



SHARED PARENTAL LEAVE POLICY

Approved and signed by the Board of Trustees by virtual meeting

16.07.20

MARCH 2020

CHANGES

June 2015: New Policy

June 2015: Updated Sections 5 & 11 following Union Consultation

March 2020: Adopted by Discovery Multi Academy Trust with appropriate minor amendments.

Please see <https://www.gov.uk/shared-parental-leave-and-pay/overview> for more information.

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I POLICY STATEMENT

Shared Parental Leave (SPL) is designed to give eligible employees more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. These rights apply where a child is born or placed for adoption on or after 5th April 2015.

This policy has been adopted by the Board of Trustees of Discovery Multi Academy Trust. Its purpose is to set out the statutory rights of staff to take Shared Parental Leave (SPL) and to elect to receive Shared Parental Pay (ShPP). The policy also outlines the arrangements and notification requirements before a period of SPL and the entitlement to pay during SPL.

The policy is written in accordance with The Shared Parental Leave Regulations 2014, The Shared Parental Pay (General) Regulations 2014, The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014, Employment Rights Act 1996, Child and Families Act 2014, Equality Act 2010 and associated ACAS guidance.

2 SCOPE

This policy applies to all Trust employees who apply to opt into shared parental leave following the birth or adoption of a child. It does not apply to agency staff or self-employed or voluntary workers. Partners do not have to be employees of Discovery Multi Academy Trust but must meet minimum employment and earning criteria laid down by relevant legislation.

3 ELIGIBILITY

SPL can only be used by two people:

- the mother/adopter **and**
- one of the following:
 - the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

To be eligible to elect to receive SPL and ShPP an employee must also meet one of the following criteria;

Have 26 weeks' continuous service, 15 weeks' before;

- The expected week of childbirth; or
- Being notified of being matched with an adoptive child.

4 ENTITLEMENT

Eligible employees will be able to share a maximum 50 weeks SPL and 37 weeks ShPP within the first year of the child's life or in the year after the child is placed for adoption.

5 REQUESTS FOR SHARED PARENTAL LEAVE

Requests for SPL may be made on a Continuous (as one block) or Discontinuous (in multiples of complete weeks) basis. Where both parents are eligible for SPL, leave can either be taken at the same time as the partner or separately.

Employees have the right to submit up to three notifications specifying, or varying, leave periods they are intending to take. Leave must be taken in complete weeks and each notification may contain either (a) a single unbroken period of weeks of leave which cannot be refused; or (b) a single request for two or more separate blocks of discontinuous leave where the employee intends to return to work between periods of leave. These notifications may be refused with or without proposing alternative dates.

A minimum 8 weeks' notice of an intention to take a period of leave is required.

Where there is concern over accommodating the notification, the Head of School/Nursery Manager or the employee should arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the setting

The setting will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it and substitute a single notification for a continuous period of leave, or can take the leave in a single continuous block.

6 SUBMITTING A NOTIFICATION

Notice requirements;

A notification of entitlement and intent to take SPL (instead of maternity leave) must be submitted in writing to the Head of School/Nursery Manager giving a minimum 8 weeks-notice of the first period of SPL. This may be submitted at the same time as the maternity/adoption curtailment notice or at a later date.

An employee who submits an SPL notification must also submit a maternity/adoption curtailment notice, again giving a minimum 8 weeks' notice. An employee who chooses not to submit a notification of entitlement and intent to take SPL or a curtailment notice will automatically be placed under maternity and or paternity policies and procedures.

Requests for Leave;

Requests for a single (continuous) block of leave will be agreed by the setting. Requests for more than a single block of (discontinuous) leave the setting may;

- agree to your request;

- decline your request due to organisational need, or;
- propose alternative dates.

7 OTHER CONDITIONS OF EMPLOYMENT

Employees exercising their right to take SPL will be treated fairly in accordance with relevant statute and ACAS guidance. During the period of SPL, employee's contractual terms and conditions (excluding pay) will remain in force. In particular, contractual annual leave entitlement will continue to accrue. Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay (ShPP) but not during any period of unpaid SPL.

At the end of the SPL period employees will have the right to return to the same job if the SPL plus any other type of leave was for 26 weeks or less. If employees have been on leave for more than 26 weeks they will have the right to return to the same job unless this is not reasonably practicable i.e. if due to organisational change their role no longer exists, in which case they will be managed in the same way as other employees at the setting.

8 SPLIT DAYS

During SPL the setting and employee may agree up to 20 Shared Parental Leave in Touch (SPLIT) days. Whilst there is no obligation on the setting to offer these days or for an employee to agree to them, where seen as being mutually beneficial their use will be encouraged. SPLIT days may be used to facilitate attendance at a work-related activity, for example a training session or a team meeting, or to work part of a week to help the employee return to their role in a gradual way.

The setting will confirm in advance the rate of pay for working a SPLIT day which will be the employee's normal contractual pay, against which any ShPP they would have received for that week will be offset against the total.

9 RETURNING TO WORK

Employees will be expected to return to work on the agreed date, unless they notify the setting otherwise. If an employee is unable to attend work due to sickness or injury, the setting's normal reporting arrangements will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If employees wish to return to work earlier than the agreed return date, they may provide a written notice to vary the leave and must give the setting at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave, then the setting does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so and in the best interests of both the employee and the setting.

10 VARYING A PERIOD OF SPL

Provided the setting receives written confirmation at least 8 weeks in advance employees may vary or cancel an agreed period of SPL. Requests to vary or cancel a period of SPL should be submitted on an Employee Notification of Shared Parental Leave form. A change as a result of a child being born early, or as a result of the setting

requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the setting.

11 SHARED PARENTAL PAY (ShPP)

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. This represents the number of weeks of maternity/adoption pay to which the employee is entitled after the first two weeks of compulsory maternity pay (which are not eligible for ShPP) have been taken. The number of weeks available as ShPP will depend on the number of weeks the mother/adopter has already taken as maternity/ adoption pay. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

Where an employee is entitled to receive ShPP they must give the Head of School/Nursery Manager written notice advising of their entitlement to ShPP at least eight weeks before receiving any ShPP. Where possible, this should be included as part of the notice of entitlement to take SPL. It must be accompanied by a signed declaration from the employee's partner. Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

12 DECLARATION STATEMENT

Eligible employees must submit a signed declaration to the Head of School/Nursery Manager with the notice of entitlement and intention, stating:

- 1 their full name;
 - 2 their partners full name;
 - 3 the name and address of their partner's employer;
 - 4 confirmation that they are eligible for shared parental leave;
 - 5 a statement that the information contained within the declaration is accurate;
 - 6 details of the amount of leave each partner is to take (this is non-binding); and
 - 7 the consent of their partner, that they agree to the amount of shared parental leave
- each partner is to take.

I can confirm that the Board of Trustees of Discovery Multi Academy have adopted this policy as their own.

Chair of Trustees

Sign.....
.....

Print.....
.....

Date

CEO

Sign.....
.....

Print.....
.....

Date

.....
.....

APPENDIX I: LETTER TO REQUEST EVIDENCE OF ENTITLEMENT

[Insert name]
[Insert address]
[Insert date]

Dear [insert name]

Thank you for submitting your notice of entitlement and intention to take shared parental leave form.

[EITHER - for birth]

To enable me to confirm your eligibility, please supply me with a copy of the child's birth certificate and the name and address of the other parent's employer.

[OR - for adoption]

To enable me to confirm your eligibility, please supply me with the name and address of the other parent's employer, along with evidence confirming the following:

- the name and address of the adoption agency
- the date that the main adopter was notified of having been matched for adoption with the child
- the date on which the adoption agency expects to place the child.

If a birth certificate has not yet been issued, you must sign a declaration stating that fact along with the date and location of the child's birth. If the other parent has no employer, this must also be declared.

You must respond to this request for evidence within 14 days (or within 14 days of the birth of the child if the child has not yet been born).

Further details of the Trust's Shared Parental Leave Policy is available in Sharepoint.

Please contact me if there is anything you would like to discuss in more detail.

Yours sincerely,

[Insert name]
[Insert job title]

APPENDIX 2: LETTER TO EXPLAIN INELIGIBILITY

[Insert name]
[Insert address]
[Insert date]

Dear

Thank you for your notice of entitlement and intention to take shared parental leave/query regarding eligibility for shared parental leave.

Unfortunately, you are not eligible for this type of leave. To be eligible for shared parental leave (SPL) you must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- still be in continuous employment until the week before any SPL is taken.

The other parent must have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

You must also follow the statutory notification and information requirements (details of which can be found in the Trust's Shared Parental Leave Policy. You are not eligible to take SPL because [insert details of the conditions listed above which are not met].

[Optional] I will arrange to meet with you to discuss your situation and ensure you are aware of your statutory rights and any other options available to you regarding time off for family responsibilities.

Further details the Trust's Shared Parental Leave Policy is available in Sharepoint.

Please contact me if there is anything you would like to discuss in more detail at this stage.

Yours sincerely,

[Insert name]
[Insert job title]

APPENDIX 3: LETTER TO PROPOSE ALTERNATIVE DATES

[Insert name]
[Insert address]
[Insert date]

Dear

Thank you for your letter confirming your wish to take a period of shared parental leave (SPL) from [insert date] until [insert date]. Unfortunately, I am not able to agree to the dates you have requested because [insert reasons].

I can however offer you, as an alternative, the following pattern of SPL:

[Insert alternative dates]

These dates will better meet the needs of the setting because [insert reasons].

I would be grateful if you would let me know in writing as soon as possible whether you are able to accept these proposed alternative dates.

If you do not feel able to accept my alternative dates the following options exist:

- To take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- To take the continuous block starting on a new date, as long as the new date is later than the original start date, and you notify the setting of the new date within five days of the two week period referred to above
- To withdraw the request at any time up to the 15th day after it was originally made. If the request is withdrawn in these circumstances it will not count as one of your three requests
- To submit another period of leave request.

Please confirm your decision to me in writing as soon as possible.

Please contact me if there is anything you would like to discuss in more detail.

Yours sincerely,

[Insert name] [Insert job title]

APPENDIX 4: LETTER TO EXPLAIN SPLIT DAY ARRANGEMENTS

[Insert name]
[Insert address]
[Insert date]

Dear

Further to our conversation I am writing to confirm arrangements that will apply to any “Shared Parental Leave in Touch” (SPLIT) days you may undertake during the period of your shared parental leave (SPL).

The Trust’s policy allows up to 20 SPLIT days to be worked during SPL without affecting entitlement to shared parental pay. SPLIT days can be agreed for a variety of purposes including training, support specific tasks or events or keeping relevant skills and knowledge up to date.

Attendance on SPLIT days is entirely voluntary. If you do not wish to attend work for a SPLIT day suggested by the setting, you just have to inform us. You are not required to give a reason. Similarly, the setting can refuse any request from you to undertake a SPLIT day.

Where it is agreed a SPLIT day will be worked you will be paid on the basis of your normal salary inclusive of shared parental pay. Attending work on a SPLIT day will not result in an extension of your SPL period.

If you have any questions about the content of this letter or any other issue relating to SPLIT days, please let me know.

Yours sincerely,

[insert name]
[insert title]

APPENDIX 5: LETTER TO INVITE EMPLOYEE TO SPLIT DAY

[Insert name]
[Insert address]
[Insert date]

Dear [insert name]

As you are aware, employees on shared parental leave can attend work for up to 20 days during their leave for the purpose of “keeping in touch” with the workplace. Attending work in this way does not result in the loss of any entitlements to shared parental pay, and will not bring shared parental leave to an end.

On [insert date(s)] we are [insert details of the event e.g. having a training day/holding a conference] and wondered if you would be able to attend?

[OR]

There have been a number of changes in staffing at the setting over recent months and I wondered if you would be able to attend work for one day to meet the new staff and be familiarised with some of the changes that have taken place? We can agree a mutually convenient date for this.

[OR]

Insert your own example – note that this can be for one individual day, or for a consecutive number of days, as long as the total number of days is not more than 20.

I must emphasise that there is no requirement for you to attend on this day. If you are unable to do so, or do not wish to attend, please let me know. You will be entitled to receive payment for the hours worked at your normal rate of pay (inclusive of shared parental pay). If you do attend for any keeping in touch days this will have no effect on the expected date of your return from shared parental leave.

I look forward to hearing from you.

Yours sincerely,

[Insert name]
[Insert job title]

APPENDIX 6: LETTER TO RESPOND TO SPLIT DAY REQUEST

[employee name]
[address]

[date]

Dear

[Request Supported]

I am pleased to confirm your request to attend work during your shared parental leave (SPL) has been agreed and I would like to invite you to come into(name of setting) to undertake work on [enter date]. On this day my intention is that you will be working on *[insert purpose / details]*.

Agreement may be reached for you to work up to 20 days (Shared Parental Leave in Touch days) during your period of SPL without this bringing your SPL to an end. Attending work on a SPLIT day will not affect your entitlement to shared parental pay. You will receive your normal rate of pay for the hours worked (inclusive of shared parental pay).

I would be grateful if you could contact me on [insert telephone number] to confirm that you will be attending work on the [insert date].

[Request not Supported]

Thank you for your request to attend work during your shared parental leave (SPL). Unfortunately, we are unable to agree to this request because [insert reasons for turning down request].

The decision to turn down your request on this occasion should not deter you from making any further requests to attend work during your SPL.

Further details of the Trust's Shared Parental Leave Policy is available in Sharepoint.

Yours sincerely,

[Insert name]

[Insert job title]