

Shared Parental Leave Policy

Maternity and Adoption

August 2023 Version 3.0
Human Resources



Contents

Section	Title	Page
1.0	Scope	3
2.0	What is Shared Parental Leave?	3
3.0	Who is Eligible for Shared Parental Leave?	4
4.0	The Shared Parental Leave Entitlement	4
5.0	Notifying MKC of an Entitlement to Shared Parental Leave	6
6.0	Requesting Further Evidence of Eligibility	7
7.0	Revocation of Maternity Leave Curtailment Notice	7
8.0	Fraudulent Claims	7
9.0	Discussions Regarding Shared Parental Leave Request	7
10.0	Booking Shared Parental Leave	9
11.0	Responding to a Shared Parental Leave Request	9
12.0	Variations to Arranged Shared Parental Leave	10
13.0	Statutory Shared Parental Pay (ShPP)	10
14.0	Terms and Conditions During Shared Parent Leave	12
15.0	Pension	12
16.0	Annual Leave	12
17.0	Contact During Shared Parental Leave	13
18.0	Shared Parental Leave in Touch Days	13
19.0	Returning to Work After Shared Parental Leave	13
20.0	Data Protection	14
21.0	Version Control	15
Appendix 1	Notice of Entitlement and Intention to Take SPL	16
Appendix 2	Notice to Take or Vary a Period of SPL	19
Appendix 3	Letter - Confirmation of Entitlement to SPL	21
Appendix 4	Confirmation of SPL Booking	22
Appendix 5	Meeting to Discuss SPL Request	23
Appendix 6	Letter – SPL – Refusal of a Discontinuous Leave Booking	24

1.0 Scope

- 1.1 As part of the school's family-friendly and work-life balance focus, this policy sets out the statutory rights for employees to shared parental leave and pay. This policy applies in relation to both teaching and support staff in community and Voluntary Controlled schools following adoption by the Governing Body, whether they are the mother or the partner.
- 1.2 If it is the mother who is employed by the school, her partner must (where relevant) submit any notifications to take shared parental leave to their own employer. Similarly, if it is the partner who is employed by the school, the mother must (where relevant) submit any notifications to take shared parental leave to her own employer.
- 1.3 The mother and the partner should ensure that they are each consulting with their own employer to ensure that requests for shared parental leave are managed as smoothly as possible.

2.0 What is Shared Parental Leave?

- 2.1 Shared parental leave is a type of leave that is available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt into shared parental leave and pay at a later date.
- 2.2 Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child during the first year of birth or adoption. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.
- 2.3 Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave.
- 2.4 How SPL May Work - Examples
 - Mother/adopter ends her leave after 26 weeks, and the balance of the leave and pay – 26 weeks leave and 13 weeks statutory maternity pay/adoption pay, is available to be shared between the parents as they choose. The partner takes 10 weeks leave and pay, while the mother returns to work. The partner then returns to work and the mother takes the remaining 16 weeks leave and 3 weeks' pay.
 - Mother/adopter takes the first 10 weeks leave and pay, and then takes Shared Parental Leave and commits to returning to work at week 22. This then frees up 30 weeks SPL and 17 weeks' pay. The partner takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the mother/adopter's leave so that the partner and the mother can look after the child together. The mother/adopter takes a further 8 weeks' leave and the last 5 weeks

of pay while the partner returns to work. When the partner then goes back to work, the *mother/adopter takes the last 10 weeks of SPL. In total, the mother/adopter has taken 32 week's leave and 22 weeks' pay while the partner has taken 20 weeks' leave and 17 weeks' pay.*

2.5 In the first instance, questions related to SPL should be clarified with an HR provider.

3.0 Who is eligible for Shared Parental Leave?

3.1 SPL can only be used by two people:

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

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

3.3 Additionally, an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements.
- the employee must still be working for the school at the start of each period of SPL.
- the employee must pass the “continuity test” which requires them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date.
- the employee's partner must meet the ‘employment and earnings test’ which requires them in the 66 weeks leading up to the child's expected due date/matching date, to have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks.
- the employee must correctly notify the Headteacher of their entitlement and provide evidence, as required.

4.0 The Shared Parental Leave entitlement

4.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to assume to 52 weeks' leave. If

they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

- 4.2 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
- 4.3 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
- 4.4 For example: if the mother/adopter resigns and leaves her current employment she will not be entitled to maternity/adoption leave, but may still be entitled to SMP/SAP or MA for 39 weeks. However, under their partner's policy within their organisation, the partner may be entitled to 50 weeks of SPL which may include 39 weeks SMP/SAP. This will be calculated by deduction from 52, the number of weeks SMP/SAP or MA already taken by the mother.
- 4.5 SPL can commence as follows:
 - The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child.
 - The adopter can take SPL after taking at least two weeks of adoption leave.
 - The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).
- 4.6 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
- 4.7 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see Appendix 1 – Notice of Entitlement and Intention to Take Shared Parental Leave or Appendix 2 – Notice to Take or Vary a Period of Shared Parental Leave).
- 4.8 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).
- 4.9 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

5.0 Notifying the School of an Entitlement to Shared Parental Leave

- 5.1 An employee who is entitled and intending to take SPL must give the Headteacher notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL. In the case of Headteachers, notification of intention to take SPL must be made to the Chair of Governors.
- 5.2 Refer to Appendix 1 – Notice of Entitlement and Intention to Take Shared Parental Leave or Appendix 2 – Notice to Take or Vary a Period of Shared Parental Leave.
- 5.3 Part of the eligibility criteria requires the employee to provide the correct notification. Notification must be in writing and requires each of the following:
- employee name
 - the name of the other parent
 - the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available.
 - the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption.
 - the amount of SPL the employee and their partner each intend to take.
 - a non-binding indication of when the employee expects to take the leave.
- 5.4 The employee must provide a signed declaration stating:
- that they meet, or will meet, the eligibility conditions and are entitled to take SPL.
 - that the information they have given is accurate
 - if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter.
 - that they will immediately notify their Headteacher, should they cease to be eligible.
- 5.5 The employee must provide the Headteacher with a signed declaration from their partner, confirming:
- their name, address and national insurance number (or a declaration that they do not have a national insurance number.
 - that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter.
 - that they satisfy the earnings criteria (see above) and had, at the date of the child's birth or placement for adoption, the main responsibility for the child, along with the employee.
 - that they consent to the amount of SPL that the employee intends to take.
 - that they consent to the school processing the information contained in the declaration form; and

- (In the case where the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions, for example, if the mother/adopter leaves the organisation or no longer has responsibility for the child.

6.0 Requesting further evidence of eligibility

- 6.1 The Headteacher may, within 14 days of the SPL entitlement notification being received, request:
- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead).
 - in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
 - in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.
- 6.2 In order to be entitled to SPL, the employee must produce this information within 14 days of the request being made.

7.0 Revocation of Maternity Leave curtailment notice

- 7.1 The mother/adopter can withdraw her notice curtailing her maternity/adoption leave in limited circumstances. The withdrawal of a maternity/adoption leave curtailment notice must be in writing and can be requested only if the mother has not returned to work. The mother can withdraw her maternity/adoption leave curtailment notice if:
- it is discovered that neither the mother/adopter nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother/adopter withdraws her maternity/adoption leave curtailment notice within eight weeks of the date on which the notice was given.
 - the maternity/adoption leave curtailment notice was received before the birth of the child and the mother/adopter withdraws her maternity/adoption leave curtailment notice within six weeks of the child's birth.
 - the partner has died.
- 7.2 Headteachers must confirm the entitlement to SPL and that the leave has been approved by using **Appendix No.4 – Confirmation of Shared Parental Leave Booking**.

8.0 Fraudulent Claims

- 8.1 The school can, where there is a suspicion that fraudulent information may have been provided or where the school has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the school's Disciplinary Policy.

9.0 Discussions Regarding Shared Parental Leave Request

9.1 The Headteacher, upon receiving notification of entitlement and notice to take SPL (Refer to Appendix 1), may schedule an informal meeting with the employee to discuss their intention to take SPL and confirm the arrangements using Appendix 5 – Meeting to Discuss SPL Request. The Headteacher should contact the school's HR provider at this point.

9.2 Employees are eligible to request SPL in a continuous block or intermittent periods (discontinuous leave) as follows:

9.3 Continuous Leave Notifications

9.4 A notification can be for a period of continuous leave, which means a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

9.5 An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (please refer to notice of entitlement) and the school has been given at least eight weeks' notice.

9.6 An employee may submit up to three separate notifications for continuous periods of leave.

9.7 Discontinuous Leave Notifications

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

9.9 Where there is concern over accommodating the discontinuous leave notification, the Line Manager or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the school.

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

9.11 Where the SPL notice is for a single period of continuous leave, or where a request for discontinuous leave can, without further discussion, be approved a meeting may not be necessary. Refer to Appendix 1 – Notice of Entitlement and intention to take SPL.

- 9.12 Where a meeting is arranged it should 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 the meeting may be held over the telephone.
- 9.13 At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union or professional association representative.
- 9.14 The purpose of the meeting is to discuss in detail the proposed leave and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the school, and what the outcome may be if no agreement is reached.

10.0 Booking Shared Parental Leave

- 10.1 In addition to notifying their Headteacher of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given to the Line Manager at the same time as the notice of entitlement to SPL. (Refer to Appendix 1).
- 10.2 The employee has the right to submit three notifications specifying leave periods they are intending to take.
- 10.3 Each notification may contain either:
- a single period of weeks of leave or
 - two or more weeks of discontinuous leave, where the employer intends to return to work between periods of leave.
- 10.4 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.
- 10.5 The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

11.0 Responding to a Shared Parental Leave Request

- 11.1 All requests for continuous SPL leave will be acknowledged by the Headteacher within two working days of receiving the request.

- 11.2 Once the Headteacher receives the **Notice of Entitlement and Intention to Take SPL – Appendix 1**, it will be dealt with as soon as possible, but a response will be provided to the employee no later than the 14th day after the leave request was received.
- 11.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the school vs any adverse impact on the organisation.
- 11.4 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- 11.5 The employee will be informed in writing of the decision no later than the 14th day after the leave request was received. The request may be granted in full or in part: for example, a modified version of the request may be proposed.
- 11.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was received; or may take the total number of weeks in the notice in a single continuous block.
- 11.7 If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was received to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.
- 11.8 Refer to Appendix 4 – Confirmation of SPL Booking or Appendix 6 – SPL: Refusal of a Discontinuous Leave Booking

12.0 Variations to Arranged Shared Parental Leave

- 12.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Headteacher in writing at least eight weeks before the date of any variation (See Appendix 2). Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 12.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary SPL by one request.
- 12.3 However, a change as a result of a child being born early, or as a result of the school requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the school.

13.0 Statutory Shared Parental Pay (ShPP)

- 13.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The number of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 13.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 13.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria (See Appendix 1):
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period.
 - the employee must intend to care for the child during the week in which ShPP is payable.
 - the employee must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date and they are not less than the lower earnings limit in force for national insurance contributions.
 - the employee must remain in continuous employment until the first week of ShPP has begun.
 - the employee must give proper notification in accordance with the rules set out below.
- 13.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give the Head Teacher written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.
- 13.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- the start and end dates of any maternity/adoption pay or maternity allowance.
 - the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP.
 - a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the school should they cease to be eligible.
- 13.6 It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the school to process any ShPP payments to the employee.
- (In the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance.
- (In the case where the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions for example, if the mother/adopter leaves the organisation or no longer has responsibility for the child.

13.7 Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

14.0 Terms and Conditions during Shared Parental Leave

14.1 During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary.

15.0 Pension

15.1 During the paid SPL period, a member of support staff will continue to pay pension contributions proportionate to the pay they receive. The school will pay contributions based on their notional full pay. This period will count as service for the purposes of the pension scheme. During any unpaid period of SPL leave, no contributions will be payable by either the member of support staff or the school and this period will not count as membership of the scheme.

15.2 However, support staff can choose to pay retrospective contributions for this period. The employee's retrospective contributions will be based on the pay they received immediately before unpaid leave began. The school's contributions will be based on notional full pay.

15.3 During the paid SPL period, members of the teaching staff will continue to pay pension contributions proportionate to the pay they receive. The school will pay contributions based on their notional full pay. This period will count as service for the purposes of the pension scheme.

15.4 During any unpaid period of SPL leave, no contributions will be payable by either the member of the teaching staff or the school and this period will not count as membership of the scheme. Under the rules of the Teachers' Pension Scheme, teaching staff cannot choose to pay retrospective contributions for this period.

16.0 Annual Leave

16.1 Entitlement to annual leave remains unaffected by SPL for support staff that have 52-week contracts. This means that employees will continue to accrue annual leave during SPL. They are encouraged to take any outstanding annual leave due to them before the commencement of SPL and are reminded that holiday must be taken in the year that it is earned. If the holiday year is due to end during SPL, employees should take their full years' entitlement before

starting SPL and are also encouraged to use a proportion of annual leave from the following year's entitlement. The leave year for support staff on 52-week contracts starts on 1 April and ends on 31 March.

- 16.2 Support staff that have term time only contracts do not have a contractual entitlement to annual leave, but do have a statutory entitlement to leave under the Working Time Directive of 28 days per year. This is not an additional entitlement to annual leave on top of the current school closure arrangements. Advice should be sought from the school's HR provider.
- 16.3 Teachers do not have a contractual entitlement to annual leave, but do have a statutory entitlement to leave under the Working Time Directive of 28 days per year. This is not an additional entitlement to annual leave on top of the current school closure arrangements. The leave year for teachers starts on 1 September and ends on 31 August.
- 16.4 For a teacher on shared parental leave, this means that she must be able to take the 28 days statutory annual leave at a time outside of her maternity leave. However, it is offset by any period of school closure that has taken place in the leave year in question (either before or after the shared parental leave period). Advice should be sought from the school's HR provider.
- 16.5 In practice this means that in the majority of cases, the teacher will already have received their leave entitlement in the period of school closure before or after the shared parental leave.

17.0 Contact During Shared Parental Leave

- 17.1 Before an employee's SPL begins, the Headteacher will discuss the arrangements for them to keep in touch during their leave. The school reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible organisational changes or simply to update them on developments at work during their absence.

18.0 Shared Parental Leave in Touch days

- 18.1 An employee can agree to work (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave in Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- 18.2 The school has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the school and the employee. If an employee is entitled to receive statutory shared parental pay for any week during which they attend work for SPLIT

days. They will still receive this in the usual way. In addition, they will be paid for each hour that they work during a SPLIT day at their normal hourly rate.

- 18.3 An employee, with the agreement of the school, may use SPLIT days to work part of a week during SPL. The school and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of an extended period of SPL or to trial a possible flexible working pattern.

19.0 Returning To Work After Shared Parental Leave

- 19.1 The employee will have been formally advised in writing by the school of the end date of any period of SPL. Refer to Appendix 3 – Confirmation of Entitlement to SPL. The employee is expected to return on the next working day after this date unless they notify otherwise. If they are unable to attend work due to sickness or injury, arrangements for sickness absence will apply. Late return to work, without prior authorisation, will be treated as unauthorised absence.
- 19.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the school does not have to accept the notice to return early, but may do if it is considered to be reasonably practicable to do so.
- 19.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 19.4 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
- 19.5 If the employee also takes a period of unpaid parental leave of four weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
- 19.6 If a parent takes more than 4 weeks unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

20.0 Data Protection

- 20.1 Any data collected and processed as part of employing and managing employee's is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure; process or activity.
- 20.2 Records are retained and destroyed in accordance with the organisations Retention Schedule.
- 20.3 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the Disciplinary Procedure

21.0 Version Control

Version	Date	Updated by	Comments
1.0			Policy Introduced
2.0	July 2018	Declan Leith	Updated in line with legislative changes
3.0	August 2023	MKCC HR	Updated onto new MKCC policy template,

Appendix 1 - Notice of Entitlement and Intention to Take Shared Parental Leave

(Please ensure you read the **Shared Parental Leave Policy**)

If you wish to take Shared Parental Leave (SPL), then you must submit this form to your Headteacher at least **8 weeks** before the start of the first period of SPL. In order to calculate the amount of SPL you are eligible for, please complete the following:

Basic Details

Employee Name:	
Are you the mother/adopter of the child or the partner of the mother/ adopter?	
Date on which mother or adopter commenced (or will commence) maternity / adoption leave:	

Notice of Curtailment of Maternity / Adoption Leave

Please complete the following if you are the **mother or adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby.

I wish my maternity/adoption leave to end on the following date:	
Signed:	Date:

Please complete the following if you are the **partner** of the mother or adopter.

I confirm my partner's maternity/ adoption leave ended/ will end on the following date:	
---	--

Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken, according to the above dates):	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates):	
Number of weeks of shared parental leave / pay you intend to take:	
Number of weeks of shared parental leave / pay the other parent intends to take:	

Shared Parental Leave and Pay Dates

Please detail the start and end dates of the shared parental leave/pay that you intend to take. This should tally with the number of weeks you have indicated above that you will take.	
--	--

The above dates do not constitute a formal binding request at this stage. However, if you wish them to do so please indicate "Yes": **Yes / No**

If you indicate "No," then please complete Appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

Declarations by the Employee

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- ☐ I am the mother, father or adopter of the child and will share the care of the child with my partner named below.
- ☐ I meet the eligibility criteria for shared parental leave.

If appropriate:

- ☐ I meet the eligibility criteria for shared parental pay.

☐ I am the mother or adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy.

☐ I consent to you retaining and processing the information contained in this form.

Signed:

Date:

Declarations by the Employee's Partner:

Name:	
Address:	
Name and Address of Employer:	
National Insurance Number:	

I confirm that I meet the following criteria for eligibility for shared parental leave:

☐ I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date.

☐ I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks.

☐ I consent to your employee taking shared parental leave and shared parental pay as detailed above.

If appropriate:

☐ I am the mother / adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)

☐ I consent to you retaining and processing the information contained in this form.

Signed:

Date:

Appendix 2 - Notice to Take or Vary a Period of Shared Parental Leave (SPL)

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (Appendix 1) and have had your eligibility for shared parental leave confirmed.

Name of Employee:	
Name of Partner:	

Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks' pay (if applicable)

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request

--	--	--

We confirm that we agree to the request / variation outlined above.

Signed: (Employee)

Date:

Signed: (Employee's Partner)

Date:

Appendix 3 - Letter - Confirmation of Entitlement to Shared Parental Leave

[Date]

[Name]

[Address]

Dear [NAME]

Thank you for advising us of your entitlement to take Shared Parental Leave.

We confirm that, based on the information you have provided us, you are entitled to take Shared Parental Leave.

We can confirm that you currently have weeks of Shared Parental Leave to take and you are also eligible for weeks of Statutory Shared Parental Pay.

If you and your partner wish to vary the amount of leave and/or pay that you are each entitled to then you must notify us of the change in writing and inform us:

- of any Shared Parental Leave or Pay that you or your partner have already booked.
- the number of weeks you are adding to your entitlement from your partner's entitlement or the number of weeks you are deducting to give to your partner.
- when you expect to take any additional weeks of leave.

You will also need to give us a declaration signed by you and your partner both consenting to the change.

If you have any questions about any aspect of your shared parental leave and/or pay entitlement, please do not hesitate to speak to **[Headteacher]** or **[HR Representative]**.

Yours sincerely

[Name]

Head Teacher

Appendix 4 – Letter - Confirmation of Shared Parental Leave Booking

[Date]

[Name]

[Address]

Dear [Name]

Thank you for your notice to take Shared Parental Leave commencing on [Date].

We confirm that you are entitled to take Shared Parental Leave as set out in your notification.

I can confirm that you will be away from work on Shared Parental Leave from [DATE] to [DATE] **[IF LEAVE IS DISCONTINUOUS THEN PLEASE AMEND AS REQUIRED]**. You are expected to return to work on the first working day after your leave period ends.

During your leave period you will receive Statutory Shared Parental Pay from.....
to..... **[IF LEAVE IS DISCONTINUOUS, OR WHERE NO PAY IS APPLICABLE THEN PLEASE AMEND AS REQUIRED]**

If you wish to vary or reduce the leave that you have booked, you must give at least eight weeks' notice before any amended dates occur. A notice to vary your booked leave will count as a new notice thereby reducing your entitlement to make three statutory notifications by a further one.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to **[HEADTEACHER/HR REPRESENTATIVE]**.

Yours sincerely,

[Name]

[Head Teacher]

Appendix 5 – Letter - Meeting to Discuss SPL Request

[Date]

[Name]

[Address]

Dear [Name]

Thank you for your notice to book a period of Shared Parental Leave that was received on [DATE]. I would like to arrange a convenient time to discuss your notification with you.

I therefore suggest a meeting at [Location] on [Date] at [Time]. You may, if you wish, be accompanied by a workplace colleague, or a trade union/professional association representative.

Please could you contact [Headteacher] to confirm whether you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date.

Yours sincerely,

[Name]

Head Teacher

Appendix 6 – Letter Shared Parental Leave: Refusal of a Discontinuous Leave Booking

[Date]

[Name]

[Address]

Dear [Name]

Thank you for your notice booking Shared Parental Leave that was received on [DATE].

Having given the proposal thorough consideration, I regret that the organisation is unable to agree to the pattern of discontinuous leave that you requested.

Unless your notice is withdrawn the total amount of leave requested in your notice, amounting to [NUMBER] weeks, will automatically become a continuous period of leave and unless we are informed otherwise, this will begin on the date you originally requested your leave period to start i.e. [DATE].

If you would like the period to begin on a different date, please confirm this to [HEADTEACHER] on or before [DATE]. Please remember that the start date cannot be sooner than eight weeks from the date your original notice was received.

Alternatively, you may withdraw your notification on or before [DATE]. This would then not count as one of your notifications.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to [HEADTEACHER].

Yours sincerely,

[Name]

Head Teacher

