



Community First
Academy Trust
**SHARED PARENTAL PROCEDURE
FOR EMPLOYEES**

**ADOPTED AT THE MEETING OF DIRECTORS
HELD ON THE 23rd March 2018
CHAIR OF BOARD: Mr J Pugh**

This is a Trust-wide policy adopted and reviewed by either the Trust Board or Finance Committee and relates to all schools that are partners within the Trust.

Specific Academy policies, e.g. curriculum policies will be found on the individual school websites.

This policy was written in March 2018 and is to be reviewed in line with statutory change or every three years.

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This procedure has been adopted by the Board of Trustees of Community First Academy Trust.

This procedure supersedes any procedure previously in place at any of our partner schools either formally or through custom or practice

Introduction

Community First Academy Trust is committed to supporting its employees who choose to share parental leave with their partners.

Shared Parental Leave (SPL) is a new right for parents that enable eligible employees have a new statutory entitlement to shared parental leave and pay. The aim of SPL is to enable working parents to share leave and take time off in a more flexible way. For an employee to be eligible for SPL, both parents need to meet certain qualifying criteria.

Purpose

This policy sets out the rights of employees to SPL and pay. SPL is a type of leave that is available to parents with babies due on or after 5 April 2015. It allows mothers and employees who have selected to become the main adopter to commit to ending their maternity leave/adoption leave and pay at a future date, and to share the untaken balance of leave with their partner. Alternatively they can return to work early from maternity leave/adoption leave and opt in to SPL and pay at a later date.

SPL gives employees the option of sharing up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria. Parents or employees who are classed as a main adopter and their partners can decide to be off work at the same time and / or take it in turns to have periods of leave to look after their child.

Scope

This policy applies to employees, whether they are the mother, or partner.

For the purpose of this policy, the mother is defined as the mother or expectant mother of the child.

The partner is defined as the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

It also applies to adoptive parents and the parents of those in a surrogacy arrangement, but does not include a stepparent seeking to adopt their spouse's child or children.

Agency workers who are entitled to statutory maternity pay or statutory paternity pay are not eligible for SPL but their employed partner may be.

Responsibilities

1.1 Managers

Managers are responsible for making sure that all eligible SPL requests are handled fairly and consistently within their work area.

1.2 Trust Central Team

The trust's central team will provide support to employees and managers in relation to the SPL process.

1.3 Employees

Employees are responsible for checking their eligibility and that of their partner. Employees must provide the relevant information on the forms provided before any shared parental leave will be granted.

Entitlements

In some families, both parents will be employed and meet the qualifying requirements for SPL and pay. In these circumstances, the parents will need to decide how to divide the leave and pay entitlement between them. Leave or pay taken by one parent will reduce the amount of leave and pay that is available to the other parent. An example of how the leave can be taken is enclosed in the SPL toolkit.

If it is the mother or main adopter who is employed by the trust, her partner or joint adopter must (where relevant) submit any notifications to take SPL set out in this policy to their own employer.

Similarly, if it is the partner or joint adopter who is employed by the trust, the mother or main adopter must (where relevant) submit any notifications to take SPL to their own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for SPL are handled as smoothly as possible.

Paternity leave and additional paternity leave

SPL should not be confused with ordinary paternity leave, which remains unaffected.

The trust provides separate information on paternity leave.

SPL will replace the existing entitlements of additional paternity leave and pay. For parents with a baby due on or before 4 April 2015, the entitlement to additional paternity leave and additional statutory paternity pay will remain in place.

Maternity leave, statutory maternity pay and maternity allowance are not changing.

Eligibility for SPL

For employees to be eligible to take SPL, both parents / joint adopters must meet certain eligibility requirements. The trust central team may be able to provide employees with an eligibility checklist to confirm eligibility requirements

Amount of SPL available

SPL will be created where an eligible mother or main adopter brings their maternity or adoption leave to an end early. This is called "curtailing" the leave. The remaining weeks of maternity or adoption leave can be taken as SPL if the mother / adopter or their partner is eligible for this.

The first two weeks following the birth or adoption placement are the compulsory maternity / adoption leave periods and are reserved for the mother.

This means that the mother cannot curtail her maternity leave to take SPL until two weeks after the birth / placement of the child. The maximum period that the parents could take as SPL would be 50 weeks between them (although it will normally be

less than this because of the maternity leave that mothers usually take before the birth).

The amount of SPL that an individual is entitled to will depend on when the mother / adopter brings her maternity / adoption leave period to an end and the amount of leave that the other parent / joint adopter takes in respect of the child.

SPL must be taken in blocks of at least one week. The employee can request to take SPL in one continuous block or as a number of discontinuous blocks of leave. This means that eligible parents will be able to return to work between periods of leave in the first year of their child's life if they wish. Statutory guidance recommends a maximum of three requests for leave per pregnancy can be made by each parent.

The mother / main adopter's partner can begin a period of SPL at any time from the date of the child's birth / placement (but they should bear in mind that he/she is entitled to take up to two weeks' ordinary paternity leave following the birth / placement of his/her child, which he/she will lose if SPL is taken first).

The mother / main adopter and partner / joint adopter must take any SPL within 52 weeks of birth / placement of the child.

SPL must end no later than one year after the birth / placement of the child. Any leave not taken by this time is lost.

Notice requirements for SPL

Before any leave can be taken, an employee must give their line manager at least eight weeks' notice of their intention to take SPL.

The notices that the parents must give to the relevant employer to be able to take SPL are made up of three elements. They are:

1. a "**maternity / adoption leave curtailment notice**" from the mother / main adopter setting out when she proposes to end her maternity / adoption leave (unless the mother / main adopter has already returned to work from maternity / adoption leave);
2. a "**notice of entitlement and intention**" from the employee giving an initial, non-binding indication of each period of SPL that he/she is requesting; and
3. a "**period of leave notice**" from the employee setting out the start and end dates of each period of SPL that he/she is requesting.

The notice periods set out below are the minimum required by law. The earlier the employee informs the trust of his/her intentions, the more likely it will be able to accommodate the employee's wishes, particularly if he/she wants to take periods of discontinuous leave.

If the employee has already decided the pattern of SPL that they would like to take, they can provide more than one type of notice at the same time. For example, the mother / main adopter could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the

partner / joint adopter could provide his/her notice of entitlement and intention and period of leave notice at the same time.

1.4 Maternity leave curtailment notice

Before the mother / main adopter or partner / joint adopter can take SPL, the mother / main adopter must either return to work before the end of their maternity leave or provide their employer with a maternity / adoption leave curtailment notice. The maternity / adoption leave curtailment notice must be in writing and state the date on which maternity / adoption leave is to end. The date must be:

- at least two weeks after the birth / placement of the child;
- at least eight weeks after the date on which the mother / main adopter gave the maternity / adoption leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity / adoption leave period.

The mother / main adopter must provide her maternity leave curtailment notice at the same time she provides her notice of entitlement and intention or her declaration of consent and entitlement confirming that her partner / joint adopter has provided their employer with their notice of entitlement and intention.

Revoking the maternity leave curtailment notice

The mother / main adopter can withdraw her maternity leave curtailment notice in limited circumstances. The withdrawal must be in writing and can only be given if the mother / main adopter has not returned to work.

The mother / main adopter can withdraw her maternity leave curtailment notice if:

- it is discovered that neither the mother / main adopter nor the partner / joint adopter are entitled to SPL or statutory shared parental pay. In this case, the mother / main adopter must withdraw their maternity / adoption leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity / adoption leave curtailment notice was given before the birth or placement of the child and the mother / main adopter withdraws their maternity / adoption leave curtailment notice within six weeks of the child's birth; or
- the partner / joint adopter has died.

1.5 Employee's notice of entitlement and intention

The employee, must provide the trust with a non-binding Notice of Entitlement and Intention.

This should be done by completing the relevant Notice of Entitlement and Intention (i.e. mother / main adopter or partner / joint adopter).

The notice must be provided at least eight weeks before the start date of the first period of SPL to be taken by the employee.

Within 14 days of receiving a notice of entitlement and intention from the employee, the trust can request:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which the eligible employee was notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

The employee has 14 days from the date of the request to send the required information to the trust.

Variation or cancellation of notice of entitlement and intention

The employee can vary or cancel his/her proposed SPL dates following the submission of a notice of entitlement and intention, provided that he/she completes a variation or cancellation of notice of entitlement and intention request.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until the employee provides a period of leave notice for that period of leave.

There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

1.6 Employee's period of leave notice

To take a period of SPL, the employee must provide the trust with a written notice setting out the start and end dates of each period of SPL requested in that notice.

A period of leave notice must be given no less than eight weeks before the start date of the first period of SPL requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week.

For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

Variation or cancellation of period of leave notice

The employee can vary or cancel his/her proposed SPL dates following the submission of a period of leave notice, provided that he/she provides his/her employer with a written notice at least eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of SPL or cancel a request for leave; or a request that a continuous period of leave become discontinuous periods of leave; or

- request that discontinuous periods of leave become a continuous period of leave.

1.7 Early birth

If the employee has booked SPL and the child is born before the expected due date, the employee may take the same period of time off after the birth without having to provide eight weeks' notice. This should be done by submitting a notice to vary their leave as soon as is reasonably practicable. This notice would not be counted as one of the three notifications.

Any leave arranged after the first eight weeks of the due date is still bound by the eight week notice required to vary leave.

Where no notice has been given and the child is born more than eight weeks before their expected due date, there is no requirement to give eight weeks notice before the period of leave starts. The notice should be submitted as soon as is reasonably practicable.

Ways to take your leave

SPL can be taken in either a continuous period or discontinuous period.

<p>Continuous periods</p> <p><i>A notification can be for a period of continuous SPL, which means a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).</i></p>	<p>If the employee submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave, so long as it does not exceed the total number of weeks of SPL available to them and the employer has been given at least eight weeks' notice.</p>
<p>Discontinuous periods</p> <p><i>This means that eligible parents/joint adopters will be able to request to mix work with leave in the first year of their child's life/placement and return to work between periods of leave if they wish.</i></p>	<p>The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother / main adopter and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.</p>

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

1.8 The application process

If the employee submits a period of leave notice requesting discontinuous periods of leave, the manager has two weeks in which to:



Consent to the pattern of leave requested;



Propose an alternative pattern of leave; or



Refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within the two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. They must choose a start date that is at least eight weeks from the date the period of leave notice was originally given. This must be provided to the manager within five days of the two-week discussion period.

If the employee does not choose a start date within this time frame, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

If the manager has refused the request or no agreement has been reached during the two-week discussion period, the employee can withdraw a period of leave notice requesting discontinuous periods of leave.

An employee can withdraw a period of leave notice at any time on or before the 15th day after it has been given.

A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

On approval of a SPL request, the manager should send the completed forms to the trust central payroll team so that the relevant payments can be made.

1.9 Employee rights during SPL

During SPL, all terms and conditions of the employee's contract except normal pay will continue. If the employee is eligible, their salary will be replaced by statutory shared parental pay.

This means that, while the employees normal pay will cease, all other benefits will remain in place.

Holiday entitlement

Employees should aim to use their annual leave within the leave year it has been accrued, however, in agreement with their line manager, they may carry forward a maximum of five days' annual leave into the next leave year.

Annual leave cannot be taken simultaneously with SPL. Annual leave should be taken before any periods of SPL commence, or at the end of all SPL periods taken. Normal approvals procedures apply.

Annual leave continues to be accrued as normal throughout any periods of SPL.

Bank holidays that fall during any period of SPL absence will not be re-credited to the employee to be taken at a later date.

Pension

Pension contributions will continue to be made by the trust during the period when the employee is in receipt of pay, including statutory maternity / adoption pay, maternity / adoption allowance or shared parental pay, but not during any period of unpaid maternity / adoption leave.

However, an employee can decide to pay pension contributions for their unpaid SPL period based on the last pay that they have received. On the employees return to work a deduction for the full amount will be made from their first salary.

If an employee chooses not to pay pension contributions during the unpaid part of SPL this period will not count as service for pension purposes.

Further information can be obtained from www.gmpf.org.uk

Flexible working requests

Full consideration will be given to requests from employees who, upon their return from SPL, wish to change their working pattern. Employees should submit their requests as far in advance of their return date as practicable, to allow adequate time for the request to be fully considered and, where appropriate, the necessary arrangements put in place.

Childcare vouchers

Employees returning from SPL may wish to consider joining the trust's Childcare Voucher Scheme, which provides a tax efficient way of assisting with childcare costs.

Contact during SPL

A manager reserves the right to maintain reasonable contact with their employee during SPL. This may be to

- update them on developments at work during their absence
- discuss the employees' plans for their return to work or
- talk about any special arrangements to be made or training to be given to ease their return to work

Your manager can ask that you come into work or attend training on up to 20 days during your SPL without it bringing your SPL and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days. Your manager cannot insist that you attend work or training and you cannot insist that this is offered to you.

If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you for each hour that you work during a SPLIT day.

Each occasion/day an employee works during their SPL is classed as one SPLIT day regardless of the number of hours worked.

The manager will complete the necessary requests / forms and submit to the trusts central payroll team.

Shared parental pay

Statutory shared parental pay is available for eligible parents to share between them while on SPL. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother / main adopter has been paid when her maternity leave or pay period ends.

If an employee wishes to claim Shared Parental Pay (ShPP) their average weekly earnings must be equal to or above the lower earnings limit over the relevant eight week period.

It is up to the parents who will be paid the statutory shared parental pay and how it is apportioned between them.

A maximum of 39 weeks' ShPP is payable, and this will be reduced by the number of weeks of statutory maternity pay, adoption pay or maternity allowance that have already been taken by the mother / main adopter or main adopter. As there is a compulsory maternity leave period of two weeks, this means that a mother / main adopter who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner. ShPP is a standard weekly rate set by the government each tax year, or 90% of normal weekly earnings if this is lower.

1.10 Qualifying for statutory shared parental pay?

For employees to be eligible for statutory shared parental pay, both parents / adopters must meet certain eligibility requirements.

1.11 Fraudulent claims

If the trust suspects that fraudulent information may have been provided or where they have been informed by the HMRC that a fraudulent claim was made, they will investigate the matter further which could lead to disciplinary action, up to and including dismissal.

1.12 Change in employee circumstances

It is possible that a parent's circumstances may change after periods of SPL have been agreed. This could prove difficult for the trust if the change is advised at short notice and arrangements to cover the post are already in place. In such circumstances, the trust may decide to hold the employee to the agreed arrangement.

Returning to work following SPL

The employee has the right to resume working in the same job when returning to work from SPL if the period of leave is 26 weeks or less.

If the employee is returning to work from SPL and the period of leave taken is more than 26 weeks, the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the trust to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for him/her.

Discrimination

The trust will not discriminate against employees in any way. It is therefore essential that all eligible SPL requests are handled fairly and consistently.

Further information

Further information can be obtained from the SPL Toolkit and Frequently Asked Questions document.

Information can also be obtained from the following websites

Greater Manchester Pension Fund	www.gmpf.org.uk
Gov UK	https://www.gov.uk/search?q=shared+parental+leave
Child care voucher scheme	www.fideliti.co.uk/employeeeregister
	<i>scheme reference:</i>
Family information service	http://www.wiganfis.org.uk/kb5/wigan/fsd/home.page