



# Shared Parental Leave Policy

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This policy has been consulted centrally and fully agreed by teaching trade unions. To change any aspect of this policy at a school level, the relevant body must consult appropriately with school teaching staff and their recognised trade union representatives.

**Note:** In this document, any reference to the terms "Governor" or "Governing Body" shall be interpreted to also mean "Trustee" or "Board of Trustees," unless the context specifically indicates otherwise.

## DOCUMENT STATUS

Version	Date	Action
Version 1	2012	
Version 2	04/2014	Policy released but unagreed at paragraphs 6.4 and 8.2
Version 3	10/2016	JCC Draft 1
	22/3/17	Agreed Changes to 6.4, 8.2, 10.1, 10.5, 12.2, appendix 1
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## **Shared Parental Leave Policy**

## 1. Purpose of the Shared Parental Leave Policy

1.1 This Policy sets out the rights and responsibilities of:

- Management.
- Employees.

1.2 The Policy seeks to ensure that at all times the Shared Parental Leave process is consistent and compliant with statutory regulations and guidelines.

1.3 Shared Parental Leave also applies to partnerships of the same sex, so references in this policy to mothers and fathers/ partner of the mother should be taken as including people in same-sex partnerships. For the purposes of the Shared Parental Leave policy, 'mother' refers to the biological mother or main adopter; and 'father / partner' refers to the biological father or mother's or adoptive partner's husband or civil partner or partner.

## 2 Quick Review of the Shared Parental Leave Policy

2.1 The Policy is designed to:

- Set out the rights and responsibilities of management and employees.
- Set out when this policy and the **Shared Parental Leave Procedure** should be applied.
- Allow fathers to play a greater role in raising their child.
- Help mothers return to work when they want to without losing leave entitlement.
- Allow mothers and fathers greater flexibility in taking time off during the first 12 months after the birth or adoption of a child.

## 3. Scope

3.1 This Policy applies to all employees of the school.

## 4. Shared Parental Leave

4.1 Shared Parental Leave is a way for parents to share statutory leave and pay on the birth or adoption of a child. It replaces the Additional Paternity Leave provisions.

4.2 Shared Parental Leave allows the mother to choose to bring her maternity or adoption leave to an end at any point after the initial two week compulsory maternity / adoption leave period following the birth of the child. The parents can then choose how to split up the remaining weeks of leave between them. Shared parental leave can be taken by each parent separately or at the same time.

4.3 The Shared Parental Leave Policy applies to parents of children due on or after 5 April 2015.

## Eligibility

4.4 If a mother decides not to take her full maternity leave entitlement, she and the father will be able to opt to take shared parental leave. Both parents must meet a set of eligibility criteria, which are:

- They must have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth.
- They must remain continuously employed until the week before any period of shared parental leave starts.
- They already have or expect to have main responsibility for caring for the child.
- The mother is entitled to Statutory Maternity Leave or Statutory Adoption Leave.
- The mother has curtailed her entitlement to maternity leave or has returned to work.
- The father must meet the 'employment and earnings test', which requires him in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 (this figure may be subject to change) a week in any 13 of those weeks.
- They have provided their employers with notice of entitlement and intention to take shared parental leave.
- They have provided 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, and the name and address of the other parent's employer.
- They have given their employer notice requesting a period of leave, which must be at least eight weeks before the date on which they wish to start the leave.

4.5 The maximum amount of leave that can be shared between the parents is 50 weeks. The leave can be taken during the 12 months following the birth of the child, but cannot begin earlier than two weeks following the child's birth.

4.6 Shared parental leave only becomes available once the mother has given notice to end her entitlement to maternity leave. This means that the portion of maternity leave which is untaken by the mother will, in effect, be converted into shared parental leave. Only the two weeks of compulsory maternity leave may not be shared in this way. Therefore, any period of maternity leave taken by the mother will be deducted from the period of 50 weeks' Shared Parental Leave, with the balance available to be shared between the parents.

4.7 The leave can be taken separately or at the same time, subject to the following requirements:

- the minimum period of leave must be one week,
- the leave must be taken in multiples of complete weeks, and
- the leave may be taken as one continuous period or discontinuous periods.

This means that the mother can return to work after maternity leave and take Shared Parental Leave at a later date or dates. Similarly, the father can take Shared Parental Leave at any time – it does not need to start as soon as the mother has given notice to curtail her entitlement to maternity leave or returned to work.

4.8 Shared Parental Leave can also be taken when the other partner is on another type of leave, such as paternity leave or unpaid parental leave. The father may start a period of Shared Parental Leave while the mother is still on maternity leave provided she has given a binding notice to end her entitlement to maternity leave.

## **Shared Parental Pay**

4.9 Any Shared Parental Pay due will be paid in accordance with the employee's Shared Parental Leave Procedure.

## **Shared Parental Leave Procedure**

### **1. Purpose of the Shared Parental Leave Procedure**

1.1 The Shared Parental Leave Procedure sets out the rights and responsibilities of:

- Management.
- Employees.

1.2 **The Shared Parental Leave Procedure** seeks to ensure that the Shared Parental Leave process is consistent and compliant with statutory regulations and guidelines at all times.

1.3 **The Shared Parental Leave Procedure** provides a process for dealing with formal requests for Shared Parental Leave.

1.4 Shared Parental Leave also applies to partnerships of the same sex, so references in this procedure to mothers and fathers/ mother's partner should be taken as including people in same-sex partnerships.

### **2. Quick Review of the Shared Parental Leave Procedure**

2.1 The Shared Parental Leave Procedure is designed to:

- Set out the procedure to deal with requests for Shared Parental Leave.
- Advise when the Shared Parental Leave Procedure should be applied.
- Allow fathers to play a greater role in raising their child.
- Help mothers return to work when they want to without losing leave entitlement.
- Allow mothers and fathers greater flexibility in taking time off during the first 12 months after the birth or adoption of a child.
- The Maternity, Paternity and Adoption Policy and Procedure remain in place.

2.2 This Procedure has direct links to and should be followed in conjunction with the **Shared Parental Leave Policy**.

### **3. Scope**

3.1 The Shared Parental Leave Procedure applies to all employees of the school.

## 4. Eligibility

4.1 The Shared Parental Leave Procedure applies to parents of children due on or after 5 April 2015.

4.2 If a woman decides not to take her full maternity leave entitlement, she and the father will be able to opt in to shared parental leave. Both parents must meet a set of eligibility criteria, which are:

Ref	Criteria
1	Continuous employment for at least 26 weeks by the end of the 15th week before the expected week of childbirth and until the week before any period of Shared Parental Leave starts.
2	Have or expect to have main responsibility for caring for the child.
3	The mother is entitled to statutory maternity leave and has curtailed her entitlement to maternity leave or has returned to work.  The father must meet the 'employment and earnings test', meaning that they must have worked for 26 weeks and earned at least £30 per week in any 13 of the 66 weeks preceding the child's due or matching date
4	Have provided their employers with notice of entitlement and intention to take shared parental leave
5	Have provided evidence requested by their employer within 14 days of the request
6	Have given the employer notice requesting a period of leave, which must be at least <b>eight weeks</b> before the date on which they wish to start the leave. This is described in detail in parts 6 and 9 of this procedure.

**Table One: Eligibility Criteria.**

## 5. Shared Parental Leave Entitlement and Shared Parental Pay

5.1 Entitlement to Leave and Pay:

Entitlement for Shared Parental Leave	Entitlement to Shared Parental Pay
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Eligible employees can take up to 50 weeks shared parental leave, if the mother reduces her entitlement of 52 weeks. The amount of leave will depend on the amount by which the mother reduces her entitlement to maternity leave.	Eligible employees may be entitled to up to 37 weeks shared parental pay while taking shared parental leave. The amount of weeks will depend on the amount by which the mother reduces her entitlement to maternity pay.
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## 5.2 Shared Parental Leave can commence as follows:

- The mother can take Shared Parental Leave after she has taken at least two weeks of maternity leave immediately following the birth of the child.
- The father can take Shared Parental Leave immediately following the birth/placement of the child, but by doing so, he forfeits any paternity leave entitlement he may have.

5.3 Where a mother gives notice to curtail her maternity/adoption entitlement, her partner can take Shared Parental Leave while the mother is still using her maternity/adoption entitlements.

5.4 Shared Parental Leave will generally commence on the employee's chosen start date specified in their notice to request a period of leave, or in any subsequent variation notice.

5.5 If the employee is eligible to receive it, Shared Parental Pay may be paid for some, or all, of the Shared Parental Leave period, subject to satisfying the earning criteria.

5.6 Where eligible, Shared Parental Pay will be paid at the same rate as occupational maternity / adoption pay when both parents work for the School and/or Liverpool City Council if the School is maintained by the Local Authority, with the value of Shared Parental Pay capped at the amount that the female employee would have received as Occupational Maternity Pay.

5.7 Where eligible, if employees of the School take Shared Parental Leave and their partner returns to work for an external organisation, Shared Parental Pay will be paid at the statutory levels.

5.8 Shared Parental Leave must end no later than one year after the birth/placement of the child. Any Shared Parental Leave not taken by the first birthday or first anniversary of placement for adoption is lost.

## 6. Notification

6.1 An employee entitled and intending to take Shared Parental Leave must give their line manager notification of their entitlement and intention to take Shared Parental Leave, at least eight weeks before they can take any period of Shared Parental Leave

6.2 Part of the eligibility criteria requires the employee to provide the line manager with correct notification. Notification must be in writing, and must include a signed declaration from the employee and their partner. A Shared Parental Leave eligibility form is provided for this purpose.

6.3 Eligible employees may be entitled to take up to 37 weeks Shared Parental Pay whilst taking Shared Parental Leave. The amount of weeks available will depend on the amount by which the mother reduces their maternity/adoption pay period or maternity allowance period.

6.4 Where an employee is entitled to receive Shared Parental Pay they must, at least eight weeks before receiving any Shared Parental Pay, give their line manager written notice advising of their entitlement to Shared Parental Pay. This is included as part of the notice of entitlement to take Shared Parental Leave.

6.5 Part of the eligibility criteria requires the employee to provide the line manager with correct notification. Notification must be in writing and must include a signed declaration from the employee and their partner. These notifications must include details of maternity/adoption pay and that the mother has reduced her entitlement to maternity/adoption pay. A Shared Parental Leave eligibility form is available for this purpose.

## **7. Requests for Further Evidence of Eligibility**

7.1 The line manager will, within 14 days of the Shared Parental Leave entitlement notification being given request certain information.

7.2 In order to be entitled to Shared Parental Leave, the employee must produce this information within 14 days of the line manager's request.

7.3 A template letter is available for managers for this purpose which includes the information necessary.

7.4 In all cases this further information will be requested before requests for Shared Parental Leave will be granted.

## **8. Discussions Regarding Shared Parental Leave**

8.1 An employee considering Shared Parental Leave is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement.

8.2 The line manager may upon receiving a notification of entitlement to take Shared Parental Leave seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their Shared Parental Leave entitlement.

8.3 Upon receiving a leave booking notice the line manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.



8.4 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it 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 the employee and the School, and what the outcome may be if no agreement is reached.

## 9. Booking Shared Parental Leave

9.1 In addition to notifying the employer of entitlement to Shared Parental Leave / Shared Parental Pay, an employee must also give notice to take the leave.

9.2 The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

9.3 Shared Parental Leave can only be taken in complete weeks but may begin on any day of the week. For example, if a week of Shared Parental Leave began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of Shared Parental Leave, the next period of Shared Parental Leave can start on any day of the week.

9.4 The employee must book Shared Parental Leave by giving the correct notification of at least eight weeks before the date on which they wish to start the leave and (if applicable) receive Shared Parental Pay. A form is provided for this purpose.

### Types of Shared Parental Leave

9.5 Eligible employees can request either a period of continuous shared parental leave or discontinuous shared parental leave.

Continuous Leave	Discontinuous Leave
A number of weeks taken in a single unbroken period of leave (for example 6 weeks).	A set number of weeks leave over a period of time, with breaks in between the leave when the employee will return to work.
An employee can request a single block of leave in a single request provided the total weeks requested do not exceed the amount of shared parental leave available and correct notice has been given.	An employee can request two periods of discontinuous leave. The two periods requested do not have to be for the same length of time.
Up to three requests for continuous leave may be made	Where the School has concerns regarding a request a meeting may be arranged to discuss the request and attempt to agree an arrangement that meets both the needs of the employee and the School.
	The School has the right to refuse a request for discontinuous leave. If the request is refused, the

	employee can either withdraw the request within 15 days of making it or can take the leave in a single continuous block.
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**Table Three: Types of Shared Parental Leave.**

## **10. Responding to a Request for Shared Parental Leave**

10.1 Line managers will provide a response to requests for Shared Parental Leave within 14 days of the request being received by the Head teacher.

10.2 All notices for continuous leave will be confirmed in writing.

10.3 All requests for discontinuous leave will be considered, taking into account the potential benefits to the employee and to the School against any adverse impact to the School's business.

10.4 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of Shared Parental Leave.

10.5 The line manager will confirm the outcome of the request within 14 days of the request being made. The request may be granted in full or in part.

10.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

10.7 Template letters are available for managers to use in these circumstances.

## **11. Variations to Arranged Shared Parental Leave**

11.1 The employee is permitted to vary or cancel an agreed and booked period of Shared Parental Leave, provided that they advise the line manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

11.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the organisation 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 line manager.

## **12. Terms and Conditions during Shared Parental Leave**

12.1 During the period of Shared Parental Leave, all terms and conditions of service affecting the employee's remain in place with the exception of remuneration.

12.2 Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave. Employee contributions will be based on actual pay, while the School's contributions will be based on the salary that the employee would have received had they not been taking Shared Parental Leave.

## **13. Contact during Shared Parental Leave**

13.1 Before an employee's Shared Parental Leave begins, the line manager will discuss the arrangements for them to keep in touch during their leave. The School reserves the right in any event to maintain reasonable contact with the employee from time to time during their Shared Parental Leave. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

## **14. Keep In Touch Days**

14.1 If agreed and if funding exists, an employee may undertake up to 10 Keeping In Touch days during the shared parental Leave period without losing the right to shared parental pay. These days are designed to help ease your eventual return to work and make it easier for you to keep in touch with your employer during your leave from work.

14.2 The employee is entitled to be paid at the contractual rate for the duration of any activity on a Keeping In Touch day.

## **15. Returning to Work after Shared Parental Leave**

15.1 The employee will have been formally advised in writing by the line manager of the end date of any period of Shared Parental Leave. The employee is expected to return on the next working day after this date, unless they notify the line manager otherwise. If they are unable to attend work due to sickness or injury, the School's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

15.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the School 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 School does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

15.3 On returning to work after Shared Parental Leave, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not

reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

15.4 If the employee decides not to return for a minimum period of: three full calendar months for Support Staff or thirteen weeks for Teaching Staff (for part time employees these periods may be greater dependent on their hours of work), they will not be entitled to any Shared Parental Pay after the first six weeks of the Shared Parental Leave and any Shared Parental Pay that may have been paid beyond the first six weeks must be repaid.