



## Family Policies & Guidance

Approved via Governorhub

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## Maternity Leave and Pay for All Categories of Employees

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## **1. Introduction**

1.1 Maternity leave and pay entitlements can be a complex issue. The tables in this document gives a summary of the different entitlements and the qualifying requirements. Statutory entitlements are those provided for by employment law; contractual entitlements are part of the employee's contract of employment.

1.2 The status of the employee's contract of employment during the maternity leave period is treated as if the employee is temporarily absent from work. This means that all contractual benefits, except pay, must continue as normal. Annual leave entitlement will accrue as normal.

## **2. Entitlement to maternity leave and pay for all categories of employees with less than 26 weeks service as at the 15th week before the EWC**

2.1 All employees are entitled to take up to one-year (52 weeks) maternity leave from day one of employment. The 52 weeks leave consists of 26 weeks Ordinary Maternity Leave (OML) followed continuously by 26 weeks Additional Maternity Leave (AML). An employee cannot return to work earlier than 2 weeks after childbirth.

2.2 There is a requirement to give Soke Education Trust at least 28 days' notice of the date on which the absence will begin. If the employee wishes to resign her employment the normal contractual notice period applies. In all cases, employees are advised to provide notification as early as possible. The statutory requirement is for the employee to notify the Soke Education Trust by 15 weeks before the Expected Week of Childbirth (EWC).

- That they are pregnant
- The date of the week the baby is due
- When they intent to start maternity leave

2.3 The employee is not required to give notice of her intention to return to work following maternity leave unless the employee returns before the end of the 52-week period. In which case, the employee must give 21 days' notice of her intention to return.

2.4 A summary of the entitlements and obligations to maternity leave and pay for employees in schools is set out in Appendices 1 and 2.

## **3. Entitlement to maternity leave and pay for all categories of employees with more than 26 weeks service as at the 15th week before the EWC, but less than 1 years' service as at the 11th week before the EWC**

3.1 In addition to the maternity entitlement for employees set out above, for those with more than 26 weeks service as at 15 weeks before the EWC there is a possible entitlement to be paid Statutory Maternity Pay (SMP), depending on the employee meeting certain conditions.

3.2 To qualify for SMP the following conditions must be met:

- The employee must have been continuously employed by her current employer for at least 26 weeks by the beginning of the 15th week before the EWC. This 15th week is called the qualifying week.

- The employee must have average weekly earnings in the calculation period (which is the eight weeks or two months before the end of the qualifying week) at or above the lower earnings limit for payment of National Insurance contributions. The lower earnings limit is reviewed in the April of each year.
- The employee must still be pregnant at the 11th week before the EWC or have had the baby by that time.

#### **4. Entitlement to maternity leave and pay for all categories of employees with more than one year's service as at the 11th week before the EWC**

4.1 For those employees with more than one year's service as at the 11th week before the EWC, in addition to the above maternity leave and pay entitlements there is an entitlement to receive contractual maternity pay in line with the conditions of service for either teaching or support staff.

4.2 A summary of the entitlements and obligations to maternity leave and pay for all categories of employees with more than one year's service as at the 11th week before the EWC is set out within the relevant staff application form – Support and Teaching.

#### **5. Miscellaneous Provisions**

##### **5.1 Ante-natal care**

A pregnant employee has a right to reasonable paid time off to attend ante-natal care appointments. They should produce evidence of appointments if requested to do so by Soke Education Trust, when evidence has been made available to the employee.

##### **5.2 Pregnancy-related illness**

If a pregnant employee is absent from work due to a pregnancy-related illness in the four weeks before the EWC, then the period of maternity leave will commence automatically.

##### **5.3 Premature Birth**

Where a baby is born prematurely, the employee should ensure that the Headteacher is informed as soon as is practically possible. The period of maternity leave will commence automatically the day after the birth unless maternity leave had already commenced. The Trust's Neonatal Care Policy may apply if the baby is admitted into neonatal care within 28 days of birth.

##### **5.4 Death of a Baby and Still Birth**

If the baby dies or is still-born after 24 weeks' pregnancy the provisions of the relevant scheme apply. Where this occurs before 24 weeks (miscarriage), consideration as to the circumstances should be made and, where necessary, special leave or sick leave should be granted. The decision should be made with consideration given to the needs of the employee and medical advice.

## 5.5 Dismissal Protection

The law protects an employee against dismissal when the employee is pregnant or during maternity leave regardless of hours worked or length of service. Only when a dismissal would have occurred, regardless of the fact that the employee is pregnant or on maternity leave, would a dismissal not be automatically unfair.

## 5.6 Keeping in Touch Days

Employees may, by agreement with Soke Education Trust, attend work for up to ten days, known as “Keeping in Touch days” (KIT days), under their contract of employment during the maternity leave period. Such days are different to the reasonable contact that employers and employees may make with one another, as during KIT days employees can carry out work for the employer, for which they may be paid.

Any work done on any day during the maternity pay or maternity leave period will count as a whole KIT Day, up to the 10-day maximum. In other words, if an employee comes in for a one-hour training session and does no other work that day, the employee will have used one of their KIT days. Applications should be made using the Keep in Touch form (appendix 3)

The type of work that the employee undertakes on KIT days is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the employee’s contract.

The employee may be paid for the work undertaken during KIT days without loss of SMP entitlement. Payment for any KIT days will be basic day (based on 1/195 for teachers)/hourly pay (minus any occupational or statutory payments due).

# 6. Health and Safety

6.1 Pregnant employees must be given specific health and safety protection under UK Health and Safety Legislation. The main provisions are set out below.

## 6.2 Risk Assessment

Soke Education Trusts must assess all workplaces for risks to the health and safety of their employees and others affected by their work activities. In particular, they must consider if there are specific or enhanced risks for new and expectant mothers who are defined as “an employee who is pregnant, who has given birth or miscarried within the previous six months, or who is breast feeding”. Such risks would include exposure to certain harmful substances or microbial agents/infectious diseases, extremes of heat and cold, noise, movement and posture, lifting/handling loads, and potential exposure to violence (including verbal abuse). A specific Risk Assessment will be carried out for an employee who is pregnant as soon as possible after the initial notification. The Risk Assessment will be regularly reviewed:

- **Regularly** throughout the pregnancy – at least at each stage of the pregnancy.

- **Whenever there are changes** to the employee's work or working conditions (e.g., new equipment, new duties, changes in environment).
- **If the employee's health status changes** or if they return to work within 6 months of giving birth or are breastfeeding.

6.3 Where an unacceptable risk is identified, Soke Education Trust will take any protective or preventative measures required by other health and safety legislation to remove it. See <http://www.hse.gov.uk/risk/resources.htm> for risk assessment form templates. Where this would not prevent the employee from being at risk, a hierarchy of measures should be followed:

- If it is reasonable to do so, working conditions or hours of work should be altered to avoid (or minimise) the risk;
- If this is not possible, or the risk cannot be avoided by this, the employee should be offered suitable alternative employment on existing, or not substantially less favourable, terms and conditions;
- If no suitable alternative work is available, the employee should be given leave of absence with full pay. If the employee refuses an offer of suitable alternative work, the leave may reasonably be unpaid.

#### 6.4 Period of Protection

These provisions apply from the time the School receives written notification that the employee is pregnant until 6 months after the date of childbirth, or until the employee stops breast feeding if the employee continues to do so beyond this six-month period. The paid leave of absence provisions will not apply during the maternity leave period. The employee will receive whatever maternity pay the employee is entitled to as normal.

### 7. The Administration of Maternity Leave

7.1 When the employee notifies the Headteacher (or other designated person) that they are pregnant the employee should be given the appropriate maternity leave application form and summary of entitlements – appendix 3 and 4.

7.2 It is the responsibility of the employee to notify the school by, at the latest, the 15th week before the EWC, of the intended date maternity leave is to commence (this can be time related rather than a specific date). Should the employee decide they intend to commence maternity leave at an earlier date, they are required to give a minimum of 28 days' notice of the revised date.

When the Headteacher has received formal confirmation of an employee's intention to take maternity leave, the completed maternity application form should be forwarded to the HR Adviser immediately to enable a response to be sent to the employee within the statutory required 28 days. EPM provides a schedule of maternity leave pay for the

employee.

7.3 A certificate of pregnancy from a registered medical practitioner or midwife (MatB1) should also be provided to Soke Education Trust. The MatB1 is not issued until the 20th week before the EWC.

7.4 If the employee chooses to return before the end of the 52 weeks maternity leave period, the employee is required to give a minimum of 21 days' notice of the revised return date, in writing, to the Headteacher. The employee must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Following return to work from maternity leave normal notice periods apply.

7.5 When the School has been informed of the above, then the HR Adviser for the School should be notified via the EPM portal in order that any maternity cover arrangements may be terminated and the employee's full pay re-commenced as appropriate.

## **8. Pensions**

8.1 Members of the Teachers' Pension Scheme (TPS) and Local Government Pension Scheme (LGPS) will pay contributions based on the actual maternity pay received during the first 39 weeks of the maternity pay period.

8.2 During unpaid maternity leave (see 'What maternity pay am I entitled to?' section of the table in Appendix 3 or 4 depending on the role of the pregnant employee) the Soke Education Trust shall not make any payments into the pension scheme and the employee will no longer continue paying contributions. Employees should seek further information from the relevant pension scheme in respect of their options to enhance contributions for the period of unpaid maternity leave.



## Appendix 1

Entitlement to maternity leave and pay for all categories of employees with less than 26 weeks service as at the 15th week before the EWC

Entitlements				Obligations		
Category of Employees	Period with Soke Education Trust	Length of Absence	Pay	Period of Notice by Employee to Soke Education Trust of Intention to Cease Work	Period of Notice by Employee to Soke Education Trust to Change the Date Maternity Absence Begins	Period of Notice by Employee to Soke Education Trust of Intention to Return to Work
<b>Support</b>	Less than 26 weeks service as at 15 weeks before EWC	Up to 52 weeks	No contractual or statutory maternity pay.  Form SMP1 to be provided by payroll provider to apply for statutory maternity allowance.	By 15th week before EWC, if not earlier	28 days	None unless returning before 52 weeks, then 21 days
<b>Teachers</b>	Less than 26 weeks service as at 15 weeks before EWC	Up to 52 weeks	No contractual or statutory maternity pay.  Form SMP1 to be provided by payroll provider to apply for statutory maternity allowance.	By 15th week before EWC, if not earlier	28 days	None unless returning before 52 weeks, then 21 days

EWC: Expected Week of Childbirth; SMP: Statutory Maternity Pay

## Appendix 2



### KIT (Keeping in Touch) Day Claim Form

Section A (to be completed by the employee)			
<i>Please complete Section A and submit to your line manager for approval after you have attended work on a KIT Day</i>			
Name			
Payroll Reference			
Post Title			
School			
I confirm that I am currently on maternity/adoption* leave and wish to claim payment for attending work on an agreed KIT Day(s)			
Dates worked		Half/full day*	
		Half/full day*	
		Half/full day*	
I understand that any monies claimed will be subject to tax/NI and pension deductions in the normal way (*please delete as appropriate)			
Signed		Date	
Section B (to be completed by the Headteacher/Senior Manager)			
<i>Please complete Section B and forward to HR/SBM for EPM processing</i>			
Name			
Post			
I can confirm that the above KIT Day payment is authorised			
Signed		Date	

### Appendix 3 - Teacher Staff Maternity Entitlements

What service do I have?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to?
<b>Less than 26 weeks service</b> , irrespective of hours worked, as at the 15th week before the expected week of childbirth (EWC)	<b>A</b> I would like to return to work	Up to 52 week's absences in total including up to 11 weeks before the expected week of childbirth	Form SMP 1 should be provided from your payroll provider to be submitted to the Benefits Agency who will arrange for Statutory Maternity Allowance to be paid to you, subject to qualifying
	<b>B</b> I would like to resign	Not applicable	As above
<b>26 weeks or more</b> , irrespective of hours worked, as at the 15th week before the expected week of childbirth <b>and less than 1 years' service</b> as at the 11th week before the expected week of childbirth (EWC)	<b>C</b> I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid
	<b>D</b> I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid
	<b>E</b> I would like to resign	Not applicable	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP
<b>At least 1 year's continuous service</b> , irrespective of hours worked, as at the 11th week before the expected week of childbirth (EWC)	<b>F</b> I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	4 weeks at full pay and 2 weeks at 90% of full pay followed by 12 weeks half pay.  You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid.  Plus, depending on salary and average earnings: 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
	<b>G</b> I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings: 33 weeks lower rate SMP and the remainder unpaid

			The 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks
	H I would like to resign	Not applicable	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings: 33 weeks lower rate SMP

**Teacher Application for Maternity Leave and Pay** - Please return this completed form to EPM as soon as possible to enable a response to be provided to the employee within 28 days of this form being returned to the School office.

Please read the maternity policy and the table, then complete and return the form below to the school office during or before the 15th week before your expected week of childbirth.

Name:	
Payroll Number:	
Home Address:	
School Name:	

Teachers Pensions to seek advice on the effect that a period of unpaid maternity leave will have as well as any options available to enhance your pension: [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

**Expected Week of Childbirth (EWC)**

The MATB1 certificate is available from your midwife from the 20<sup>th</sup> week of pregnancy onwards **(please tick)**

<input type="checkbox"/>	I enclose my MATB1 certificate with this form.
<input type="checkbox"/>	I will forward my MATB1 certificate to the School as soon as possible and understand that I will not receive any maternity pay until I provide this.

**Maternity Options**

Please tick one option below. Refer to table overleaf.

A	C	D	F	G
<b>First date of maternity leave:</b> I understand this date can be altered and I must give at least 28 days' notice of the revised date maternity leave is to commence.				
B	E	H		

I do not intend to return to work and thereby wish to formally terminate my contract of employment effective from:

<input type="checkbox"/>
<input type="checkbox"/>

Date:

The end of my maternity pay period

I have read and understand the maternity policy, which I have retained.

Signed:		Date:		Signed:		Date:	
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**NB.** If you are intending to take a period of unpaid absence during your maternity leave you should be aware that you will not pay contributions during this period. You are advised to contact

**Keeping in Touch Days**

You are entitled to "keep in touch" with the workplace for up to a maximum of 10 days during your maternity leave without affecting your entitlement to statutory or contractual maternity pay. The exact arrangements for "keeping in touch" must be discussed with your Principal/Headteacher/Line Manager.

<input type="checkbox"/>	I wish to discuss with my Principal/Headteacher/Line Manager arrangements for "keeping in touch" days.
<input type="checkbox"/>	I do not wish to discuss arrangements for "keeping in touch" days but reserve the right to discuss this with my Principal/Headteacher/Line Manager at a later date during my maternity leave.

**Authorising Signature**

I confirm that an assessment to identify hazards that could be a risk to any new, expectant, or breastfeeding mothers has been or will be undertaken and I have discussed "keeping in touch" days with the employee if requested.

<input type="checkbox"/>	I certify that I have seen the original MATB1 certificate
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**Appendix 4 - Support Staff Maternity Entitlements**

What service do I have?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to?
<b>Less than 26 weeks service</b> , irrespective of hours worked, as at the 15 <sup>th</sup> week before the expected week of childbirth (EWC)	<b>A</b> I would like to return to work	Up to 52 week's absence in total including up to 11 weeks before the expected week of childbirth	Form SMP 1 should be provided from your payroll provider to be submitted to the Benefits Agency who will arrange for Statutory Maternity Allowance to be paid to you, subject to qualifying
	<b>B</b> I would like to resign	Not applicable	As above
<b>26 weeks or more</b> , irrespective of hours worked, as at the 15 <sup>th</sup> week before the expected week of childbirth <b>and less than 1 years service</b> as at the 11 <sup>th</sup> week before the expected week of childbirth (EWC)	<b>C</b> I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid
	<b>D</b> I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid
	<b>E</b> I would like to resign	Not applicable	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP
<b>At least 1 year's continuous service</b> , irrespective of hours worked, as at the 11th week before the expected week of childbirth (EWC)	<b>F</b> I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	6 weeks at 90% of contractual full pay followed by 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings: 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
	<b>G</b> I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP and the remainder unpaid 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks
	<b>H</b> I would like to resign	Not applicable	Depending on salary and average earnings: 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP

# Support Staff Application for Maternity Leave and Pay

Please read the maternity policy and the table, then complete and return the form below to the school office during or before the 15th week before your expected week of childbirth

Name:	
Payroll Number:	
Home Address:	
School Name:	

**NB.** If you wish to continue to pay pension contributions for any period of unpaid maternity leave, please contact your local authority's Pensions Section for further information.

Expected Week of Childbirth (EWC)

The MATB1 certificate is available from your midwife from the 20<sup>th</sup> week of pregnancy onwards **(please tick)**

<input type="checkbox"/>	I enclose my MATB1 certificate with this form.
<input type="checkbox"/>	I will forward my MATB1 certificate to the School as soon as possible and understand that I will not receive any maternity pay until I provide this.

## Maternity Options

Please tick one option below. Refer to table overleaf.

A	C	D	F	G
First date of maternity leave:				
I understand this date can be altered and I must give at least 28 days' notice of the revised date maternity leave is to commence.				

B	E	H

I do not intend to return to work and thereby wish to formally terminate my contract of employment effective from:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Date:

The end of my maternity pay period

I have read and understand the maternity policy, which I have retained.

Signed:		Date:	
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## Keeping in Touch Days

You are entitled to "keep in touch" with the workplace for up to a maximum of 10 days during your maternity leave without affecting your entitlement to statutory or contractual maternity pay. The exact arrangements for "keeping in touch" must be discussed with your Principal/Headteacher/Line Manager.

<input type="checkbox"/>	I wish to discuss with my Principal/Headteacher/Line Manager arrangements for "keeping in touch" days.
<input type="checkbox"/>	I do not wish to discuss arrangements for "keeping in touch" days but reserve the right to discuss this with my Principal/Headteacher/Line Manager at a later date during my maternity leave.

## Authorising Signature

I confirm that an assessment to identify hazards that could be a risk to any new, expectant, or breastfeeding mothers has been or will be undertaken and I have discussed "keeping in touch" days with the employee if requested.

<input type="checkbox"/>	I certify that I have seen the original MATB1 certificate
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Signed:		Date:	
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Please return this completed form to EPM as soon as possible to enable a response to be provided to the employee within 28 days of this form being returned to the School office

## Statutory Neonatal Care Leave and Pay (Births)

### Contents

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## 1. Scope

- 1.1. The following guidance sets out the **statutory minimum** required by regulation in respect of Statutory Neonatal Care Leave (SNCL) and Statutory Neonatal Care Pay (SNCP) rights, which are applicable to all employees in the case of births. In the case of multiple births, the term child may be read as children and the term birth as births.

## 2. Frequently Used Terms

- 2.1. The definitions in this paragraph apply in this guidance.

**Expected week of childbirth (EWC):** The week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

**Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the birthing parent, the other parent, or the birthing partner if not the other parent).

**Partner:** Spouse, civil partner, or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Intended parent:** A person who on the day of the child's birth has applied or intends to apply during the period of 6 months beginning with the day of the child's birth for a parental order and expects the court to make such an order on that application in respect of the child;

**Overseas adopter:** A person with whom the child is living, following the child's entry into Great Britain from outside the United Kingdom in connection with or for the purposes of adoption which does not involve the placement of the child for adoption under the law of any part of the United Kingdom, and who has received official notification in respect of the child;

**Prospective adopter:** A person who has been approved as suitable to adopt a child and has been notified of that decision or with whom the child has been placed,

**Qualifying Week:** The fifteenth week before the expected week of childbirth.

**Qualifying Period:** Any period of a week during which the child receives neonatal care without interruption beginning

(a) for the first qualifying period, on the day after the day on which the care starts and,

(b) for a subsequent qualifying period, on the day after the end of the preceding qualifying period.

**Tier 1 period:** Period of time beginning with the day child starts receiving neonatal care and ending with the 7th day after the day child stops receiving neonatal care;

**Tier 2 period:** Any period of time which is not a tier 1 period in which an employee is entitled to take leave and must be taken before the 68<sup>th</sup> week following the child's date of birth. This leave must be taken in one continuous block of time.

**Neonatal Care:** Care of a medical or palliative kind, starting before the end of a period of 28 days from the day after the date of child's birth. Prescribed kinds of care within the definition are:

- (a) medical care received in a hospital;
- (b) medical care received in any other place that meets the following criteria—
  - (i) the child was an inpatient in hospital and the care is received upon that child leaving hospital;
  - (ii) the care is under the direction of a consultant; and
  - (iii) the care includes ongoing monitoring by, and visits to the child from, healthcare professionals arranged by the hospital referred to in paragraph (i); and
- (c) palliative or end-of-life care.

### **3. Eligibility for SNCL**

3.1. The employee must be either the:

- (a) Child's parent,
- (b) The partner of child's mother, or
- (c) An intended parent of the child, and

3.2. At the time of Childs' birth, the person has or expects to have

- (a) if the person is the parent or intended parent of the child, responsibility for their upbringing
- (b) If the person is the partner of child's mother, the main responsibility (apart from any responsibility of their partner) for the upbringing of the child.

3.3. The conditions are satisfied if the person is:

- (a) Childs Adopter/Prospective Adopter
- (b) Overseas adopter

- (c) The Partner of the adoptive parent/prospective/overseas adopter who has or expects to have the main responsibility (apart from any responsibility of their partner) for upbringing of the child
- 3.4. The neonatal care leave must continue without interruption for a period of at least seven days beginning with the day after the day on which the care starts.
- 3.5. Neonatal care must start before the end of a period of 28 days beginning with the day after the date of the child's birth.
- 3.6. Where an employee takes neonatal care leave in the tier 1 period—
  - (a) the leave may not be taken before the day after the first qualifying period;
  - (b) the leave may be taken in non-consecutive weeks.
- 3.7 Any neonatal care leave the employee does not choose to take in the tier 1 period
  - (a) may be taken in the tier 2 period;
  - (b) must be taken consecutively.
- 3.8 If the employee is eligible and gives the required written notice they are entitled to take the leave; it cannot be refused or deferred by the employer.
- 3.9 Leave must be taken before the end of a period of maximum 68 weeks beginning with the date of the child's birth.

#### **4. Eligibility for SNCP**

- 4.1 The employee must:
  - (a) Meet the conditions outlined above
  - (b) Meet notice requirements outlined below
- 4.2 Notice requirements:
  - 4.2.1. An employee must give notice of their intention to take any absence from work as neonatal care leave specifying:
    - (a) the name of the person giving notice to take neonatal care leave;
    - (b) Child's date of birth and where relevant
      - i. in cases of adoption, the date child is placed, or

- ii. in cases of overseas adoption, the date child enters Great Britain;
- (c) the date that child started to receive neonatal care or, if the notice covers each date that child started to receive neonatal care such dates that child started to receive neonatal care on;
- (d) if child is no longer receiving neonatal care, the date the neonatal care ended;
- (e) the date on which the employee chooses the period of absence to begin;
- (f) the number of weeks of neonatal care leave the notice is being given for;
- (g) that the employee is taking the leave to care for child; and
- (h) if it is the first time notice is given in respect of child, confirmation that the person claiming the statutory neonatal care leave meets the condition outlined in paragraph 3

4.2.2. Where a person has given notice to you before child has stopped receiving neonatal care, the person must inform you of the date that the neonatal care ends, as soon as is reasonably practicable after that date.

4.2.3. Where child starts to receive neonatal care again after the employee has notified you that neonatal care has ended, the employee must inform you of the date that the neonatal care started again and the date when it ends, as soon as reasonably practicable after each date.

4.2.4. Where an employee intends to be absent in the tier 1 period, notice must be given in respect of each week of such leave

- (a) before the employee is due to start work on the employee's first day of absence from work in that week, or
- (b) in a case where it is not reasonably practicable for the employee to give notice, as soon as reasonably practicable.

4.2.5. Where an employee intends to be absent in the tier 2 period, the employee must give the notice in writing:

- (a) for a single week of neonatal care leave, notice must be given no later than 15 days before the first day of the neonatal care leave to which the notice relates;
- (b) for two or more consecutive weeks of neonatal care leave, notice must be given no later than 28 days before the first day of the neonatal care leave to which the notice relates.

## **5. The Entitlement to Statutory Neonatal Leave and Pay and how it can be Taken**

5.1. The minimum SNCP for the leave will be determined in accordance with the statutory requirements in place at the time. These can be accessed at [www.gov.uk](http://www.gov.uk) .

5.2. The entitlement is to up to 12 weeks (as one single or as non-consecutive periods of leave of a week each) paid leave, to be taken within 68 weeks of the birth date.

5.3. The leave can start on any day of the week however, the leave cannot commence prior to the childbirth or the neonatal care needs arising.

5.4. If the child is born earlier than expected, SNCL must be taken within 68 weeks of the date of birth.

## **6. Changing the Start Date of SNCL**

6.1. An employee who has given notice to take leave in the tier 2 period, may withdraw the original notice in writing, as follows:

- (a) Where the original notice was given in relation to a single week beginning in the tier 2 period, a notice of withdrawal must be given no later than 15 days before the first day of the week to which the original notice relates;
- (b) where the original notice was given in relation to two or more consecutive weeks beginning in the tier 2 period, a notice of withdrawal must be given no later than 28 days before the first day of the first week to which the original notice relates.

6.2. The employee and employer can mutually agree to waive the requirement to give notice and in such cases the employee will be treated as having given notice in accordance with this regulation.

## **7. Employment Rights During Leave**

7.1. An employee who takes SNCL has the right not to be dismissed or subjected to any other detriment by reason of taking the leave. Continuous service will continue to accrue during Neonatal Care Leave for both teaching and non-teaching employees.

7.2. During SNCL an employee has a statutory right to continue to benefit from all the terms and conditions of employment which would have applied to them had they been at work, except for the terms relating to wages or salary. The employee remains bound by their obligations of good faith, as well as any contractual terms relating to the giving of notice, disclosure of confidential information, acceptance of gifts and benefits and freedom to participate in another business/work elsewhere.

## **8. The Right to Return from SNCL**

8.1 An employee who has exercised their right to take SNCL has the right to return to the same job that they were employed to do immediately prior to taking the leave. This right depends on the SNCL having been one of the following under regulation 15:

- (a) An isolated period of leave.
- (b) The last of two or more consecutive periods of statutory leave (maternity, adoption, shared parental leave, parental and paternity leave) which did not include any:
  - (c) Period of parental leave of more than four weeks; or
  - (d) Period of statutory leave which when added to any other periods of statutory leave (excluding parental leave) taken in relation to the same child means that the total statutory leave taken in relation to that child totals more than 26 weeks.

8.2 If the above does not apply, and it is not reasonably practicable for the employer to return the employee to the job they were doing before their SNCL, the employer is entitled to propose an alternative job for the employee to return to which is both suitable for them and appropriate for them to do in the circumstances.

**9. Informing your payroll provider that an Employee will be taking SNCL**

- 9.1. Where your payroll provider is EPM, employees should complete the attached form, you should retain the original signed copy on the employee's personnel file and send a copy of the completed form to your designated payroll adviser at the address indicated.
- 9.2. Where your payroll provider is not EPM, you should seek advice on the appropriate procedure.

## Appendix 1



### Application for Statutory Neonatal Care Leave (SNCL) and Pay (SNCP)

#### Section A – Employee Details (to be completed by the employee)

Employee name				
Address for correspondence				
Payroll reference				
National Insurance No.				
Name of School/Academy				
Post title				
Copy of evidence attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

#### Section B – Application for SNCL

1. I [insert name] confirm that I meet the qualifying conditions for SNCL in that I:	
a) wish to take SNCL to care for the child and	<input type="checkbox"/>
b) will be responsible for the child's upbringing (apart from the birth parent), and	<input type="checkbox"/>



<b>c) I am either:</b>				
<b>i. The birthing parent; or</b>				<input type="checkbox"/>
<b>ii. The partner of the child's birthing parent; or</b>				<input type="checkbox"/>
<b>iii. The intended parent</b>				<input type="checkbox"/>
<b>iv. The adopter/overseas adopter</b>				<input type="checkbox"/>
<b>v. The partner of the adopter/overseas adopter</b>				<input type="checkbox"/>
<b>vi. The prospective adopter</b>				<input type="checkbox"/>
<b>vii. The partner of the prospective adopter</b>				<input type="checkbox"/>
<b>Leave type application:</b>	<b>Tier 1</b>	<input type="checkbox"/>	<b>Tier 2</b>	<input type="checkbox"/>
<b>Actual date of birth / date of placement</b>				
<b>Date(s) child started to receive neonatal care</b>				
<b>Date neonatal care ended:</b>	<b>(Leave blank if applying for Tier 1 SNCL)</b>			
<b>Number of weeks to be taken as neonatal leave</b>	<b>(Leave blank if applying for Tier 1 SNCL)</b>			
<b>2. I would like my SNCL to start:</b>				
<b>3. I would like my SNCL to end:</b>	<b>(Leave blank if applying for Tier 1 SNCL)</b>			

### Section C– Application for Statutory Neonatal Care Pay (SNCP)

<b>Please refer to the attached guidance document 'the entitlement to SNCP' and tick the one applicable statement.</b>	
<b>a) I understand that I am not entitled to SNCP as I do not meet the earnings threshold. I am applying for SNCL only.</b>	<input type="checkbox"/>

b) I understand that I am entitled to SNCP.	<input type="checkbox"/>
---	--------------------------

#### Section D – Declaration

All of the information I have provided on this form is accurate	
Print name	
Signed	
Date	
Please return this form to the Senior Authorising Officer.	

#### Section E – Authorisation (to be completed by the Senior Authorising Officer)

I authorise the Neonatal Care Leave and pay as detailed above.	
Print name	
Signed	
Date	
This form should be retained on the employee's personnel file. Please forward a copy for payroll processing.	

## **Paternity Leave (Birth) Policy and Application guidance**

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## 1. Scope

1.1. The following guidance sets out the statutory minimum required by regulation in respect of Ordinary Statutory Paternity Leave (OSPL) and Ordinary Statutory Paternity Pay (OSPP) rights, which are applicable to all employees in the case of births. It also comments on relevant, non-teaching contractual provisions and local arrangements, Contractual Paternity Leave (CPL) and Contractual Paternity Pay (CPP). In the case of multiple births, the term child may be read as children and the term birth as births.

1.2. In the case of adoption, please refer to the Ordinary Paternity Leave and Pay (Adoption) Management Guidance Notes and Employee Application Form.

## 2. Frequently Used Terms

2.1. The definitions in this paragraph apply in this guidance.

**Expected week of childbirth (EWC):** The week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

**Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).

**Partner:** Spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** The fifteenth week before the expected week of childbirth.

## 3. Eligibility for OSPL

3.1. The employee must:

- Have been continuously employed by the employer for at least 26 weeks up to any day in the 'qualifying week'. The 'qualifying week' is the 15th week before the expected week of childbirth and
- Be either the:
  - biological father of the child; or
  - spouse, civil partner or partner; **and**

- Be taking the time off to support the mother or care for the child and have or expect to have responsibility for the child's upbringing; **and**
- Give written notice no later than the end of the 15th week before the expected week of childbirth, [EWC] or as soon as is reasonably practicable of
  - the expected date of the child's birth
  - whether they wish to take one or two continuous week's leave
  - when they want their OSPL to start [see below]
- If the employee is eligible and gives the required written notice they are entitled to take the leave; it cannot be refused or deferred by the employer.
- **Please note** - non teaching staff who are employed under Green Book conditions of service may be entitled to **Maternity Support Leave**, irrespective of length of service, and relationship to the mother or child, provided that they are the 'nominated carer of an expectant mother at or around the time of birth' [see below]. This provision does not apply to teachers, but local arrangements may exist [see below].

#### 4. The Entitlement to OSPL and how it can be taken

4.1. The minimum OSPP for the leave will be determined in accordance with the statutory requirements in place at the time. These can be accessed at [www.gov.uk](http://www.gov.uk).

4.2. OSPL is not available if the employee has taken any Shared Parental Leave in respect of the child.

4.3. Any employee not entitled to OSPP will receive form SPP1 from their payroll provider explaining why they are not eligible; they may then be able to claim income support during OSPL.

4.4. The entitlement is to up to two weeks (either one week or two consecutive weeks) paid leave, to be taken within 56 days of the birth date.

4.5. The leave can start on any day of the week, and whilst an employee can apply to take the leave on any date falling after the first day of the EWC, the leave cannot actually commence prior to the date on which the child is born. If the child is born later in the EWC, or later than the EWC, the leave must be delayed until the birth.

4.6. If the child is born earlier than expected, OSPL must be taken between the date of birth and 56 days from the first day of the EWC.

4.7. If an employee specifies the date of birth as the day they wish to start their leave and they are at work on that day, their leave will begin on the next day.

## **5. Changing the Start Date of OSPL**

5.1. If the employee wants to change the start date they must give the following written notice:

- If they want to change their leave so it starts on the date of birth, at least 28 days before the first day of the EWC
- If they want to change their leave so it starts on a particular date, 28 days before that date
- If they want to change their leave so it starts a specified number of days after the birth, at least 28 days (minus the specified number of days) before the first day of the EWC; e.g. if the employee wants to start their leave 14 days after the birth and 3 the EWC begins on 16 July, they must notify you of the new date on 2 July i.e. 28 days before 14 days after 16 July

5.2. When it is not possible to give the required written notice, for example when a child arrives late or early, the employee should inform you as soon as reasonably practicable as to any date changes that may occur.

5.3. Where an employee has changed the start date of their leave, they should fill in a new application form

## **6. Maternity Support Leave for Non-Teaching Employees**

6.1. In accordance with the Green Book, up to 5 days maternity support leave shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. There is no length of service requirement.

6.2. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

6.3. Maternity Support Leave is paid at the rate of normal salary. An employee who qualifies for both OSPL and maternity support leave will, therefore, be entitled to the first week's leave at full normal pay based on contracted hours, inclusive of Statutory Paternity Pay (SPP) where applicable. To qualify for the second week of statutory paternity leave and pay (at SPP rate or 90% of pay whichever is lower) it is necessary for the employee to meet the statutory criteria including length of continuous service and earnings criteria.

6.4. If unpaid statutory parental leave, or OSPL is requested in addition to Maternity Support Leave, the Maternity Support Leave is offset against the leave, it cannot be taken in addition to it.

## **7. Contractual Paternity pay under Local Arrangement**

7.1. Soke Educational Trust will extend any statutory entitlements through Contractual Paternity Leave and Pay. Under this contractual arrangement all employees who qualify for leave under OSPL

will be paid in full for the 2 week period. Where entitled, OSPP will be included in any contractual payment, as any payment due will not exceed normal salary.

## **8. Employment Rights During Leave**

8.1. An employee who takes OSPL has the right not to be dismissed or subjected to any other detriment by reason of taking the leave. Continuous service will continue to accrue during paternity leave for both teaching and non-teaching employees.

8.2. During OSPL an employee has a statutory right to continue to benefit from all the terms and conditions of employment which would have applied to them had they been at work, except for the terms relating to wages or salary. The employee remains bound by their obligations of good faith, as well as any contractual terms relating to the giving of notice, disclosure of confidential information, acceptance of gifts and benefits and freedom to participate in another business/work elsewhere.

## **9. The Right to Return from OSPL**

9.1. An employee who has exercised their right to take OSPL usually has the right to return to the same job that they were employed to do immediately prior to taking the leave. This right depends on the OSPL having been one of the following under regulation 13:

- An isolated period of leave.
- The last of two or more consecutive periods of statutory leave (maternity, adoption, shared parental leave, parental and paternity leave) which did not include any:
- Period of parental leave of more than four weeks; or
- Period of statutory leave which when added to any other periods of statutory leave (excluding parental leave) taken in relation to the same child means that the total statutory leave taken in relation to that child totals more than 26 weeks.

9.2. If the above does not apply, and it is not reasonably practicable for the employer to return the employee to the job they were doing before their OSPL, the employer is entitled to propose an alternative job for the employee to return to which is both suitable for them and appropriate for them to do in the circumstances.

9.3. The employee's right to return under regulation 13 is a right to return both:

- With their seniority, pension rights and similar rights:
- In a case where the employee is returning from consecutive periods of statutory leave which included a period of additional maternity leave or additional adoption leave, as they would have

been if the period(s) of their employment prior to the additional maternity or adoption leave [as the case may be] were continuous with the period of employment following it; and

- In any other case, as they would have been had the employee not been absent.
- On terms and conditions not less favourable than those which would have applied had the employee not been absent on OSPL.

## **10. Application process**

10.1. The employee should complete the Application for Paternity Leave and Pay (Birth) (Appendix 1) form and return it to the Headteacher for authorisation. A copy of the completed form will be sent to payroll for processing and payment.

## **Appendix 1**





## Application for Paternity Leave and Pay (Birth)

### Section A – Employee Details (to be completed by the employee)

Employee name:	
Address for correspondence:	
Payroll reference:	
National Insurance No:	
Name of school	
Post title/s:	
Relevant service and notice week:	
Copy of evidence attached:	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

### Section B – Application for type of Leave

1. I [insert name] _____ confirm that I meet the qualifying conditions for OSPL in that I: (You MUST be able to confirm all three conditions, please tick) (Child to be read as children in the case of multiple births)	
a) wish to take OSPL to care for the child and/or support the child's mother, and	<input type="checkbox"/>
b) will be responsible for the child's upbringing (apart from the mother), and	<input type="checkbox"/>
c) I am either:	
i) the biological father of the child;	<input type="checkbox"/>
ii) not the biological father, but the spouse or civil partner of the child's mother; or	<input type="checkbox"/>

ii) not the biological father, but living with the child's mother in an enduring family relationship and am NOT the child's mothers' parent, grandparent, sister, brother, aunt or uncle	<input type="checkbox"/>
2. The mother has received a medical certificate confirming the EWC, (i.e. MAT BI Form) and the expected EWC is: Sunday date: _____ Actual date of birth:_____	
3. I would like to take [one week OR two consecutive weeks'] (Please delete as appropriate) leave.	
4. I would like my leave to start (Please select and, where necessary complete one of the following):	
a) On the date of birth	<input type="checkbox"/>
b) _____[insert number] days after the date of birth	<input type="checkbox"/>
c) On _____ [insert date] (note that this date must be later than the expected week of childbirth)	<input type="checkbox"/>

#### Non-Teaching Employees Only – Maternity Support Leave Employed Under Green Book Terms

5. I will be the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. I wish to take 5 days paid maternity support leave in order to provide care for the child and support the mother commencing on [date]_____ I also meet the qualifying condition for OSPL indicated under 1 above and wish to take 1 week's OSPL following this to commence on [date] _____	
6. I am not eligible for maternity support leave. I intend to take (please tick):	
1 week OSPL	<input type="checkbox"/>
2 consecutive weeks OSPL	<input type="checkbox"/>
Commencing on [date] _____ which is:	
a) the date on which it is anticipated the child will be born; or	<input type="checkbox"/>

b) _____[insert number of days] after the date on which the child is expected to be born	<input type="checkbox"/>
7. I understand that I must provide 28 days' written notice if I wish to change the start date of my OSPL.	<input type="checkbox"/>
8. I understand that all my OSPL must be taken within 56 days of the date of birth (except where the child is born earlier than the EWC-see the entitlement to OSPL and how it can be taken)	<input type="checkbox"/>
9. I understand that OSPL is not available if, in birth cases, I have taken any shared parental leave in respect of the child.	<input type="checkbox"/>

#### Non-Teaching Employees Only – Maternity Support Leave Employed Under Green Book Terms

<p>c) I will be the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. I wish to take 5 days paid maternity support leave in order to provide care for the child and support the mother commencing on [date]_____</p> <p>I also meet the qualifying condition for OSPL indicated under 1 above and wish to take 1 week's OSPL following this to commence on [date] _____</p>	
10. I am not eligible for maternity support leave. I intend to take (please tick):	
1 week OSPL	<input type="checkbox"/>
2 consecutive weeks OSPL	<input type="checkbox"/>
11. I understand that I must provide 28 days' written notice if I wish to change the start date of my OSPL.	<input type="checkbox"/>
12. I understand that all my OSPL must be taken within 56 days of the date of birth (except where the child is born earlier than the EWC-see the entitlement to OSPL and how it can be taken)	<input type="checkbox"/>
13. I understand that OSPL is not available if, in birth cases, I have taken any shared parental leave in respect of the child.	<input type="checkbox"/>

#### Section C – Application for Ordinary Statutory Paternity Pay (OSPP)

Please refer to the attached guidance document 'the entitlement to OSPP' and tick the one applicable statement.

a) I understand that I am not entitled to OSPP as I do not meet the earnings threshold. I am applying for OSPL only. (You will be sent form SPP1 to confirm)

☐

b) I understand that I am entitled to OSPP. Please arrange payment of my 1 week.

☐

c) I understand that I am entitled to OSPP. Please arrange payment of my 2 weeks.

☐

If you have elected under Section B to take your entitlement to maternity support leave this will be paid.

#### Section D – Application for Contractual Paternity Pay (CPP)

I understand that in accordance with my contract I am entitled to CPP. Therefore, please arrange payment of my entitlement to:

1 week CPP

☐

2 weeks' CPP

☐

I understand that this payment will be inclusive of any entitlement that I have to the payment of OSPP.

#### Section E – Declaration

All of the information I have provided on this form is accurate

Print name:

Signed:

Date:

Please return this form to the Senior Authorising Officer.

#### Section F– Authorisation (to be completed by the Senior Authorising Officer)

I authorise the paternity leave and pay as detailed above

Print name:
Signed:
Date:
<b>This form should be retained on the employee's personnel file. Please forward a copy for payroll processing.</b>

## Paternity Leave (Adoption) Policy & Application Guidance

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## 1. Scope

1.1. The following guidance sets out the statutory minimum required by regulation in respect of Ordinary Statutory Paternity Leave (OSPL) and Ordinary Statutory Paternity Pay (OSPP) rights, which are applicable to all employees in the case of adoption. It also comments on relevant non-teaching contractual provisions and local arrangements, Contractual Paternity Leave (CPL) and Contractual

Paternity Pay (CPP). In the case of adoption of multiple children, the term child may be read as children.

1.2. This document applies to adoption. If this is not applicable, please refer to the Ordinary Paternity Leave and Pay (Birth) Management Guidance Notes and Employee Application Form.

## **2. Frequently Used Terms**

2.1. The definitions in this paragraph apply in this guidance.

**Adopter:** A child's adopter is either the person who has been matched with the child for adoption or, where two people have been matched jointly, the person who has elected (at the time they are notified that they have been matched) to be the child's adopter for statutory adoption leave and pay purposes.

**Prospective adopter:** A prospective adopter is someone who has been approved as suitable to adopt a child and has been notified of that decision.

**Partner:** Spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Child:** A child is a person who is under the age of 18 when they are placed with the adopter for adoption.

**Adoption agency:** An adoption agency in England and Wales is defined by reference to section 2 of the Adoption and Children Act 2002 (ACA 2002) (either a local authority or registered adoption society in England and Wales).

**Matched for adoption:** A person is matched with a child for adoption when:

- An adoption agency decides that they would be a suitable adoptive parent for the child either individually or jointly with another person; or
- A decision has been made to place the child with a local authority foster parent who is also an approved prospective adopter and an adoption agency has identified them as the person with whom the child is to be placed.

**Notification of being matched for adoption:** A person is notified of having been matched with a child:

- When an adoption agency decides that they would be a suitable adoptive parent, on the date on which they receive notification of the adoption agency's decision.
- When a local authority foster parent is identified as an adoptive parent, on the date on which they receive notification of the adoption agency's decision

**Notification of being placed for adoption:** A person is notified of a child being placed for adoption where either the child is:

- Placed for adoption under the ACA 2002; or
- Placed in accordance with section 22C of the Children Act 1989 with a local authority foster parent who is also a prospective adopter

### **3. Eligibility for OSPL**

#### **3.1. The employee must:**

- Have been employed for at least 26 weeks by the end of the week in which the child's Adopter is notified that they have been matched with a child. (For overseas adoption see 5 below); **and**
- Be either the spouse, civil partner or partner of the Adopter; and
- Be taking the time off to support the Adopter or care for the child and have or expect to have the main responsibility (apart from the responsibility of the child's Adopter) for the child's upbringing; **and**
- Give written notice within seven days of the date on which the Adopter is notified of their match with the child or as soon as is reasonably practicable of:
  - The date on which the Adopter was notified of having been matched with the child
  - The date on which the child is expected to be placed with the Adopter
  - The amount of OSPL that the employee intends to take (that is, either one week or two consecutive weeks)
  - When they want their OSPL to start (see below)

3.2. If the employee is eligible and gives the required written notice they are entitled to take the leave; it cannot be refused or deferred by the employer.

3.3. Where the adoption is of a child from overseas the following will apply instead of 1 and 4 above.

- The employee must still have been employed continuously for 26 weeks. However, this criterion can be met either by counting:
  - From the week in which they started their employment with the employer; or
  - Back from the week in which they received "official notification" from the relevant domestic authority that it had issued, or would issue, a certificate to the relevant overseas adoption authority confirming the employee's eligibility to adopt and that the employee has been assessed and approved as a suitable adoptive parent.

3.4. The employee must have received notification that the adoption has been approved by the relevant UK authority (official notification).

3.5. The employee must give written notice of:

- The intention to take OSPL;
- The date they received official notification; and
- The date the child is expected to arrive in Great Britain

3.6. This notice should be given as early as possible but in any case within 28 days of receiving official notification or, if the employee has less than 26 weeks' continuous employment with the employer



at the date of Official Notification, within 28 days of completing 26 weeks' continuous employment with the employer, whichever is later.

3.7. The employee must also give at least 28 days' notice in writing of the intended start date which can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

3.8. The employee must notify the employer of the date the child arrives in Great Britain within 28 days of that date.

3.9. The employer may also ask for:

- A copy of the official notification
- The amount of OSPL that the employee intends to take (that is, either one week or two consecutive weeks)
- When they want their OSPL to start (see below)

3.10. If the employee is eligible and gives the required written notice they are entitled to take the leave; it cannot be refused or deferred by the employer.

3.11. **Please note** - non teaching staff who are employed under Green Book conditions of service may be entitled to **Maternity Support Leave**, irrespective of length of service, and relationship to the mother or child, provided that they are the 'nominated carer of an expectant mother at or around the time of birth' [see below]. This provision does not apply to teachers, but local arrangements may exist [see below]. The Green Book does not set out the same terms for adoption support leave but schools should apply this to adoption paternity leave requests in the same way.

#### 4. The Entitlement to OSPL and how it can be taken

4.1. OSPL is not available if the employee has taken any Shared Parental Leave in respect of the child, taken paid time off to attend up to five adoption appointments in respect of the child, or if they have already taken paternity leave in relation to the child as a result of the child being placed with a Prospective Adopter who at the same time of the placement is the employee's spouse, civil partner or partner. Therefore, taking account of any enhanced contractual entitlements they might have, parents intending to adopt should consider which right they wish the parent who is not the primary Adopter to exercise: attending paid adoption appointments or OSPL.

4.2. The entitlement is to up to two weeks (either one week or two consecutive weeks) paid leave, to be taken between the date on which the child is placed with the Adopter and 56 days after that date.

4.3. Within the 56 day period, it is for the employee to choose when they wish to take their OSPL, starting with any of:

- The date on which the child is placed with the Adopter;
- A date falling a specified number of days after the date on which the child is placed with the Adopter, which must have been notified to the employer;
- A predetermined date which must be the date on which the child is expected to be placed with the Adopter, which must have been notified to the employer.

## 5. Changing the Start Date of OSPL

5.1. If the employee wants to change the start date they must give the following written notice:

- **If they want to change their leave so it starts on the date when the child is placed with the Adopter**, at least 28 days before the first day of the expected adoption placement date set out in their notice of intention to take OSPL
- **If they want to change their leave so it starts on a particular date**, 28 days before that date
- **If they want to change their leave so it starts a specified number of days (or a different specified number of days) after the date on which the child is placed with the Adopter**, at least 28 days (minus the specified number of days) before the expected placement date set out in their notice of intention to take OSPL.

5.2. When it is not possible to give the required written notice, the employee should inform you as soon as reasonably practicable as to any date changes that may occur.

5.3. Where an employee has changed the start date of their leave, they should fill in a new application form.

## 6. The Entitlement to OSPP (Adoption)

6.1. The minimum OSPP for the leave will be determined in accordance with the statutory requirements in place at the time. These can be accessed at [www.gov.uk](http://www.gov.uk).

6.2. Any employee not entitled to OSPP will receive form SPP1 from their payroll provider explaining why they are not eligible; they may then be able to claim income support during OSPL.

## 7. Maternity Support Leave for Non-Teaching Employees

7.1. In accordance with the Green Book, up to 5 days maternity support leave shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. There is no length of service requirement.

7.2. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

7.3. Maternity Support Leave is paid at the rate of normal salary. An employee who qualifies for both OSPL and maternity support leave will, therefore, be entitled to the first week's leave at full normal pay based on contracted hours, inclusive of Statutory Paternity Pay (SPP) where applicable. To qualify for the second week of statutory paternity leave and pay (at SPP rate or 90% of pay whichever is lower) it is necessary for the employee to meet the statutory criteria including length of continuous service and earnings criteria.

7.4. If unpaid statutory parental leave, or OSPL is requested in addition to Maternity Support Leave, the Maternity Support Leave is offset against the leave, it cannot be taken in addition to it.

7.5. The Green Book does not set out the same terms for adoption support leave but schools should apply this to adoption paternity requests in the same way whereby the adopter nominates a carer to support them

## **8. Contractual Paternity pay under Local Arrangement**

8.1. Soke Educational Trust will extend any statutory entitlements through Contractual Paternity Leave and Pay. Under this contractual arrangement all employees who qualify for leave under OSPL will be paid in full for the 2 week period. Where entitled, OSPP will be included in any contractual payment, as any payment due will not exceed normal salary.

## **9. Employment Rights During Leave**

9.1. An employee who takes OSPL has the right not to be dismissed or subjected to any other detriment by reason of taking the leave. Continuous service will continue to accrue during paternity leave for both teaching and non-teaching employees.

9.2. During OSPL an employee has a statutory right to continue to benefit from all the terms and conditions of employment which would have applied to them had they been at work, except for the terms relating to wages or salary. The employee remains bound by their obligations of good faith, as well as any contractual terms relating to the giving of notice, disclosure of confidential information, acceptance of gifts and benefits and freedom to participate in another business/work elsewhere.

## **10. The Right to Return from OSPL**

10.1. An employee who has exercised their right to take OSPL usually has the right to return to the same job that they were employed to do immediately prior to taking the leave. This right depends on the OSPL having been one of the following under regulation 13:

- An isolated period of leave.
- The last of two or more consecutive periods of statutory leave (maternity, adoption, shared parental leave, parental and paternity leave) which did not include any:
  - Period of parental leave of more than four weeks; or
  - Period of statutory leave which when added to any other periods of statutory leave (excluding parental leave) taken in relation to the same child means that the total statutory leave taken in relation to that child totals more than 26 weeks.

10.2. If the above does not apply, and it is not reasonably practicable for the employer to return the employee to the job they were doing before their OSPL, the employer is entitled to propose an alternative job for the employee to return to which is both suitable for them and appropriate for them to do in the circumstances.

10.3. The employee's right to return under regulation 13 is a right to return both:

- With their seniority, pension rights and similar rights:
- In a case where the employee is returning from consecutive periods of statutory leave which included a period of additional maternity leave or additional adoption leave, as they would have been if the period(s) of their employment prior to the additional maternity or adoption leave [as the case may be] were continuous with the period of employment following it; and
- In any other case, as they would have been had the employee not been absent.
- On terms and conditions not less favourable than those which would have applied had the employee not been absent on OSPL.
- Informing EPM Payroll that an Employee will be taking OSPL

## **11. Application process**

11.1. The employee should complete the attached form and return it to the Headteacher for authorisation. A copy of the completed form will be sent to payroll for processing and payment.

## **Appendix 1**



## Application for Paternity Leave and Pay (Adoption)

### Section A – Employee Details (to be completed by the employee)

Employee name:	
Address for correspondence:	
Payroll reference:	
National Insurance No:	
Name of school:	
Post title/s:	
Relevant service and notice week:	
Notification of match letter/official notification:	
Copy of evidence attached:	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

### Section B – Application for type of Leave

1. I [insert name] _____ confirm that I meet the qualifying conditions for OSPL in that I: (You MUST be able to confirm all three conditions, please tick)	
a) wish to take OSPL to care for the child and/or support the child's adopter, and	<input type="checkbox"/>
b) will have or expect to have the main responsibility (apart from the responsibility of the child's adopter), for the child's upbringing, and	<input type="checkbox"/>
c) I am either:	
i) the spouse of the adopter; or	<input type="checkbox"/>

ii) not the biological father, but the spouse or civil partner of the child's mother; or	<input type="checkbox"/>
ii) not the biological father, but living with the child's mother in an enduring family relationship and am NOT the child's mothers' parent, grandparent, sister, brother, aunt or uncle	<input type="checkbox"/>
2. The mother has received a medical certificate confirming the EWC, (i.e. MAT BI Form) and the expected EWC is: Sunday date: _____ Actual date of birth: _____	
3. I would like to take [one week OR two consecutive weeks'] (Please delete as appropriate) leave.	
4. I would like my leave to start (Please select and, where necessary complete one of the following):	
a) On the date of birth	<input type="checkbox"/>
b) _____ [insert number] days after the date of birth	<input type="checkbox"/>
c) On _____ [insert date] (note that this date must be later than the expected week of childbirth)	<input type="checkbox"/>

**Non-Teaching Employees Only – Maternity Support Leave Employed Under Green Book Terms**

5. I will be the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. I wish to take 5 days paid maternity support leave in order to provide care for the child and support the mother commencing on [date] _____ I also meet the qualifying condition for OSPL indicated under 1 above and wish to take 1 week's OSPL following this to commence on [date] _____	
6. I am not eligible for maternity support leave. I intend to take (please tick):	
1 week OSPL	<input type="checkbox"/>
2 consecutive weeks OSPL	<input type="checkbox"/>
Commencing on [date] _____ which is:	
a) the date on which it is anticipated the child will be born; or	<input type="checkbox"/>

ii) the civil partner of the adopter; or	<input type="checkbox"/>
iii) partner living with the child's adopter in an enduring relationship and am NOT the child's mothers parent, a grandparent, sister, brother, aunt or uncle	<input type="checkbox"/>
2. I understand that, for the purposes of exercising my right to take OSPL, the "adopter" of a child is either the person who has been matched with the child for adoption or, where two people have been matched jointly, whichever of them has elected to be the child's adopter for the purposes of taking adoption and paternity leave.	<input type="checkbox"/>
3. The adopter was notified that they had been matched for adoption with _____ [name of child, if known] on _____ [date]	
4. _____ [name of child] [is expected to be OR was] <b>(please delete as appropriate)</b> placed with the adopter on _____ [insert date]	
5. I would like to take [one week OR two consecutive weeks'] <b>(Please delete as appropriate)</b> OSPL.	
a) On the date on which the child is placed with the adopter.	<input type="checkbox"/>
b) _____ [insert number] days after the date on which the child is placed with the adopter.	<input type="checkbox"/>
c) On _____ [insert date] (note that this date must be later than the date on which the child is expected to be placed with the adopter.)	<input type="checkbox"/>

**Non-Teaching Employees Only – Maternity Support Leave Employed Under Green Book Terms**

6. I confirm I fulfil the eligibility criteria for paternity leave above. I wish to take 5 days paid maternity support leave in order to provide care for the child and support the adopter commencing on [date] _____	<input type="checkbox"/>
7. I am not eligible for maternity support leave. I intend to take <b>(please tick)</b> :	
1 week OSPL	<input type="checkbox"/>
2 consecutive weeks OSPL	<input type="checkbox"/>
Commencing on (date) _____ which is:	
A predetermined date which must be the date on which the child is expected to be placed with the adopter, which must have been notified to the employer.	
a) _____ [insert date] which is the date on which the child is expected to be placed with the adopter; or	<input type="checkbox"/>

b) _____ [insert number of days] after the date on which the child is expected to be born placed with the adopter, which I understand, must be notified to the employer; or	
8. I understand that I must provide 28 days' written notice if I wish to change the start date of my OSPL.	<input type="checkbox"/>
9. I understand that all my OSPL must be taken within 56 days of which the child is placed with the adopter	<input type="checkbox"/>
10. I understand that OSPL is not available if, in adoption cases, I have taken any shared parental leave in respect of the child, taken paid time off to attend adoption appointments in respect of that child, or they have already taken paternity leave in relation to the child as a result of the child being placed with a prospective adopter who at the time of the placement was my spouse, civil partner or partner.	<input type="checkbox"/>

### Section C – Application for Ordinary Statutory Paternity Pay (OSPP)

Please refer to the attached guidance document 'the entitlement to OSPP' and tick the one applicable statement.	
a) I understand that I am not entitled to OSPP as I do not meet the earnings threshold. I am applying for OSPL only. (You will be sent form SPP1 to confirm)	<input type="checkbox"/>
b) I understand that I am entitled to OSPP. Please arrange payment of my 1 week.	<input type="checkbox"/>
c) I understand that I am entitled to OSPP. Please arrange payment of my 2 weeks.	<input type="checkbox"/>
If you have elected under Section B to take your entitlement to maternity support leave this will be paid.	

### Section D – Application for Contractual Paternity Pay (CPP)

I understand that in accordance with my contract I am entitled to CPP. Therefore, please arrange payment of my entitlement to:

1 week CPP	<input type="checkbox"/>
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2 weeks' CPP	<input type="checkbox"/>
I understand that this payment will be inclusive of any entitlement that I have to the payment of OSPP.	

#### Section E – Declaration

All of the information I have provided on this form is accurate	
Print name:	
Signed:	
Date:	
Please return this form to the Senior Authorising Officer.	

#### Section F– Authorisation (to be completed by the Senior Authorising Officer)

<b>I authorise the paternity leave and pay as detailed above</b>	
Print name:	
Signed:	
Date:	
<b>This form should be retained on the employee's personnel file. Please forward a copy for payroll processing.</b>	

### Shared Parental Leave (Birth) Policy

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## 1 Introduction

- a. This Shared Parental Leave (Birth) Procedure should be read and applied in conjunction with Soke Education Trust's Staffing Policy Statement.
- b. This procedure outlines the arrangements for shared parental leave and pay in relation to the birth of a child. If you are adopting a child, please refer to the Shared Parental Leave (Adoption) Procedure.
- c. This procedure applies to employees. It does not apply to agency workers or self-employed contractors.

- d. This procedure does not form part of any employee's contract of employment and we may amend it at any time.

## **2 Frequently Used Terms The definitions in this paragraph apply to this procedure.**

The definitions in this paragraph apply to this procedure.

**Expected week of childbirth (EWC):** The week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

**Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father or the mother's partner, if not the father).

**Partner:** Spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** The fifteenth week before the expected week of childbirth.

## **3.What is Shared Parental Leave?**

3.1 Shared Parental Leave (SPL) is a form of leave that became available for children born on or after 5 April 2015.

3.2 It gives you and your partner more flexibility in how to share care of your child in the first year after birth than simply taking maternity and paternity leave. Assuming you are both eligible, you will be able to choose how to split available leave between you and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block. SPL must end no later than one year after the birth of the child and any SPL not taken by the child's first birthday is lost entitlement to SPL.

## **4. Entitlement to SPL**

- a. You are entitled to SPL in relation to the birth of a child if:
  - a. You are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
  - b. You are the child's father and share the main responsibility for the care of the child with the child's mother; or
  - c. You are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- b. The following conditions must also be fulfilled If both parents want to share the SPL and Shared Parental Pay (ShPP) the mother and partner must:

- 4.b.1 Have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- 4.b.2 Stay with the same employer whilst they take SPL
- 4.b.3 Be 'employees'
- 4.b.4 Each earn on average at least £120 a week
- c. The following conditions must also be fulfilled if the mother's partner wants to take the SPL and ShPP:
  - 4.c.1 The mother must have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the baby's due and have earned at least £390 in total across any 13 of the 66 weeks
  - 4.c.2 The mother's partner must have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date, stay with the same employer whilst they take SPL, be an 'employee' and earn on average at least £120 a week
  - 4.c.3 The mother's partner must have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date, stay with the same employer whilst they take SPL, be an 'employee' and earn on average at least £120 a week
- d. The following conditions must also be fulfilled if the mother's wants to take the SPL and ShPP:
  - 4.d.1 The mother's partner must have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the baby's due and have earned at least £390 in total across any 13 of the 66 weeks
  - 4.d.2 The mother must have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date, stay with the same employer whilst they take SPL, be an 'employee' and earn on average at least £120 a week
  - 4.d.3 If the mother is a 'worker', the employee can get ShPP but not SPL. If the mother earns less than £120 a week, the employee can get SPL but not ShPP.
- e. The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if the employee is not entitled to maternity leave).
- f. If you are the mother, you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after the birth.

## 5. **Opting-In to Shared Parental Leave and Pay**

- 5.1 Not less than eight weeks before the date you intend your SPL to start, you must give us a written 'Notice to Opt-In to Shared Parental Leave (Birth)' form (Appendix A) which includes:
  - a. Your full name and the full name of the other parent
  - b. If you are the child's mother, the start and end dates of your maternity leave

- c. If you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if the employee is not entitled to maternity leave, the start and end dates of any SMP or MA period
- d. The total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken
- e. How many weeks of the available SPL will be allocated to you and how many to the other parent (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation)
- f. If you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken), payable during the 52 weeks following the birth of the child
- g. How many weeks of the available SPL will be allocated to you and how many to the other parent (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation)
- h. An indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave (see paragraphs 9, 10, 11 and 12 for information on taking leave). This indication will not be binding at this stage, but please give as much information as you can about your future intentions
- i. Declarations by you and the other parent that you both meet the statutory conditions for entitlement to SPL and ShPP (see Appendix A)

## 6 Ending Maternity Leave

6.1 If you are the child's mother and want to opt-in to the SPL scheme, you must give us at least eight weeks' written notice to end your maternity leave early (a curtailment notice – Appendix B ) before you can take SPL. The notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth.

6.2. You must also give us, at the same time as the curtailment notice a 'Notice to Opt-In to Shared Parental Leave (Birth)' form (Appendix A) (see paragraph 5) or a written declaration that the child's father or your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice.

6.3 The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.

6.4 The curtailment notice is usually binding and cannot be revoked. You can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:

- a) If you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, you can revoke the curtailment notice in writing up to eight weeks after it was given
- b) If you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later
- c) If the other parent has died.

6.5 Once you revoke a curtailment notice you cannot submit a second curtailment notice, unless the revocation was given in the circumstances in paragraph b).

## **7. Ending Your Partner's Maternity Leave or Pay**

7.1 If you are not the mother and the employee is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once the mother has either:

- 6.1 Returned to work
- 6.2 Given her employer a curtailment notice to end her maternity leave
- 6.3 Given her employer a curtailment notice to end her SMP (if the employee is entitled to SMP but not maternity leave)
- 6.4 Given the benefits office an ending maternity leave early (curtailment notice) to end her MA (if the employee is not entitled to maternity leave or SMP)

## **8. Evidence of Entitlement**

8.1 You must also provide on request:

- a. A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth)
- b. The name and address of the other parent's employer (or a declaration that they are self-employed)

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

9.1 If you are considering taking SPL you are encouraged to contact Soke Education Trust to arrange an informal discussion as early as possible regarding your potential entitlement, to talk about your plans and to enable us to support you.

9.2 Soke Education Trust may upon receiving a notification of entitlement to take SPL, seek to arrange an informal discussion with you to talk about your intentions and how you expect to use your SPL entitlement.

9.3 Upon receiving a 'Notice to Opt-In to Shared Parental Leave (Birth)' form (Appendix A), we will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave (a period of a number of weeks taken in a single unbroken period of leave), or for discontinuous leave (where you intend to return to work between periods of leave) and it can be approved without further discussion, a meeting may not be necessary.

9.4 Where a meeting is arranged it will take place in private and be arranged in advance. If the initial date is problematic, then another date will be arranged if possible. If an alternative date cannot be arranged, then a discussion may take place over the telephone.

9.5 At the meeting you may, if you wish, be accompanied by a workplace colleague or a trade union representative.

9.6 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while you are 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 different arrangement would be agreeable to you and us and what the outcome may be if no agreement is reached.

## **10. Booking Your SPL Dates**

10.1 Having opted-in to the SPL scheme you will need to give 'Notice of Dates for Shared Parental Leave (Birth)' form (Appendix C) informing us of the start and end dates of your leave. This can be given at the same time as your 'Notice to Opt-In to Shared Parental Leave (Birth)' form (Appendix A), or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your 'Notice of Dates for Shared Parental Leave' the dates on which you intend to claim shared parental pay (ShPP), if applicable.

10.2 If your 'Notice of Dates for Shared Parental Leave (Birth)' form (Appendix C) gives dates for a single period of continuous leave of SPL, you will be entitled to take the leave set out in the notice.

10.3 You can submit up to three 'Notice of Dates for Shared Parental Leave (Birth)' form (Appendix C). This may enable you to take up to three separate blocks of SPL (although if you give notice to vary or cancel a period of leave this will in most cases count as a further 'Notice of Dates for SPL' (Appendix C).

## **11. Procedure for Requesting Discontinuous Periods of SPL**

11.1 In general, a 'Notice of Dates for Shared Parental Leave – Birth' (Appendix C) should set out a single continuous block of leave. We may, in some cases, be willing to consider a 'Notice of Dates for SPL' where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with Soke Education Trust in advance of submitting any 'Notice of Dates for Shared Parental Leave – Birth' (Appendix C). This will give us more time to consider the request and hopefully agree on a pattern of leave with you from the start.

11.2 You must submit a 'Notice of Dates for Shared Parental Leave – Birth' (Appendix C) setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave). Alternatively, you may:

- a. Choose a new start date (which must be at least eight weeks after your original 'Notice of Dates for Shared Parental Leave' was given), and tell us within five days of the end of the two-week discussion period
- b. Withdraw your 'Notice of Dates for Shared Parental Leave' within fifteen days of the date of the Notice (in which case it will not be counted and you may submit a new one if you choose)

## **12. Changing the dates or cancelling your SPL**

12.1 You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the 'Notice of Dates of Shared Parental Leave – Birth' (Appendix C).

12.2 You can change the start date for a period of leave, or the length of the period of leave, by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.

12.3 You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases, please notify us in writing of the change as soon as you can.

12.4 You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date and the new end date, whichever is earlier.

12.5. You can change split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date of the first period, or in writing at least eight weeks before the original end date if the leave has already commenced

12.6. You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request as set out in paragraph 11

12.7 A notice to cancel or change a period of leave will count as one of your three 'Notices of Dates for Shared Parental Leave', unless: A 'Notice of Dates for Shared Parental Leave (Birth)' form (Appendix C) requesting a discontinuous period of SPL is withdrawn by you on or before the fifteenth day after the notice was given

- a. The variation is a result of your child being born earlier or later than the EWC
- b. The variation is at our request
- c. We agree otherwise

### **13. Shared Parental Pay (ShPP)**

13.1 ShPP is payable for a maximum of 37 weeks over a period of 52 weeks following the birth of the child, as 2 weeks Statutory Maternity Pay (SMP) or Maternity Allowance (MA) must be taken immediately after the birth.

13.2 You may be able to claim ShPP if you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the Government each tax year.

13.3 ShPP is paid at a rate set by the Government each year.

### **14. Other Terms During Shared Parental Leave**

14.1 Your terms and conditions of employment remain in force during Shared Parental Leave, except for the terms relating to pay.

14.2 If you are a member of the employer's pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any shared parental pay you are receiving unless you inform us that you wish to make up any shortfall.



## **15 Keeping In Touch**

15.1 We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

15.2 You may ask or be asked to work (including attending training) on up to 20 "shared parental leave in touch" days (SPLIT days) during your SPL. This is in addition to any "keeping in touch" days (KIT days) that you may have taken during maternity leave. KIT/SPLIT days are not compulsory and must be discussed and agreed with us. Any SPLIT days worked do not extend the period of SPL.

15.3 You will be paid at your normal basic rate of pay (based on 1/195 for teachers) for time spent working on a SPLIT day and this will be inclusive of any shared parental pay entitlement.

## **16. Returning to Work**

16.1 If you want to end a period of SPL early, you must give us eight weeks' written notice of the new return date. This should be addressed to Soke Education Trust. If you have already given us three 'Notices of Dates for Shared Parental Leave (Birth)' (Appendix C) requesting that a discontinuous period of SPL is withdrawn by you on or before the fifteenth day after the notice was given, you will not be able to end your SPL early without our agreement.

16.2 If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must submit a new 'Notice of Dates for Shared Parental Leave (Birth)' form (Appendix C) at least eight weeks before the date you were due to return to work. If you have already submitted notices you will not be able to extend your SPL without our agreement. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to our need for you to be at work

16.3 You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- a) If your SPL and any maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively)
- b) If you took SPL consecutively with more than four weeks of ordinary parental leave

16.4 If you want to change your hours or other working arrangements on return from SPL, you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

16.5 If you decide you do not want to return to work, you should give notice of resignation in accordance with your contract.

## Appendix 1



### Notice to Opt-In to Shared Parental Leave (Birth)

Use this form to opt-in to the shared parental leave scheme following the birth of a child. A separate form is available for adoptive parents. Please see our Shared Parental Leave Procedure for more information.

If you are the child's mother, you must also submit a signed **'Notice to End Maternity Leave Early (Curtailement Notice)'** (Appendix B) to bring your maternity leave entitlement to an end. Please discuss this form, in particular the dates in sections B and C, with Soke Education Trust before completing it.

<b>Section A: Basic Information</b>		
<b>Guidance notes.</b> Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.		
A1	<b>Employee's name:</b>	
A2	<b>Please state whether you are the child's mother, the child's father or the mother's partner:</b>	
A3	<b>Child's expected week of birth:</b>	
A4	<b>Child's actual date of birth (if known):</b>	
	<b>Child's place of birth (if known):</b>	
<b>Section B: Maternity Leave, Statutory Maternity Pay or Maternity Allowance</b>		
<b>Guidance notes.</b> If you are the mother, please give your maternity leave (ML) dates below. If you are still on ML you must also submit an <b>'Ending Maternity Leave Early (Curtailement Notice)'</b> (Appendix B) to bring your ML to an end. If you are the child's father or the mother's partner, please give the mother's ML dates. If the employee is not entitled to statutory ML (for example, because the employee is an agency worker, self-employed or unemployed), give the dates the employee started and ended (or will end) her statutory maternity pay (SMP) or maternity allowance (MA) period as applicable. The employee must give her employer notice to curtail her ML or SMP period, or give notice to the Department for Work and Pensions to curtail her MA period as appropriate. All three dates of SPL are not required at once.		
	<b>ML/SMP/MA start date:</b>	
	<b>ML/SMP/MA end date:</b>	
	<b>Total ML/SMP/MA (weeks):</b>	
<b>Section C: Shared Parental Leave</b>		
<b>Guidance notes.</b> The total shared parental leave (SPL) available is 52 weeks minus the mother's compulsory ML, SMP, or MA period (see B3). The first period of shared parental leave cannot start until at least two weeks after the child is born and at least eight weeks after you submit this opt-in notice.		
C1	<b>Total SPL available (whole weeks):</b>	

C2	Number of whole weeks' SPL intended to be taken by you:	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with:	
C4	Indication of dates you would like to take shared parental leave:	
C5	The dates in C4 will be treated as a non-binding until a period of leave notice is given:	
<b>Section D: Statutory Shared Parental Pay (ShPP)</b>		
<b>Guidance notes.</b> The total statutory shared parental pay (ShPP) available is 39 weeks minus the mother's SMP or MA period (see B3), over a period of 52 weeks following the birth.		
D1	Total ShPP available (whole weeks):	
D2	Number of whole weeks' ShPP intended to be taken by child's mother:	
D3	Number of whole weeks' ShPP intended to be taken by child's father/mother's partner:	
D4	Indication of dates you would like to take ShPP:	
D5	The dates in D4 will be treated as non-binding until a notice to take ShPP is given (Appendix A). If you want to treat this notice as a notice to take ShPP on the dates given in D4 tick here.	
<b>Section E: Employee's Declaration</b>		
<b>Guidance notes.</b> "Child" means the child referred to in Section A. "Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew. Please tick as appropriate		
	I am the child's mother and I am entitled to statutory ML. I have submitted an Ending Maternity Leave Early (Curtailed Notice) (Appendix B) (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).	
	Or I am the child's father or the child's mother's partner.	
	had at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then.	

	My normal weekly earnings in the eight-week period ending with the 15th week before the EWC were not less than the lower earnings limit as indicated in the regulations.
	I expect to share the main responsibility for the care of the child with the person who has completed Section F.
	I intend to care for the child during each week that I am on shared parental leave and receiving ShPP.
	I will immediately inform Soke Education Trust if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or ShPP.
The information I have given in this notice is accurate.	
Signed:	
Print name:	
Date:	
<b>Section F: Declaration by Person Taking Shared Parental Leave with Employee</b>	
<p><b>Guidance notes.</b> "The employee" and "the child" are the employee and child referred to in Section A.</p> <p>If the employee is the child's mother, you must be the child's father or the mother's partner. If the employee is not the child's mother, you must be the child's mother. "Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
Name:	
Address:	
National Insurance Number:	
Your employer's name and address (if employed) or your business address if self-employed:	
Please tick as appropriate	
	I am the mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your employee starts shared parental leave.
	Or I am the child's father.
	Or I am the partner of the child's mother.
	I expect to share the main responsibility for the care of the child with your employee.
	I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC.
	My average weekly earnings are at least the current regulatory amount, taking the 13 highest-earning weeks in the 66 weeks immediately before the EWC.

	consent to your employee taking shared parental leave and claiming ShPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.
I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.	
Signed:	
Print name:	
Date:	

## Appendix 2



### Ending Maternity Leave Early (Curtailment Notice) Birth

I wish my ordinary/additional maternity leave period to end early on:

Date: \_\_\_\_\_. ('the Maternity Leave Curtailment Date')

I confirm that the above date is (please tick):

At least 1 day after the end of the compulsory maternity leave period (2 weeks after the birth of my child);	
At least 8 weeks after the date on which I signed and dated this Ending Maternity Leave Early (Curtilment Notice) and provided a copy to my employer;	
I confirm that the Maternity Leave Curtilment Date is at least 1 week before the last day of my additional maternity leave period.	
I understand that if this Ending Maternity Leave Early (Curtilment Notice) is submitted to Soke Education Trust after the birth of my child/children it is binding (see paragraph 6.4 of the Shared Parental Leave Procedure).	
I understand that if this Ending Maternity Leave Early (Curtilment Notice) is binding and cannot be revoked (subject to limited circumstances as outlined in paragraph 6.4 of the Shared Parental Leave Procedure).	

I confirm that a copy of this Ending Maternity Leave Early (Curtilment Notice) has been provided to Soke Education Trust

Soke Education Trust	
Signed:	
Print Name:	
Date:	

### Appendix 3



#### Notice of Dates for Shared Parental Leave – Birth

1. I understand that I may not request SPL with a start or end date which is outside the period in which SPL may be taken. This is within the period which begins on the date my child is born and ends the day before my child's first birthday. (If dates are requested prior to the birth of your child then you may include a start date which is expressed to be on the day on which your child is born, or a number of days following your child's birth, or the form may contain an end date expressed as a number of days following the date of the child's birth).

2. I understand that SPL must be taken in multiples of complete weeks, as one continuous period or up to three discontinuous periods. The minimum period of SPL which may be taken is one week.
3. I understand that I may give a total of three Notice of Dates for Shared Parental Leave, (including variation notices). The following notices do not count towards the three permitted notices:
  - a) A 'Notice of Dates for Shared Parental Leave' requesting a discontinuous period for SPL which is withdrawn by me on or before the fifteenth day after the notice was given.
  - b) A variation notice given as the result of my child being born earlier or later than the expected week of confinement.
  - c) A variation notice given in response to a request from the Trust that I vary a period of leave.
  - d) Where we agree otherwise

4. I confirm that I would like to take shared parental leave (SPL) and the date(s) requested are:

Start Date	End Date

**Please tick A or B**

A I intend to claim shared parental leave pay for these dates ☐

B I do not intend to claim shared parental leave pay for these dates ☐

Start Date	End Date

**Please tick A or B**

A I intend to claim shared parental leave pay for these dates ☐

B I do not intend to claim shared parental leave pay for these dates ☐

Start Date	End Date

**Please tick A or B**



A I intend to claim shared parental leave pay for these dates ☐

B I do not intend to claim shared parental leave pay for these dates ☐

Start Date	End Date

**Please tick A or B**

A I confirm that 'Notice to Opt-In to Shared Parental Leave' (Appendix A) accompanies this form. ☐

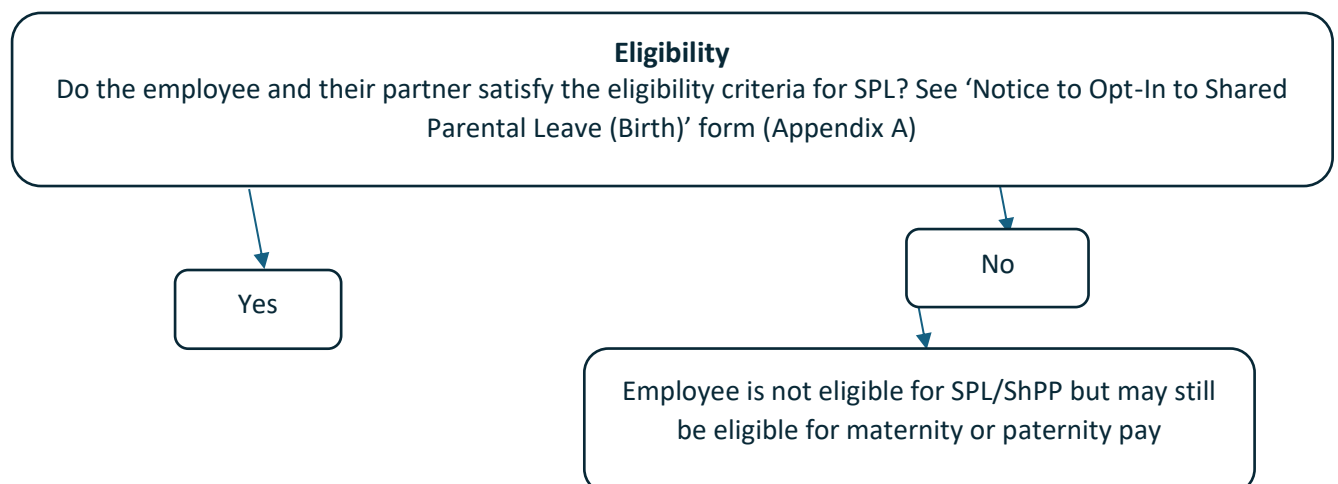
B I confirm that I have already presented a 'Notice to Opt-In to Shared Parental Leave' (Appendix A) to Soke Education Trust ☐

<b>Signed:</b>	
<b>Print name:</b>	
<b>Dated:</b>	

**Central Team Use Only**

<b>Received by:</b>	
<b>Name:</b>	
<b>Job Title</b>	
<b>Date:</b>	

#### Appendix D: Shared Parental Leave - The Process





### Notices

The following notices must be given to the employer:

- Notice to Opt-In to Shared Parental Leave (Appendix A) – at least 8 weeks’ notice must be given.
- Ending Maternity Leave Early (Curtailment Notice) (Appendix B) at least 8 weeks before employee due to end maternity leave and pay.
- Notice of Dates of Shared Parental Leave (Appendix C) – at least eight weeks’ notice must be given.

Two weeks maternity leave (compulsory) must be taken.

If mother gives notice ending maternity leave early (curtailment notice) (Appendix B) before giving birth, the employee can revoke it in writing before the leave curtailment date and within six weeks of the birth of her child.



### Leave

The employer is only obliged to accept three notices to book leave per employee. This includes the initial request and two further notifications/changes to previous notifications.

Where the request is for continuous leave the employer must agree to it.

Where the request is for discontinuous leave and the employer doesn’t immediately agree to it, there should be a two-week discussion period between the employer and employee.

If agreement is still not reached SPL defaults to the period of continuous leave unless the employee withdraws the request within 15 calendar days of the original notification (it won’t then count towards the three-notice limit).

The employee can change the start date of this continuous leave provided they do so within five days of the end of the discussion period above and the new date does not start sooner than eight

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## **1 About this policy**

1.1 This policy outlines the arrangement for Shared Parental Leave and pay in relation to the adoption of a child. If adoption is not applicable, please refer to the Shared Parental Leave (Birth) Policy.

1.2 This policy applies to employees. It does not apply to agency workers or self-employed contractors.

1.3 This policy does not form part of any employee's contract of employment, and we may amend it at any time.

## **2. Frequently Used Terms**

2.1 The definitions in this paragraph apply in this policy.

**Adopter:** A child's adopter is either the person who has been matched with the child for adoption or, where two people have been matched jointly, the person who has elected (at the time they are notified that they have been matched) to be the child's adopter for statutory adoption leave and pay purposes.

**Prospective adopter:** A prospective adopter is someone who has been approved as suitable to adopt a child and has been notified of that decision.

**Partner:** your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is placed for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** the week the adoption agency notifies you that you have been matched with a child for adoption.

## **3 What is Shared Parental Leave?**

3.1. Shared Parental Leave (SPL) is a form of leave that may be available where an adoption agency places a child with you and/or your partner on or after 5 April 2015.

3.2. It gives you and your partner more flexibility in how to share the care of your child in the first year after your child is placed with you for adoption than simply taking adoption and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between yourselves and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block. SPL must end no later than one year after the birth of the child or placed for adoption and any SPL not taken by the child's first birthday is lost.

## **4. Entitlement to SPL**

4.1 You may be entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption and you intend to share the main responsibility for the care of the child with your partner.

#### 4.2. The following conditions must be fulfilled:

4.2.1. If both parents want to share the SPL and Shared Parental Pay (ShPP) the adopter and partner must:

4.2.1.1. have been employed continuously by the same employer for at least 26 weeks by the end of the week they were matched with the child;

4.2.1.2. stay with the same employer whilst they take SPL;

4.2.1.3. be 'employees';

4.2.1.4. each earn on average at least £123 a week.

#### 4.2.2. If the adopter's partner wants to take the SPL and ShPP:

4.2.2.1. The adopter must have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the child was placed with them and have earned at least £390 in total across any 13 of the 66 weeks;

4.2.2.2. The adopter's partner must have been employed continuously by the same employer for at least 26 weeks by the end of the week they were matched with the child, stay with the same employer whilst they take SPL, be an 'employee' and earn on average at least £123 a week;

4.2.2.3. If the adopter's partner is a 'worker', they can get ShPP but not SPL. If the adopter's partner earns less than £123 a week, they can get SPL but not ShPP.

#### 4.2.3. If the adopter wants to take the SPL and ShPP:

4.2.3.1. The adopter's partner must have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the child was placed with them and have earned at least £390 in total across any 13 of the 66 weeks;

4.2.3.2. The adopter must have been employed continuously by the same employer for at least 26 weeks by the end of the week the child was matched with them, stay with the same employer whilst they take SPL, be an 'employee' and earn on average at least £120 a week;

4.2.3.3. If the adopter is a 'worker', they can get ShPP but not SPL. If the adopter earns less than £120 a week, they can get SPL but not ShPP.

4.3. The total amount of SPL available is 52 weeks, less the weeks spent by the child's adopter on adoption leave (or the weeks in which the adopter has been in receipt of SAP or AA if they are not entitled to maternity leave).

4.4. Either you or your partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.

## **5. Opting in to Shared Parental Leave and Pay**

5.1. Not less than eight weeks before the date you intend your SPL to start, you must give us an written Notice to Opt-In to Shared Parental Leave scheme (Appendix A – Adoption) which includes:

- a) your full name and your partner's full name;
- b) if you are taking adoption leave, your adoption leave start and end dates;
- c) if you are not taking adoption leave, your partner's adoption leave start and end dates, or if your partner is not entitled to adoption leave, the start and end dates of their SAP;
- d) the total SPL available, which is 52 weeks minus the number of weeks adoption leave or SAP taken or to be taken by you or your partner;
- e) how many weeks of the available SPL will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- f) if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks (minus the number of weeks of SAP taken or to be taken); payable during the 52 weeks following your date of adoption;
- g) how many weeks of the available ShPP will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- h) an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave (see paragraphs 9, 10, 11 and 12 for information on taking leave). This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- i) declarations by you and your partner that you both meet the statutory conditions to enable you to take SPL and ShPP (see Appendix A – Adoption).

## **6. Ending Adoption Leave**

6.1. If you are taking or intend to take adoption leave and want to opt in to the SPL scheme, you must give us at least eight weeks' written notice to end your adoption leave early (a curtailment notice) (Appendix B – adoption). The notice must state the date your adoption leave will end. You can give the notice before or after adoption leave starts, but you must take at least two weeks adoption leave.

6.2. You must also give us, at the same time as the curtailment notice, a Notice to Opt in to the Shared Parental Leave scheme (Appendix A) (see paragraph 5) or a written declaration that your

partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice.

6.3. If your partner is eligible to take SPL from their employer, they cannot start it until you have given us your curtailment notice.

6.4. The curtailment notice is usually binding and cannot be revoked. You can only revoke a curtailment notice if your adoption leave has not yet ended and one of the following applies:

- a) if you realise that neither you nor your partner are in fact eligible for SPL or ShPP, you can revoke the curtailment notice in writing up to eight weeks after it was given;
- b) if your partner has died.

6.5. Once you have revoked a curtailment notice you will be unable to opt back in to the SPL scheme.

## **7. Ending Your Partner's Adoption Leave or Pay**

7.1. If your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:

- a) returned to work;
- b) given their employer a curtailment notice to end adoption leave; or
- c) given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

## **8. Evidence of Entitlement**

8.1. You must also provide on request:

- a) One or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
- b) The name and address of your partner's employer (or a declaration that they are self-employed).

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

9.1. If you are considering taking SPL you are encouraged to contact your line manager to arrange an informal discussion as early as possible regarding your potential entitlement, to talk about your plans and to enable us to support you.

9.2. Your line manager may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with you to talk about your intentions and how you expect to use your SPL entitlement.

9.3. Upon receiving a Notice to Opt-In to the Shared Parental Leave scheme form (Appendix A – Adoption), we will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave (a period of a number of weeks taken in a single unbroken period of leave), or for discontinuous leave (where you intend to return to work between periods of leave) and it can be approved without further discussion, a meeting may not be necessary.

9.4. Where a meeting is arranged it will take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged, then a discussion may take place over the telephone.

9.5. At the meeting you may, if you wish, be accompanied by a workplace colleague or a trade union representative.

9.6. The purpose of the meeting is to discuss in detail the leave proposed and what will happen while you are 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 different arrangement would be agreeable to you and us and what the outcome may be if no agreement is reached.

## **10. Booking Your SPL Dates**

10.1. Having opted into the SPL scheme you will need to give Notice of Dates for Shared Parental Leave (Appendix C – Adoption) informing us the start and end dates of your leave. This can be given at the same time as your Opt-In notice (Appendix A), or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your Notice of Dates for Shared Parental Leave the dates on which you intend to claim shared parental pay ('ShPP'), if applicable.

10.2. If your Notice of Dates for Shared Parental Leave (Appendix 3 – Adoption) gives dates for a single period of continuous leave of SPL you will be entitled to take the leave set out in the notice.

10.3. You can submit up to three Notices of Dates for Shared Parental Leave (Appendix 3– Adoption). This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further Notice of Dates for SPL (Appendix 3– Adoption)).

## **11. Procedure for Requesting Discontinuous Periods of SPL**

11.1. In general, a Notice of Dates for Shared Parental Leave (Appendix C- Adoption) should set out a single continuous block of leave. We may, in some cases, be willing to consider a Notice of Dates for SPL where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your line manager in advance of submitting any Notice of Dates for SPL (Appendix C –Adoption). This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.



11.2. You must submit a Notice of Dates for SPL (Appendix C – adoption) setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, you may:

- a) choose a new start date (which must be at least eight weeks after your original Notice of Dates for Shared Parental Leave was given), and tell us within five days of the end of the two-week discussion period; or
- b) withdraw your Notice of Dates for Shared Parental Leave within fifteen days of the date of the Notice (in which case it will not be counted, and you may submit a new one if you choose).

## **12. Changing the Dates or Cancelling Your SPL**

12.1. You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the Notice of Dates of Shared Parental Leave (Appendix C – Adoption).

12.2. You can change the start date for a period of leave, or the length of the period of leave, by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.

12.3. You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date, or the new end date, whichever is earlier.

12.4. You can change split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date of the first period, or in writing at least eight weeks before the original end date if the leave has already commenced.

12.5. You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request as set out in paragraph 11.

12.6. A notice to change or cancel a period of leave will count as one of your three Notices of Dates for Shared Parental Leave, unless:

- a) a Notice of Dates for Shared Parental Leave (see Appendix C) requesting a discontinuous period of SPL is withdrawn by you on or before the fifteenth day after the notice was given;
- b) the variation is a result of the child being placed with you earlier or later than the expected placement date;
- c) the variation is at our request; or
- d) we agree otherwise.

### **13. Shared Parental Pay (ShPP)**

13.1. ShPP is payable for a maximum of 37 during the 50 weeks following the date of adoption, as two weeks Statutory Adoption Pay (SAP) must be taken.

13.2. You may be able to claim ShPP if you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year.

13.3. ShPP is paid at a rate set by the government each year.

### **14. Other Terms During Shared Parental Leave**

14.1. Your terms and conditions of employment remain in force during Shared Parental Leave, except for the terms relating to pay.

14.2. If you are a member of the employer's pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any shared parental pay you are receiving, unless you inform us that you wish to make up any shortfall.

### **15. Keeping in Touch**

15.1. We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

15.2. You may ask or be asked to work (including attending training) on up to 20 "shared parental leave in touch" days ('SPLIT' days) during your SPL. This is in addition to any "keeping in touch" days (KIT days) that you may have taken during adoption leave. KIT/SPLIT days are not compulsory and must be discussed and agreed with us. Any SPLIT days worked do not extend the period of SPL.

15.3. You will be paid at your normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any shared parental pay entitlement.

### **16. Returning to Work**

16.1. If you want to end a period of SPL early, you must give us eight weeks' written notice of the new return date. This should be addressed to the Headteacher. If you have already given us three Notices of Dates for Shared Parental Leave (Appendix C –Adoption), requesting that a discontinuous period of SPL is withdrawn by you on or before the fifteenth day after the notice was given, you will not be able to end your SPL early without our agreement.

16.2. If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must submit a new A Notice of Dates for Shared Parental Leave (see Appendix C) at least eight weeks before the date you were due to return to work. If you have already submitted notices, you will not be able to extend your SPL without our agreement. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to our need for you to be at work.

16.3. You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- a) if your SPL and any adoption or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- b) if you took SPL consecutively with more than four weeks of ordinary parental leave.

16.4. If you want to change your hours or other working arrangements on return from SPL you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

16.5. If you decide you do not want to return to work, you should give notice of resignation in accordance with your contract.

## Appendix 1



### Notice to Opt-in to Shared Parental Leave (Adoption)

Use this form to opt in to the shared parental leave scheme following the placement of a child for adoption. A separate form is available for birth parents. Please see our Shared Parental Leave Policy for more information.

If you are the child's adopter, you must also submit a signed Notice to End Adoption Leave Early (Curtailment Notice) (Appendix B) to bring your adoption leave entitlement to an end. Please discuss this form, in particular the dates in sections B and C, with your line manager before completing it.

<b>Section A: Basic Information</b>		
<p><b>Guidance notes.</b> Shared parental leave may be shared between a child's adopter and their Partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the adopter's spouse, civil partner, or other person living with the adopter in an enduring family relationship, but who is not the adopter's sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>		
<b>A1</b>	Employee's name:	
<b>A2</b>	I am the child's adopter or the Partner of the child's adopter (*delete as appropriate):	
<b>A3</b>	Child's expected placement date for adoption:	
<b>A4</b>	Date on which the adopter was notified that they had been matched with a child:	
<b>A5</b>	Child's place of birth (if known):	
<b>Section B: Adoption Leave, Statutory Adoption Pay</b>		
<p><b>Guidance notes.</b> If you are the adopter, please give your adoption leave (AL) dates below. If you are still on AL you must also submit an Ending Adoption Leave Early (curtailment notice) (Appendix B) to bring your AL to an end.</p> <p>If you are the adopter's Partner, please give the adopter's AL dates. If your Partner is not entitled to statutory AL, give the dates your Partner started and ended (or will end) their statutory adoption pay (SAP) period as applicable. The adopter must give the employer notice to curtail the AL period.</p>		
<b>B1</b>	AL / SAP start date:	
<b>B2</b>	AL / SAP end date:	
<b>B3</b>	Total AL / SAP (weeks):	
<b>Section C: Shared Parental Leave</b>		

**Guidance notes.** The total shared parental leave (SPL) available is 52 weeks minus the adopter's compulsory AL period (see B3).

The first period of shared parental leave cannot start until at least two weeks after the child is placed and at least eight weeks after you submit this opt-in notice.

<b>C1</b>	Total SPL available (whole weeks):	
<b>C2</b>	Number of whole weeks SPL intended to be taken by you:	
<b>C3</b>	Number of whole weeks SPL intended to be taken by the person you will share SPL with:	
<b>C4</b>	Indication of dates you would like to take shared parental leave:	

#### Section D: Statutory Shared Parental Pay (ShPP)

**Guidance notes.** The total statutory shared parental pay (ShPP) available is 39 weeks minus the adopter's AL period (see B3), over a period of 52 weeks following the Qualifying week.

<b>D1</b>	Total ShPP available (whole weeks)	
<b>D2</b>	Number of whole weeks ShPP intended to be taken by child's adopter:	
<b>D3</b>	Number of whole weeks ShPP intended to be taken by child's adopter's partner:	
<b>D4</b>	Indication of dates you would like to take ShPP:	
<b>D5</b>	The dates in D4 will be treated as non-binding until a notice to take ShPP is given. (Appendix A - Adoption) If you want to treat this notice as a notice to take ShPP on the dates given in D4 tick here.	

#### Section E: Employee's Declaration

**Guidance notes.** "Child" means the child referred to in Section A. "Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.  
Please tick as appropriate

	I am the child's adopter and I am entitled to statutory AL. I have submitted an Ending Adoption Leave Early (Curtailment Notice) (Appendix B – Adoption) (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).
	Or I am the child's adopter's Partner.
	I had at least 26 weeks' continuous employment in the week in which I was notified of having been matched with a child for adoption and have remained continuously employed since then.
	My normal weekly earnings in the eight-week period ending with the 15th week before the week in which I was notified of being matched with a child is not less than the lower earnings limit as indicated in the regulations.
	I expect to share the main responsibility for the care of the child with the person who has completed Section F.
	I intend to care for the child during each week that I am on shared parental leave and receiving ShPP.
	I will immediately inform my line manager if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or ShPP.
The information I have given in this notice is accurate	
Signed	
Print Name	
Date	
<b>Section F: Declaration by Person Taking Shared Parental Leave with Employee</b>	
<p>Guidance notes. "The employee" and "the child" are the employee and child referred to in Section A.</p> <p>If the employee is the child's adopter, you must be the adopter's Partner.</p> <p>"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
Name:	
Address:	

NI Number		
Your employer's name and address (if employed) or your business address if self-employed.		
	I am the adopter of the child and I am (or was) entitled to AL. I have curtailed my AL and SAP, or will have done so by the time your employee starts shared parental leave	
	Or I am the Partner of the child's adopter.	
	I expect to share the main responsibility for the care of the child with your employee.	
	I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the week I/your employee is notified of being matched with a child.	
	My average weekly earnings are at least the current regulatory amount, taking the 13 highest-earning weeks in the 66 weeks immediately before the week I/your employee is notified of being matched with a child.	
	consent to your employee taking shared parental leave and claiming ShPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.	
I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.		
Signed		
Print Name		
Date		

## Appendix 2



### Ending Adoption Leave Early (Curtailment Notice) – Adoption

I wish my adoption leave period to end early on:

Date: Click or tap to enter a date. ('the Adoption Leave Curtailment Date').

I confirm that the above date is (please tick):

At least 1 day after the end of the compulsory adoption leave period (2 weeks after the child was placed);	
At least 8 weeks after the date on which I signed and dated this Ending Adoption Leave Early (Curtailment Notice) and provided a copy to my Employer;	
I understand that this Ending Adoption Leave Early (Curtailment Notice) is binding and cannot be revoked (subject to limited circumstances as outlined in paragraph 6.4 of the Shared Parental Leave policy).	

I confirm that a copy of this Ending Adoption Leave Early (Curtailment Notice) has been provided to my line manager:

Line Manager	
Signed	
Print Name	
Date	

School use only

Received by:	
Name:	
Job Title:	



Date:	
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### Appendix 3



#### Notice of Dates for Shared Parental Leave – Adoption

1. I understand that I may not submit a period of leave notice unless this is accompanied by a notice of entitlement and intention to take SPL (Appendix A - Adoption).
2. I understand that I may not request SPL with a start or end date which is outside the period in which SPL may be taken. This is within the period which begins on the date my child is placed for adoption and ends the day before the first anniversary of the date on which my child was placed for adoption.
3. I understand that SPL must be taken in multiples of complete weeks, as one continuous period or up to three discontinuous periods. The minimum period of SPL which may be taken is one week.
4. I understand that I may give a total of three periods of leave notices, (including variation notices). The following notices do not count towards the three permitted notices:
  - a) A period of leave notice requesting discontinuous period of SPL which is withdrawn by me on or before fifteenth day after the notice was given.
  - b) A variation notice given as a result of the child being placed with me earlier or later than the expected placement date.
  - c) A variation notice given in response to a request from the school that I vary a period of leave.
  - d) We agree otherwise.

5. I confirm that I would like to take shared parental leave (SPL) and the date(s) requested are:

Start Date	End Date

Please tick A or B

☐ A I intend to claim shared parental leave pay for these dates.

☐ B I do not intend to claim shared parental leave pay for these dates.

Start Date	End Date

Please tick A or B

☐ A I intend to claim shared parental leave pay for these dates.

☐ B I do not intend to claim shared parental leave pay for these dates.

Start Date	End Date

Please tick A or B

☐ A I intend to claim shared parental leave pay for these dates.

☐ B I do not intend to claim shared parental leave pay for these dates.

Start Date	End Date

Please tick A or B

☐ A I intend to claim shared parental leave pay for these dates.

☐ B I do not intend to claim shared parental leave pay for these dates.

Line Manager	
Signed	
Print Name	
Date	

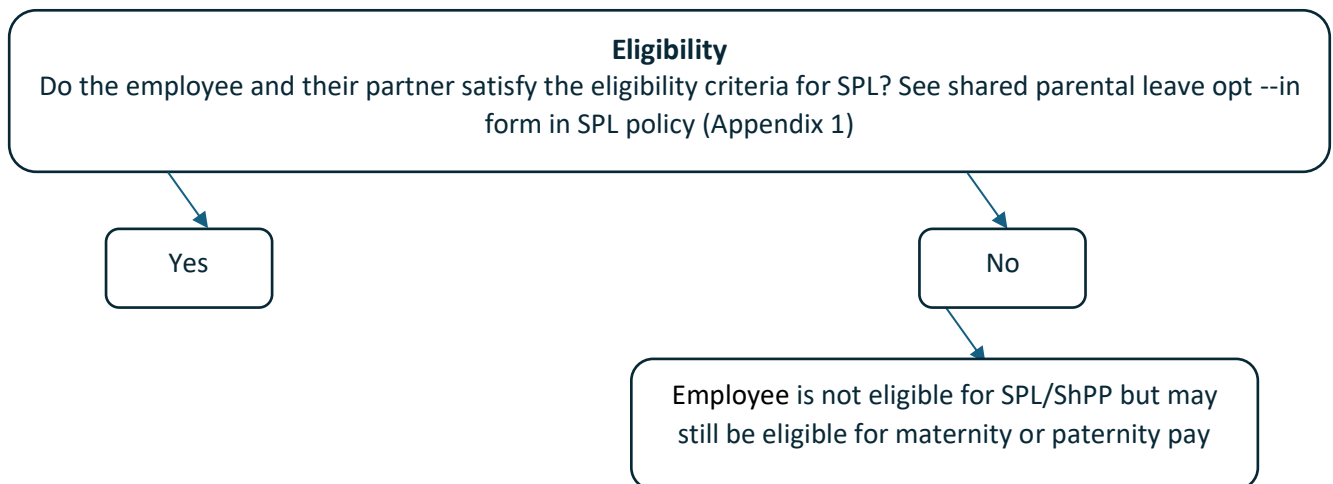
School use only

Received by	
-------------	--

Name	
Job Title	
Date	

## Appendix 4

### Shared Parental Leave - The Process



### Notices

The following notices must be given to the employer:

Notice to Opt-In to Shared Parental Leave (Appendix 1) – at least 8 weeks' notice must be given.

Ending Maternity Leave Early (Curtailment Notice) (Appendix 2) at least 8 weeks before employee due to end maternity leave and pay.

Notice of Dates of Shared Parental Leave (Appendix 3) – at least eight weeks' notice must be given.

Two weeks Adoption leave (compulsory) must be taken.

If mother gives notice ending adoption leave early (curtailment notice) (Appendix B) before the child is placed, they can revoke it in writing before the leave curtailment date and within six weeks of the child being placed.

### Leave

The employer is only obliged to accept three notices to book leave per employee. This includes the initial request and two further notifications/changes to previous notifications.

Where the request is for continuous leave the employer must agree to it.

Where the request is for discontinuous leave and the employer doesn't immediately agree to it, there should be a two-week discussion period between the employer and employee.

If agreement is still not reached SPL defaults to the period of continuous leave unless the employee withdraws the request within 15 calendar days of the original notification (it won't then count towards the three-notice limit).