he or she does not wish to return to work they should give notice of resignation in accordance with their contract of employment.

If the employee wishes to return earlier than expected, they should give at least 8 weeks written notice to the Headteacher requesting a variation. This will count as one of the 3 variations.

13. Protections for Employees Taking Shared Parental Leave

As with maternity, adoption and paternity leave, protections are in place for employees who take SPL to ensure that they are not disadvantaged by taking this leave. Employees who take SPL are entitled to the benefits of all terms and conditions of employment, except remuneration, which would have applied if they had not been absent. Annual leave will continue to accrue, which should be taken in the year that it accrues. However, any equipment, which is provided for undertaking the role, i.e., a mobile phone, which is essential to the role, will be handed in for use by the cover replacement.

Employees are entitled to return to the same job if they have taken leave of 26 weeks or less, regardless of how many periods of leave they have taken. Employees who take more than 26 weeks' leave have the right to return to either the same job, or a similar job if it is not reasonably practicable to return to the same position, on the same terms and conditions of employment as if they had not been absent.

Employees also have protection against dismissal or detriment for making or proposing to make use of the new SPL system. All SPL requests must be treated fairly and consistently.

14. Accrual of Annual Leave

Support staff working a full year continue to accrue annual leave during their SPL. Prior to commencing SPL, support staff should take the leave they have accrued to date. Leave continues to accrue during paid and unpaid SPL. If a full year of SPL is taken there is a possibility that there will be insufficient time available to take the remaining annual leave entitlement within the same leave year. Annual leave can therefore be carried over into the next leave year in order to manage the situation.

Support staff working term time only do not have a right to contractual paid annual leave, however, there is a right to a statutory entitlement under the Working Time Regulations which is 5.6 weeks (28 days) which needs to be pro rata for term time only and part time staff. **This entitlement to annual leave is not in addition to the school closures.** This entitlement to leave is paid in equal amounts each month. The annual leave year starts 1 September and leave is taken during the normal school closure.

An employee commencing SPL is entitled to take 28 days annual leave (pro rata for term time and part time staff) which should be taken before maternity leave commences or after returning from SPL. The leave should be taken during school closure periods.

There are 13.2 weeks (66 days) during school closure periods within the annual leave year when the 'statutory' leave can be taken:

	School Closure Days	
October	5 days	(1 week)
December	10 days	(2 weeks)
February	5 days	(1 week)
March/April	10 days	(2 weeks)
May	5 days	(1 week)
July	10 days	(2 weeks)
August	20 days	(4 weeks)
Plus May bank holiday	1 day	(0.2 week)
	66 days	13.2 weeks

If, there is insufficient school closures before commencing SPL or after the return from SPL for the full entitlement of leave to be taken, the employee will be allowed to take leave in term time.

An employee may not obtain payment in lieu of untaken annual leave instead of taking the leave during the leave year. If however, the employee resigns SPL a portion of leave may be paid. Employment Services will assess each employees' entitlement on a case by case basis.

15. Pensions

LGPS

Support staff who pay into the Local Government Pension Scheme (LGPS) will continue to have pension contributions deducted whilst receiving additional or statutory pay. The contribution rate will be based on the amount of pay that the employee is receiving. Pension contributions will not be made during periods of no pay.

An employee in the LGPS may wish to elect to pay Shared Cost Additional Pension Contributions (SCAPCS) to cover the 'lost' pension for the unpaid maternity leave. The employer covers 2/3rds of the cost and the employee covers 1/3rd. If the employee wishes to do so they must exercise their right up to 30 days after the return to work, by contacting the Pensions Team on 01742 252130 to arrange this. If this right is not exercised within 30 days of returning from SPL, the alternative option is to consider an Additional Pension Contribution (APC), which is solely funded by the employee.

For further advice related to SPL and pension contact the LGPS Pensions Team on 01743 252130 or by email pensions@shropshire.gov.uk or visit the web site www.shropshirecountypensionfund.co.uk

Teachers Pensions

An employee who is a member of the Teachers' Pension Scheme, will continue to pay contributions on any contractual and/or statutory shared parental pay which is paid. Although the contributions may be deducted on reduced levels of pay, service for pension purposes continues to accrue during this period as though the teacher was still working their normal hours.

Any period of unpaid shared parental leave will count as an absence from pensionable employment and will be reflected in the teacher's service record held by Teachers Pensions as days excluded from service. For further information teachers should contact either payroll provider or Teachers Pensions direct <https://www.teacherspensions.co.uk/>

16. Childcare Vouchers and Tax Free Childcare (TFC)

The Government's Childcare Voucher salary sacrifice scheme, enabled employees to 'sacrifice' their salary in exchange for childcare vouchers and do not pay tax or national insurance on the number of childcare vouchers they receive. The Government closed this scheme to new entrants from 4th October 2018, and existing users can only continue to remain in the scheme if they remain with the same employer. Therefore, anyone not already registered with a Childcare Voucher scheme as at 4th October 2018 will need to access the Government's new support scheme for working parents called, Tax Free Childcare (TFC). Employers have no role in the administration of TFC and employees apply directly for this via gov.uk website; www.gov.uk/tax-free-childcare

17. Union Membership

Employee's paying union subscription via a payroll deduction can continue to do so as long as there is sufficient salary to cover the monthly subscription. The subscription cannot be deducted from a statutory payment. Employees are advised to contact their Union on this matter.

Unison: 01743 252951 or 01743 252952
NEU: 07498923634
NASUWT: 07920532467
GMB: 01827 66001
NAHT: 01743 282360

18. Associated Trust Policies

Adoption and Surrogacy Adoption Scheme
Managing Attendance Policy – Sickness Absence
Managing Attendance Policy – Special Leave
Paternity Leave Scheme
Maternity Leave Scheme for Support Staff
Maternity Leave scheme for Teachers
Parental Leave Scheme
Flexible Working Policy

19. Monitoring and Review

Trustees will monitor the outcomes and impact of this policy on an a bi-annual basis in conjunction with school representatives and will discuss revisions with their HR provider.

Appendices

Appendix A: Employee's notification of entitlement and Intention to take SPL and/or SHPP

Appendix B: Notification of Shared Parental Leave Booking Form

EMPLOYEE'S NOTIFICATION OF ENTITLEMENT AND INTENTION TO TAKE SHARED PARENTAL LEAVE (SPL) AND/OR SHARED PARENTAL PAY (SHPP) FORM

Instructions for completing this form

If you wish to take Shared Parental Leave (SPL), you should complete *all* of Sections One and Two of this form. In addition, if you wish to claim Shared Parental Pay (ShPP), you should also complete Section Three of this form. The completed form should be returned to your Headteacher/or line manager at least 8 weeks before the date on which you wish to start your SPL.

In addition to this form, you must sign and complete a Notification to Curtail Maternity/Adoption Leave, which confirms when you wish to bring your maternity/adoption leave to an end with a view to taking SPL.

To confirm a period of SPL, you will be required to complete a Notification of Shared Parental Leave Booking Form.

If you are unsure of your eligibility to take SPL or claim ShPP, contact your Headteacher/or line manager in the first instance.

Section One: Your details (complete *all* boxes and declaration)

Your full name	<input style="width: 95%;" type="text"/>
Spouse/Partner's name	<input style="width: 95%;" type="text"/>
Child's expected week of birth (EDC) /expected date of placement (EDP)	<input style="width: 95%;" type="text"/>
Child's actual date of birth/actual matching date <i>[If you are completing this before your child is born, you must provide us with this information as soon as possible and in any event before the start of your SPL]</i>	<input style="width: 20%;" type="text"/>

Declaration by the mother/adopter

I declare that:

- I had, or will have, at the date of the child's birth/matching date, the main responsibility (disregarding the responsibility of the father, spouse or my partner) for the care of the child
- I understand that I must inform you immediately if I cease to care for the child
- all the information I have given in this notice of entitlement is accurate to the best of my knowledge.

Signed	<input style="width: 95%;" type="text"/>
Print name	<input style="width: 95%;" type="text"/>
Date	<input style="width: 95%;" type="text"/>

Details of your spouse/partner

Surname	<input style="width: 95%;" type="text"/>
First name(s)	<input style="width: 95%;" type="text"/>
Address	<input style="width: 95%;" type="text"/>
Postcode	

[Choose one of the following two options]

National Insurance number	<input style="width: 75%; text-align: center;" type="text"/>
---------------------------	--

[OR

I declare that I do not have a National Insurance number

Declaration by the father/mother's spouse/partner

I declare that:

- I had, or will have, at the date of the child's birth/matching date, the main responsibility (disregarding the responsibility of the mother, adopter) for the care of the child
- I have been engaged in employment as an employee, worker or a self-employed earner for any part of the week in the case of at least 26 weeks of the 66 weeks immediately preceding the expected week of birth (as given above)
- during 13 of those 66 weeks, I had, or will have, weekly earnings that are not less than the "maternity/adoption allowance threshold"
- I consent to the mother's/spouse/partners employer processing the information in this declaration, the information in the father/partner's/adopter's declaration in Section Two if I have signed it, and the information in the father/mother's partner's/spouse's/adopter's declaration in Section Three if I have signed that.

Signed

Print name

Date

Section Two: Dates for SPL

This section should be completed if you intend to take SPL. These dates are non-binding and as such you may change your mind at a later date. You must complete the boxes below together with the following declarations. To confirm these dates, when you are ready to do so, you must complete the separate Notification of Shared Parental Leave Booking Form.

The date you started or will start your statutory maternity/adoption leave

The date on which you ended or will end your statutory maternity/adoption leave

The total number of weeks of SPL available

[Where you are entitled to maternity/adoption leave, this is 52 weeks less any maternity/adoption leave you have taken or plan to take before commencing SPL. The law requires that you must take a minimum of 2 weeks maternity/adoption leave (or a minimum of 4 weeks where you work in factory)]

The number of weeks of SPL you intend to take

The number of weeks of SPL the father/spouse/partner/adopter intends to take

I intend to take SPL on the following dates.

From To

From To

From To

From To

Declaration by the mother/adopter in relation to SPL

I declare that:

- I am an employee of the Trust.
- I was, or will have been, in continuous employment with the organisation for the 26-week period ending with the week immediately preceding the 14th week before the expected week of birth of the child (as confirmed above) /matching date.
- I will remain in continuous employment with my employer from the end of that 26-week period until (and including) the week before any period of SPL that I take.
- I am or will be entitled to statutory maternity/adoption leave in respect of the child.
- I have ended, or will, before any period of SPL that I take, have ended my entitlement to statutory maternity/adoption leave in respect of the child.
- I will immediately inform the School if, at any point during the year commencing with the birth of the child/adoption of the child, I cease to care for the child.
- all the information I have given in this notice of entitlement is accurate to the best of my knowledge.

Signed

Print name

Date

Declaration by the father/mother's spouse/partner/adopter in relation to SPL

- I am:
 - (or will be) the father/adopter of the child
 - married to the mother/adopter
 - the civil partner of the mother/adopter
 - the "partner" of the mother/adopter

(I live with the mother/adopter, and live/will live with the child, in an enduring family relationship, but am not the mother's child, parent (including adoptive or former adoptive parents), grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece or nephew)
- I consent to the amount of SPL which the mother/adopter intends to take, as set out above.

Signed

Print name

Date

Section Three: ShPP

This section should be completed if you wish to claim ShPP. You must complete the boxes below together with the following declarations.

The total number of weeks of ShPP that you would be entitled to claim if the father/spouse or partner claimed no ShPP at all

Of that total number of weeks, the number of weeks in respect of which you intend to claim ShPP in respect of the child

Of that total number of weeks, the number of weeks in respect of which the Father/Spouse/Partner intends to claim ShPP in respect of the child

The weeks during which you intend to claim ShPP in respect of the child

From

To

From

To

From

To

Declaration by the mother/adopter in relation to ShPP

I declare that:

- I was, or will have been, in "employed earners employment" with my employer (by which I mean working for in a capacity in relation to which Class 1 National Insurance contributions must be paid) for the continuous 26-week period ending with the week immediately preceding the 14th week before the expected week of birth of the child (the date entered above)/matching date.
- for the last eight weeks of that 26-week period, my normal weekly earnings were at least equal to the "lower earnings limit"
- I will remain in that "employed earners employment" with my employer continuously from the end of that 26-week period until (and including) the week before the first week in which I claim ShPP
- I became, or will become, entitled to statutory maternity/adoption pay in respect of the child
- the maternity/adoption pay period in respect of the child has been reduced, or will have been reduced before I claim any ShPP, and will continue to be reduced during any periods in which I claim ShPP
- the maternity/adoption pay period in respect of the child began, or will begin on [Enter date]
- the maternity/adoption pay period is, or will be, reduced by [Enter number] weeks
- I will immediately inform the organisation if, during or between any periods in which I claim ShPP, the maternity/adoption pay period in respect of the child ceases to be reduced
- I intend to care for the child during each week in respect of which ShPP is paid to me
- I will be absent from work during each week in respect of which ShPP is paid to me, except:
 - where I have arranged to work a SPL keeping in touch day
 - where I do work that is permitted under one of the exceptions which the law provides
- I will be on SPL during each week in respect of which ShPP is paid to me.

Signed

Print name

Date

Declaration by the father/mother's spouse/partner in relation to ShPP

I consent to the overall amount of ShPP which the mother intends to claim, and the period or periods during which she intends to claim it, as set out above.

Signed

Print name

Date

Once you have completed all necessary sections of this form, you should retain a copy of and return the original form to your Headteacher/line manager.

Headteacher should check the form and pass to the Trust's Payroll Provider (Employment Services, The Shirehall, Abbey Foregate, Shrewsbury, or scan and email to Myview.payroll@shropshire.gov.uk)

NOTIFICATION OF SHARED PARENTAL LEAVE BOOKING FORM

Instructions for completing this form

This form should be used where you wish to book a period of Shared Parental Leave (SPL) or where you wish to vary an existing booking.

Any notice booking SPL must be given *at least eight weeks* before the first period of leave is due to start.

If you have not already submitted the Notification of Entitlement for Shared Parental Leave and/or Shared Parental Pay Form, then you must do so at the same time as completing this form.

Note: You are unable to start a period of SPL before the child is born/matched or before the end of the Compulsory Maternity/Adoption Leave Period. Additionally, you must have completed and returned the Notification of Curtailment of Maternity/Adoption Leave and Maternity/Adoption Pay form.

Furthermore, any period of SPL must end on or before the date of the child's first birthday/anniversary of matching date.

You are entitled to submit three Notification of Shared Parental Leave Booking forms. Any request to vary a previous booking will be counted as one such Notification.

Once you have completed all necessary sections of this form, you should retain a copy of and return the original form to your line manager.

Headteacher should check the form and pass to the Trusts' Payroll provider (HR Employment Services, The Shirehall, Abbey Foregate, Shrewsbury, or scan and email to Myview.payroll@shropshire.go.uk)

Your details

Surname First name(s) Address Postcode

[Choose one of the following two options]

[Dates of SPL

Please take this as notification that I wish to take the following periods of SPL.

From To From To From To From To From To From To

[OR

Variation of Dates of Shared Parental Leave

I refer to my Notification of Shared Parental Leave Booking form dated [Enter date] and confirm that I wish to vary the dates of shared parental leave as follows.

From To

From To

From To

From To

From To

This is my first/second/third [*delete as applicable*] Notification of Shared Parental Leave Booking Form.

Signed

Print name

Date

TrustEd CSAT Alliance Shared Parental Leave Frequently Asked Questions

Qu. Please give me some ideas about possible shared parental leave arrangements?

Ans. The Government has provided some examples of how parents could share the parental leave:

- The mother or adopter could take the first eight months, with the father/partner taking the remaining four months.
- The mother or adopter could return to work for a period in the middle of the year with the father/partner looking after the child for that time.
- The parents could both stay at home together with the child for up to six months.
- Both parents can take SPL at the same time or choose to take it at different times. The mother or adopter's partner can start a period of SPL while the mother or adopter is still on maternity or adoption leave as long as the notification requirements are complied with.

Qu. My partner wants to take all of their maternity or adoption leave entitlement, am I still entitled to SPL?

Ans. No. The right to SPL is not an independent right of the partner/father, but only arises if the mother or adopter chooses to curtail their statutory maternity or adoption leave and share the remainder.

Qu. My partner does not qualify for maternity or adoption leave do we qualify for SPL?

Ans. SPL applies only to employees with a working partner as long as both of them meet the qualifying conditions. If the mother or adopter does not qualify for maternity or adoption leave or statutory maternity or adoption pay or maternity allowance, their partner will not be eligible for SPL and ShPP.

However, where a mother or adopter does not qualify for statutory maternity or adoption leave, i.e., they are self-employed, but they have received statutory maternity or adoption pay or maternity or adoption allowance, the father/partner can still qualify for SPL if the maternity or adoption pay period has ended early. This only applies if the father/partner is employed and meets the eligibility criteria.

However, for the mother or adopter to claim ShPP themselves they must have been entitled to SMP.

Qu. What is the continuity of employment test?

Ans. Essentially the continuity of employment test is the same as for statutory maternity pay. This means both the mother or adopter and their partner must have worked for their employers continuously for at least 26 weeks up to the 15th week before the expected week of childbirth - called the 'qualifying week'. SPL is only available if both parents have worked for their employer for 40 weeks before the child's due date.

Qu. What is the employment and earnings test?

Ans. The employment and earnings test reflects that for statutory maternity or adoption pay. The individuals must be employed or self-employed earners for at least 26 weeks in the 66 weeks immediately before the expected week of childbirth or matching date. This 66-week period is known as the test period.

It is then necessary to assess the average gross earnings of both the Mother/adopter and their partner during the test period.

The average weekly gross earnings must be equal to or above a specified threshold, which may be increased each tax year known as the lower earnings limit (£118 from April 2019). The earnings are averaged over a 13-week period from within the 66-week test period. The individuals can choose which 13 weeks are best for them. The 13 weeks may be separate or consecutive. Complications can arise where the mother/adopter is entitled to maternity or adoption leave, but their partner is self-employed, or unemployed.

Qu. How many weeks can I convert to ShPP?

Ans. A mother or adopter can reduce the number of weeks of statutory maternity or adoption pay from the normal 39 weeks. The mother or adopter has to take the first two weeks maternity or adoption leave and pay, but the remaining 37-week's pay can be reallocated as statutory ShPP. The child's father/Parent may start receiving this whilst the mother or adopter is still claiming statutory maternity or adoption pay, or maternity or adoption allowance.

Qu. What is the curtailment notice?

Ans. Curtailment is an essential new principle that underpins the entire SPL system and arises where an eligible mother/adopter brings their maternity or adoption leave and, if appropriate, pay entitlement to an end early.

This notice should be given at least eight weeks before the mother/adopter wishes their statutory maternity leave to come to an end. Usually, the curtailment notice should be given at the same time as the entitlement notices are served.

An eligible mother or adopter has to curtail their maternity or adoption leave in order for either parent to then be entitled to SPL. The mother or adopter gives notice to bring their maternity or adoption leave to an end at a date in the future. Until that date, they continue to be on maternity or adoption leave and to be eligible for their maternity or adoption pay and benefits. The mother or adopter can either curtail their maternity or adoption leave by:

- simply returning to work as planned, or
- giving notice to curtail their maternity or adoption leave on a specified future date.

The benefit of planning and curtailing leave in advance is that both parties will know the number of weeks of maternity or adoption leave that will be used will be known in advance, then the child's father or the mother or adopter's partner can start their SPL whilst the mother or adopter is on maternity or adoption leave too. To achieve this, the mother or adopter will have to give notice before the birth or matching date to curtail their maternity or adoption leave at a date in the future. This will trigger SPL which will be available to the partner if they have also given notice of entitlement to SPL to their employer.

If the mother or adopter simply returns to work following the birth or matching date, without notifying the curtailment in advance, then both parents will not be at home together with the child in the early days other than during normal Paternity Leave.

A mother or adopter can revoke their leave curtailment notice in limited circumstances including the death of their partner.

Qu. What happens if I have requested SLP, but my circumstances change within 8 weeks of starting SPL?

Ans. If there is less than eight weeks before either parent is due to take a period of parental leave

- the parent should inform their employer that they no longer meet the conditions of entitlement and,
- if it is not reasonably practicable for the employer to accommodate this change in circumstances (because cover has been planned), the employer may still require that the parent takes a period of leave. The leave must be treated as SPL and will start on the same date that the next period of SPL was due to start. It will either end on the same end date, or eight weeks from the date the employer is informed of the change in circumstances, whichever is earlier. If the Headteacher/line manager can accommodate the change, this is acceptable.

QU. What is the process for booking SPL?

Ans. Both the mother or adopter and their partner must serve notice confirming their eligibility to take SPL and give an (non-binding) indication as to when SPL will be taken. They must provide formal notification of their intention to take Shared Parental Leave by completing the 'Shared Parental Leave Form' on Business World (for maintained schools and academies subscribing to Shropshire Council Employment Services) or by completion of the 'Notification of Entitlement & Intention to take SPL and or ShPP Form ' (Appendix A) (for academies not subscribing to Shropshire Council's Employment Services) and provide any evidence requested by their employer within 14 days of the request.

This may include a copy of the birth certificate, or a declaration from the parents confirming the date and place of the child's birth if the birth certificate is not yet available or matching certificate in cases for adoption, and the name and address of the other parent's employer. This notice should also be given at least eight weeks before the first period of SPL.

'Notification of Shared Parental Leave Booking Form'

Both the mother or adopter and their partner must serve notice confirming the actual dates of SPL and this must be at least eight weeks before the first period of leave starts, use 'Notification of Shared Parental Leave Booking Form' (Appendix B).

As this notice should also be given at least eight weeks before the first period of SPL it may be given at the same time as the notification of entitlement form; or may be submitted later. It is statistically more likely that SPL would be booked by the father when they submit their notification of entitlement form because when they applies, they may know when they are taking the SPL. By contrast when the mother or adopter submits the notification of entitlement form, in the majority of cases they could be taking several months of maternity or adoption leave before they would be taking any SPL.

An employee can give individual SPL notices for each period of SPL if it is being taken in blocks or can make requests for multiple periods of blocks of SPL in one notice. A single booking notice must specify a minimum of at least one week's leave and may specify more weeks in continuous or discontinuous blocks.

An employee has a protected statutory right to take the number of weeks of leave in the booking leave notice in a single continuous block. If the single notice includes discontinuous weeks, then employer can reject this and require all the weeks of leave to be taken in a single block.

As part of the booking leave notice form, and at least eight weeks before the period they are claiming the pay, the employee claims their ShPP specifying the number of weeks, total amount and dates that they are claiming for. The other parent provides a written declaration consenting to the employee's claim for ShPP.

Employer's response

Within 14 days of the employee giving their notification of entitlement form the Headteacher/line manager will respond. They may ask for the name and address of the other parent's employer and may ask for a birth certificate if the baby has been born or matching certificate confirming the date of when the child has been matched with adopter. The employee must supply the information within 14 days, or if the notification of entitlement form was submitted before the birth the information must be given as soon as practicable after the birth or within 7 days in the case of a child being matched with an adopter.

Variation and cancellation notice

There are two types of variation or cancellation notices. One to vary the notification of entitlement and one to vary the booking of leave.

If an employee gives notice varying the amount of SPL they intend to take, the notice must include details of when the employee now wants to take SPL and a declaration from the other parent agreeing to the variation. At least 8 weeks' notice must be given before the earliest of the new date, or the date being changed.

Variations to the pattern of leave

Any leave arrangements already notified to the employer can be changed by means of a booking leave notice form, provided eight weeks' notice is given of the revised start date for the leave. An employee has up to three opportunities to book or vary leave, although employers can voluntarily agree additional variation opportunities and an exception applies to the notice requirements where the baby is born early. If a notice is withdrawn because the leave pattern cannot be agreed, it does not count towards the three notices.

The following points apply

- The parents or adopters must give an indication of their expected leave pattern when they notify their respective employers of their intention to take SPL, although this is non-binding.
- If the employee requests a single continuous period of leave, they can take it as requested.
- Working parents/adopters can request parental leave in a discontinuous pattern. If so, the employer can:
 - agree to the requested pattern of leave
 - reject the request in its present form
 - propose changes to the request
 - insist the employee takes the leave in a continuous block.

If the employer and employee cannot agree within two weeks, the employee can withdraw their request or take the leave requested as a single continuous period.