



St. Gregory's Catholic High School

SHARED PARENTAL LEAVE POLICY

Monitoring

The implementation of the policy will be monitored by the Director of Finance and Resources

Evaluation

The policy was reviewed by the Director of Finance and SLT on 17th May 2021 prior to the submission of the policy to Governors' Resources Committee for scrutiny and recommendation to the Full Governing Body for approval.

Policy Review Dates:

Date last approved by Full Governing Body: 6th December 2018

Date submitted to Governors' Committee: 27th May 2021

Date submitted to Full Governing Body: 13th July 2021

Review Frequency: Every 3 years

Start date for policy review: March 2024

<u>CONTENTS</u>	<u>PAGE</u>
1. Introduction	3
2. Eligibility Criteria	3
3. Shared Parental Leave Entitlement	4
4. Notifications	4
5. Requesting further Evidence of Eligibility	5
6. Fraudulent Claims	5
7. Discussion Regarding Shared Parental Leave	5
8. Booking Share Parental Leave	6
9. Continuous Leave Notifications	6
10. Discontinuous Leave Notifications	6
11. Variations to Shared Parental Leave	7
12. Statutory Shared Parental Pay	7
13. Terms and Conditions during Shared Parental Leave	8
14. Annual Leave	9
15. Contact During Shared Parental Leave	9
16. Shared Parental Leave in Touch Days	9
17. Returning to Work after Shared Parental Leave	10

1. INTRODUCTION

- 1.1 Shared Parental Leave (ShPL) is a statutory right available to employees who are due to have a new baby or adopt a child on or after 5th April 2015. ShPL gives employees the option of sharing up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria. Parents 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.
- 1.2 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.
- 1.3 The School recognises that the new shared parental rights can be complex and from time to time, employees may have questions or concerns relating to these. It is the School's policy to encourage open discussion with employees to ensure that questions and issues can be resolved as quickly as possible. Employees and Managers/headteachers should seek advice on these procedures from Human Resources to ensure that they are followed.

2. ELIGIBILITY CRITERIA

- 2.1 To be eligible for shared parental leave, you (or your partner) must be entitled to maternity / adoption leave, or statutory maternity / adoption pay (or maternity allowance from the Government) and you must share the main responsibility for caring for the child with your partner.
- 2.2 ShPL 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.
- 2.3 Additionally an employee seeking to take ShPL must satisfy each of the following criteria:
 - the mother/adopter must have ended or given notice to reduce any maternity/adoption entitlements;
 - the employee must still be working for the organisation at the start of each period of ShPL;
 - the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' continuous service with their employer at the end of the 15th week before the child's expected due date/matching date;
 - the employee's partner must meet the 'employment and earnings test' requiring them, in the 66 weeks leading up to the child's expected due date/matching date, have worked for at least 26 weeks (not necessarily continuous) and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
 - the employee must correctly notify the School of their entitlement and provide evidence as required.

3. SHARED PARENTAL LEAVE ENTITLEMENT

- 3.1 Eligible employees may be entitled to take up to 50 weeks ShPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the ShPL system and take any remaining weeks as ShPL between them.
- 3.2 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail (end) their leave at a specified future date.
- 3.3 ShPL can commence as follows:
- The mother can take ShPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
 - The adopter can take ShPL after taking the legally required two weeks of adoption leave
 - The father/partner/spouse can take ShPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any ShPL or ShPP).
- 3.4 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then their partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
- 3.5 ShPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).
- 3.6 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the ShPL period (see "Shared Parental Pay" below).
- 3.7 ShPL must end no later than one year after the birth/placement of the child. Any ShPL not taken by the first birthday or first anniversary of placement for adoption is lost.

4. NOTIFICATIONS

- 4.1 An employee entitled and intending to take ShPL must give their line manager/headteacher notification of their entitlement and intention to take to ShPL, at least eight weeks before they are eligible to take any period of ShPL.
- 4.2 Part of the eligibility criteria requires the employee to provide the school with correct notification and specific information. Anyone wishing to take ShPL

must complete a form (see Appendix A), providing all the information and declarations required by law.

5. REQUESTING FURTHER EVIDENCE OF ELIGIBILITY

- 5.1 The School will, within 14 days of the SHPL entitlement notification being given, require:
- 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 MATB1 or a copy of the child's birth certificate if the child has been born. .
 - in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which the employee was notified of having been matched with the child and the date on which the agency expects to place the child for adoption
- 5.2 In order to be entitled to ShPL, the employee must produce this information within 14 days of the employer's request.

6. FRAUDULENT CLAIMS

- 6.1 The School can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the School's disciplinary procedures, and without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

7. DISCUSSIONS REGARDING SHARED PARENTAL LEAVE

- 7.1 An employee considering taking ShPL is encouraged to contact their line manager/headteacher to arrange an informal discussion as early as possible regarding their potential entitlement and to talk about their plans.
- 7.2 Upon receiving a leave booking notice the manager/headteacher will usually arrange a meeting to discuss it. Where notice is given of a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved, a meeting may not be necessary.
- 7.3 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.

8. BOOKING SHARED PARENTAL LEAVE

- 8.1 In addition to notifying the employer of entitlement to ShPL/ShPP, an employee must also give notice to take the leave. In many cases, the dates provided in the notice of entitlement will be the booked leave, however where these dates need to change the employee should complete the Notice to Cancel or Vary a Period of Shared Leave Form (see Appendix B).
- 8.2 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.
- 8.3 ShPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of ShPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of ShPL, the next period of ShPL can start on any day of the week.
- 8.4 The employee must book ShPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

9. CONTINUOUS LEAVE NOTIFICATIONS

- 9.1 A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- 9.2 An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of ShPL available to them and the employer has been given at least eight weeks' notice.
- 9.3 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.
- 9.4 An employee may submit up to three separate notifications for continuous periods of leave.

10. DISCONTINUOUS LEAVE NOTIFICATIONS

- 10.1 A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of ShPL taken in blocks over a period of three months).

- 10.2 Where there is concern over accommodating the notification, the manager/headteacher or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the school (see “Discussions regarding Shared Parental Leave” above).
- 10.3 The School will consider a discontinuous leave notification but has the right to refuse it. 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. 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.
- 10.4 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the School against any adverse impact to the business. 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 ShPL.
- 10.5 Once the employee and the manager/headteacher has agreed the dates for shared parental leave, the manager/headteacher will forward the notification form to Employee Services/Payroll provider, who will confirm in writing the entitlement and dates of leave.

11. VARIATIONS TO ARRANGED SHARED PARENTAL LEAVE

- 11.1 The employee is permitted to vary or cancel an agreed and booked period of ShPL, provided that they advise their manager/headteacher 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 usually 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 Employee Services/Payroll provider.

12. STATUTORY SHARED PARENTAL PAY (SHPP)

- 12.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking ShPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

- 12.2 ShPP may be payable during some or all of ShPL, depending on the length and timing of the leave.
- 12.3 In addition to meeting the eligibility requirements for ShPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- the mother/adopter must be (or have been) entitled to statutory maternity/adoption pay or maternity allowance and have reduced their maternity/adoption pay period or maternity allowance period;
 - the employee must intend to care for the child during the weeks in which ShPP is payable;
 - the employee must have average weekly earnings not less than the lower earnings limit in force for national insurance contributions for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date ;
 - the employee must remain in continuous employment until the first week of ShPP has begun;
 - the employee must give proper notification in accordance with the rules set out below.
- 12.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any, give their line manager/headteacher written notice advising of their entitlement to ShPP. To avoid duplication, this is included as part of the notice of entitlement to take ShPL.
- 12.5 Any ShPP due will be paid at a rate set by the Government for the relevant tax year and can be found at the following website <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>.

13. PENSIONS

- 13.1 Any paid period of shared parental leave is treated as pay for pension purposes and contributions will be deducted from it, meaning that the period counts towards future pension calculations on retirement.
- 13.2 Employees who are members of the Local Government Pension Scheme can choose whether or not to pay pension contributions for the duration of any unpaid leave, for example, additional adoption leave or additional paternity leave. Contributions will be based on the last week's or month's pay. Employees will need to indicate on the appropriate Option Form that they wish to continue paying deductions. Further information is available from Human Resources.
- 13.3 The effect of continuing to make payments is that the period of unpaid leave also counts as service for pension purposes and will be taken into account when calculating any benefit under the scheme.
- 13.4 For Employees who are members of the Teacher's Pension Scheme any period of unpaid leave will not count as pensionable employment and will be shown as days excluded for pension purposes.

- 13.5 For any period of unpaid leave, employees may wish to consider making voluntary National Insurance Contributions to ensure their state retirement pension is not affected. Employees can ascertain the status of their contributions by contacting the Contributions Agency (see Appendix A for contact details). The Contributions Agency will be able to advise whether or not backdated payments are necessary.

14. ANNUAL LEAVE

Non-teaching Staff

- 14.1 Employees should consider their position in relation to annual leave where the period of shared parental leave runs from one leave year to the next. Annual leave should be taken in the current year however, employees can carry any untaken annual leave into the next leave year. Leave arrangements should be discussed and agreed with the line manager/headteacher as early as possible.
- 14.2 Employees are entitled to accrue any Bank Holidays that fall during the whole period of shared parental leave. A pro-rata entitlement will be added to the employee's annual leave entitlement.

Teaching Staff

- 14.3 Teachers have a statutory right of paid leave under the Working Time Regulations (WTR). The current entitlement is 28 days (5.6 weeks). NB. This is not an additional entitlement to annual leave on top of the current school closure arrangements. For this purpose a year would commence 1st September (commencement of a new academic year).
- 14.4 Annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question, both before and after maternity.

15. CONTACT DURING SHARED PARENTAL LEAVE

- 15.1 Before an employee's ShPL begins, the manager/headteacher 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 ShPL. 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.

16. SHARED PARENTAL LEAVE IN TOUCH DAYS

- 16.1 Employees are able to attend work for a maximum of 20 days during the ShPL without their leave or pay being affected. This includes carrying out work under the contract of employment, training or any activity undertaken for the

purposes of keeping in touch with their workplace. Any work carried out on a day or part of a day shall constitute 1 SPLIT day for these purposes.

- 16.2 Attendance at work must be agreed between an employee and their line manager/headteacher.
- 16.3 The line manager/headteacher will need to consider whether the employee should be paid for their attendance at work, dependant on the nature and duration of the work. Where an employee undertakes work under their contract of employment, they are entitled to be paid for that work. Employees will be paid their normal hourly rate for the hours worked on that KIT day, regardless of whether they are in receipt of SMP. Any payment (inclusive of SMP) should not exceed a normal day's pay.
- 16.4 An employee, with the agreement of their manager/headteacher, may use SPLIT days to work part of a week during ShPL. The School and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of ShPL or to trial a possible flexible working pattern.

17. RETURNING TO WORK AFTER SHARED PARENTAL LEAVE

- 17.1 The employee will have been formally advised in writing by Employee Services/Payroll provider of the end date of any period of ShPL. The employee is expected to return on the next working day after this date, unless they notify the School 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.
- 17.2 Where an employee is unable to return to work on their expected return date because of an interruption to their work, for example, the workplace being closed for repair (and where an alternative working site is not available), they will return when work resumes, or as soon as is reasonably practicable.
- 17.3 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.
- 17.4 Employees have the right to return to the same job, on the same terms and conditions as if they had not been absent unless there is a justified reason for this not being possible (for example, redundancy or reorganisation), in which case employees will be offered a suitable alternative position where one is available. If a reorganisation takes place whilst an employee is on shared parental leave they will be fully consulted and their rights explained.

- 17.1 Employees may have the right to request to return to work on a flexible working basis. Further information regarding this process is contained in the School's 'Requests to Work Flexibly' Procedure, which is available from Human Resources and on the SLA online system (Schools Services).
- 17.2 Employees wishing to apply for flexible working arrangements to commence on return from their leave are advised to submit the request to their line manager/headteacher for consideration as soon as possible in order for the process to be followed and any practical arrangements to be implemented in a timely manner. Employees may wish to discuss the issue with their line manager/headteacher prior to commencing leave.

Produced by Human Resources

Tel: 01925 442941
www.warrington.gov.uk