

Model Policy for Oxfordshire Schools - Shared Parental Leave

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Introduction

1. This Oxfordshire model policy has been drawn up following consultation with all the recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.
2. Advice on the application of this policy is available from the School's HR Adviser.
3. This policy applies to all employees working in schools. It should be read in conjunction with other relevant documents such as the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book) and the Oxfordshire Local Agreement (OLA) and/or the National Agreement on Pay and Conditions of Service for support staff (the Green Book).
4. It is recommended that academies who have chosen to continue to use the STPCD, Burgundy Book, Oxfordshire Local Agreement and / or Green Book also adopt this model policy. Where an academy adopts this policy the word 'school' should be taken to refer to the academy.
5. The term 'relevant body' has been used throughout this policy. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the relevant body for the purposes of this policy.
6. The term 'head teacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the head teacher is subject to this policy, this will be managed by the Chair of the relevant body or other nominated governor.

Policy purpose and scope

7. Shared Parental Leave (SPL) is available for working parents whose child is born or newly adopted on or after 5th April 2015. It gives eligible parents the ability to share the care of their child during the first year of birth or adoption, taking time off together or separately.
8. This policy explains:
 - the provisions of Shared Parental Leave and Shared Parental Pay
 - who is eligible, and
 - how to apply.

9. Under the rules for Shared Parental Leave, mothers can bring their Maternity Leave to an end early, converting any remaining leave entitlement to Shared Parental Leave and any remaining Statutory Maternity Pay (SMP) entitlement to Shared Parental Pay (SPP).
10. Shared Parental Leave and Pay is also available to couples adopting.
11. Shared Parental Leave is different from ordinary Parental Leave which entitles employees to take up to a maximum of 4 weeks unpaid leave each year to look after a child (up to a maximum of 18 weeks in total). See the school's Parental Leave Policy.
12. Ordinary Paternity Leave is still available for fathers and partners but Shared Parental Leave replaces Additional Paternity Leave for parents of children born after 5 April 2015. See separate Paternity Leave Policy.
13. The [ACAS Shared Parental Leave: good practice guide](#) provides helpful information and examples of how Shared Parental Leave can be used and there is information available at www.gov.uk .

Shared Parental Leave eligibility criteria

14. Shared Parental Leave can only be taken by two people:
 - the mother/adopter **and**
 - one of the following:
 - the biological father of the child
 - the spouse, civil partner or partner of the child's mother/adopter
15. Both parents must share the main responsibility for the care of the child at the time of the birth or placement for adoption.
16. This policy explains what parents may be eligible for, recognising that a school employee could be either the mother or primary adopter (the parent taking adoption leave/pay) or the father/partner.
17. To be eligible for Shared Parental Leave parents must meet all of the following criteria:
 - the mother/primary adopter must be entitled to statutory maternity/adoption leave **OR** statutory maternity/adoption pay **OR** maternity allowance
 - an employee taking Shared Parental Leave must still be working for the school at the start of each period of leave
 - the mother must have at least 26 weeks' service with their employer at the end of the 15th week before the child's expected due date. The primary adopter must

have at least 26 weeks' service by the week in which they are notified of being matched with a child

- the father or partner must have worked for at least 26 weeks in the 66 weeks leading up to the due date/matching date and earned an average of at least £30 per week in any 13 of those weeks
- an employee applying for Shared Parental Leave must give the correct notice of their entitlement, provide the required information from both partners and any evidence requested.

Shared Parental Leave entitlement

18. Mothers must take two weeks' maternity leave after the birth and the primary adopter must take two weeks' adoption leave. The mother/adopter then has the option of bringing their entitlement to maternity/adoption leave to an end early, at any time, to allow them and/or their partner to take any remaining leave entitlement as Shared Parental Leave.
19. A father/partner can take Shared Parental Leave straight after the birth or placement, but may choose to use any [Paternity Leave and Pay](#) they are entitled to first, as they cannot take this once they have taken any Shared Parental Leave or Shared Parental Pay.
20. Shared Parental Leave must be taken in blocks of at least one week and must be taken in the first year of the birth/placement. Any unused leave not taken in this time is lost.

Shared Parental Pay - eligibility criteria and entitlement

21. The number of weeks' pay available during Shared Parental Leave, depends on how much statutory maternity/adoption pay the mother/primary adopter has received and how much of their statutory pay entitlement is remaining.
22. Shared Parental Pay is paid at the relevant statutory rate, which can be found at www.gov.uk. In addition to the eligibility criteria for Shared Parental Leave, an employee receiving SPP must meet all of the following criteria:
 - the mother/primary adopter is entitled to statutory maternity/adoption pay **OR** maternity allowance and has decided to give notice to reduce their statutory pay period
 - the employee must intend to care for the child during the period Shared Parental Pay is paid
 - the employee must have an average weekly pay of at least the lower earnings limit for national insurance contributions (see www.gov.uk for the current amount) during the eight weeks leading up to and including the 15th week before the child's expected due date/matching date

- the employee must be in continuous employment until the first week of Shared Parental Pay has begun
- the employee must give at least eight weeks' written notice.

Continuous and discontinuous leave

23. Employees can request to take Shared Parental Leave either in one continuous block or in separate blocks, referred to as "discontinuous leave", returning to work in between. There is no limit to the number of blocks of leave that can be included in one request.
24. Requests for one period of continuous Shared Parental Leave cannot be refused, as long as the employee and their partner have enough weeks of Shared Parental Leave remaining.
25. Managers/head teachers have two weeks in which to consider and talk through with an employee a request for discontinuous Shared Parental Leave. Head teachers can agree or refuse a request for discontinuous leave, depending on school's needs. See flow diagram at Annex 1.
26. If a request cannot be accommodated, the head teacher and employee can discuss and agree an alternative pattern of leave **OR** the employee can request to take the leave in a continuous block **OR** withdraw the request. Once one of these options is agreed, if the employee later wishes to change the leave pattern in any way, this will count as a new separate request out of the total three that an employee can submit.

Requesting Shared Parental Leave and Pay

27. Requests must be made at least eight weeks before an employee wants to take Shared Parental Leave. Employees must take full account of school holidays and the availability of head teachers/managers when submitting requests and giving the required notice.
28. Eligible employees must make a request by filling in a **Shared Parental Leave request form** and give this to their line manager or head teacher. This must include the following:
- notice of the mother/primary adopter's intention to end their maternity/adoption leave early
 - a declaration of eligibility from the partner
 - the leave dates requested (if known at that stage).
29. Managers or head teachers can ask for further evidence of eligibility within 14 days of receiving this form, which the employee must provide within a further 14 days.

30. The available Shared Parental Leave can be taken by one or both parents. The mother/primary adopter can still be on maternity/adoption leave while the partner takes Shared Parental Leave, as long as they have given notice in writing to end maternity/adoption leave early.
31. Parents should consider carefully giving notice to end maternity/adoption leave as it can only be revoked in the following circumstances:
- it is discovered that the parents are not eligible for Shared Parental Leave
 - notice was given before the birth of the child and the mother withdraws her notice within six weeks of the birth
 - the partner has died.
32. Once maternity/adoption leave has ended it cannot be re-started.
33. When employees fill in the Shared Parental Leave request form, if they know the dates they want to take as Shared Parental Leave, they can give these dates and give notice on the form at the same time. If employees do not yet know the exact dates they want to take, they should just give possible dates on the form. Exact dates must be confirmed in writing and formal notice given at least eight weeks before they would like the shared parental leave to start.
34. Each parent can submit up to three requests for Shared Parental Leave. Any changes or cancellations to the leave request must be made in writing at least eight weeks' before the leave is due to start. Any change will count towards the employee's limit of three requests, if the previous request has already been agreed.
35. The earlier an employee informs their manager or head teacher about their plans, the more likely they will be able to accommodate their request and plan for their absence, especially if the employee has requested blocks of discontinuous leave.

Rights during Shared Parental Leave

36. During Shared Parental Leave all contractual terms and conditions are protected.

Pension

37. Pension contributions continue during periods of paid Shared Parental Leave.
38. For members of the Local Government Pension Scheme who take a period of unpaid Shared Parental Leave, pension contributions are optional. Members will find information and interactive tools to show costs on www.lgps2014.org (Use the section 'How do I buy extra or lost pension'). Once members have obtained a quote they

should contact Pension Services Team 01865 797133 or pension.services@oxfordshire.gov.uk

39. The Teachers' Pension Scheme does not allow service during periods of unpaid leave to be purchased but there is provision for Additional Pension to be purchased when returning to paid teaching service. Full details are on the Teachers' Pensions website. For information about this phone Oxfordshire County Council HR on 01865 815770.

Annual Leave

40. Annual leave entitlement continues to accrue during Shared Parental Leave. For staff working term time only any accrued entitlement is included in normal school closure periods.
41. No pay in lieu of days owed is payable.

Keeping in Touch Days

42. Before going on Shared Parental Leave, the employee and their manager or head teacher should agree how they will keep in touch to ensure the employee is kept up to date on matters such as workplace changes, promotion and training opportunities.
43. Each parent can have up to 20 Shared Parental Leave In Touch Days, or 'SPLIT Days'. This is in addition to the 10 Keeping In Touch Days, (KIT Days), available to the mother/primary adopter.
44. SPLIT days must be agreed between the head teacher/manager and employee. They can be used to carry out work or attend events such as training or team away days or ease a gradual return to work. They are paid at the employee's normal rate of pay, or at a pay rate appropriate for the work and agreed between the employee and the head teacher.
45. A part day worked counts as one SPLIT Day but the employee is only paid for the hours they have worked.
46. Using SPLIT Days does not bring Shared Parental Leave to an end or prevent Shared Parental Pay being paid for that week.

Returning to work

47. The employee is expected to return to work on the date agreed, unless they notify their head teacher/manager otherwise. If an employee wishes to return earlier than previously agreed, they must give at least eight weeks' written notice of their early return date. This change will count as one of the three requests an employee can make. If the employee has already made three requests, the head teacher/manager

does not have to accept this change but may consider it if it is practical. Any late return without prior authorisation will be treated as unauthorised absence.

48. Employees have the right to return to the same job, on the same terms and conditions as if they had not been absent. If it is not practical to return to the same job, employees have the right to return to another suitable and appropriate job on no less favourable terms and conditions than the job they had before their leave.

Review of policy

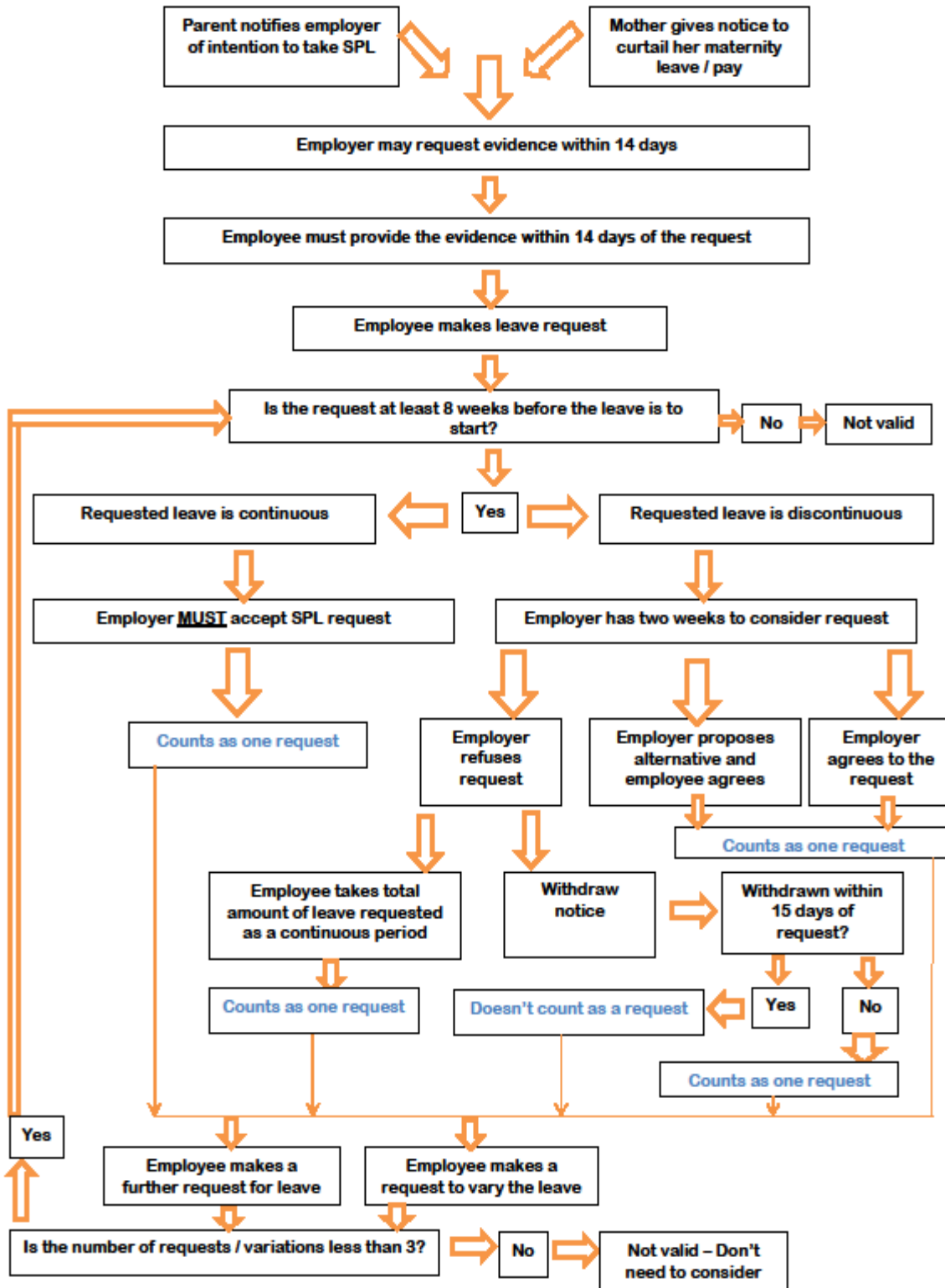
49. In introducing and reviewing this procedure an impact assessment has been undertaken to take account of the Equality Act 2010.
50. This policy is regularly reviewed and updated to take account of any legal changes.

Related policies and other sources of information

- Maternity Leave
- Paternity Leave
- Adoption Leave
- Parental Leave
- [ACAS Shared Parental Leave: a good practice guide for employers and employees](#)

April 2015

Shared Parental Leave - Process



Shared Parental Leave forms (resulting from Maternity)

These are the forms needed by a mother and the person she will share Shared Parental Leave (SPL) with – known as the partner - to confirm eligibility and entitlement with their employers. The forms can also be used to confirm eligibility and entitlement to Shared Parental Pay (ShPP).

All completed forms should be given to your line manager.

What forms need to be completed?			
	Both parents want to take SPL	Just the mother wants to take SPL	Just the partner wants to take SPL
Form 1	YES	YES	YES
Form 2	YES	YES	NO
Form 3	NO	NO	YES
Form 4	YES	NO	YES

- [Please read the Shared Parental Leave policy for full details](#)
- Parents should use the calculator at www.gov.uk/pay-leave-for-parents to find some of the information needed to complete these forms
- Parents and employers should keep a copy of any completed forms
- If the mother is in receipt of Maternity Allowance (MA), she will need to notify Jobcentre Plus to curtail this entitlement
- The earnings requirements mentioned are correct as of March 2015

Key abbreviations used in these forms:

SPL Shared Parental Leave

ShPP Statutory Shared Parental Pay

SMP Statutory Maternity Pay

Form 1: Curtailment of Maternity Leave and Pay (for Mother's Employer)

SECTION A: General (must be completed)

Please accept this as my notice to curtail my maternity leave and/or SMP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP. I understand that my maternity leave will end on the date given in Section B and that my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B. I understand that if I am eligible for myself or my partner to opt into SPL and ShPP I can only reinstate my SMP if I revoke this notice before the end date given in Section C.

Mother's surname

Mother's first name(s)

Payroll number

Child's expected date of birth

Actual date of child's birth (if born)

SECTION B: Curtailing maternity leave (must be completed)

Date statutory maternity leave started/is intended to start

Date statutory maternity leave will come to an end	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
SECTION C: Curtailing maternity pay (only complete if claiming ShPP)	
Date SMP started/is intended to start	
Date SMP will come to an end	
Total number of weeks of SMP that will have been paid at the date that SMP ends	
SECTION D: Signature (must be completed)	
Signature of mother	
Date signed	

Form 2: Notification that Mother is intending to take SPL (for Mother's Employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the mother) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Mother's Surname	
Mother's First name(s)	
Payroll number	
Partner's surname	
Partner's first name(s)	
Partner's Address	
Partner's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably	

practicable following birth and before I take any SPL)	
SECTION B: Maternity entitlement details (all answers that apply must be completed)	
Date mother started (or intends to start) statutory maternity leave	
Date mother's statutory maternity leave ended (or will end)	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
Date mother started (or intends to start) SMP or MA	
Date mother's SMP or MA ended (or will end)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
SECTION C: Amount of SPL available (must be completed)	
Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL I (the mother) intend to take	
Total number of weeks of SPL my partner intends to take	

SECTION D: Indication of Mother's leave intentions (must be completed but is not binding)

I (the mother) currently expect to take SPL as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

SECTION E: Amount of ShPP available (only complete if claiming ShPP)

Total number of weeks of ShPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notice and revocation)	
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Total number of weeks of ShPP I (the mother) intend to take:	
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Total number of weeks of ShPP my partner intends to take:	
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I (the mother) currently expect to take ShPP as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

SECTION F: Mother's declaration (must be completed)

The following points apply in all circumstances where a mother is entitled to maternity leave:

- I am giving notice that I am entitled to and intend to take SPL
- I have, or will have, been continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below)
- I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL
- I will inform my employer immediately if I am no longer caring for my child
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- I (or my partner) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)

- I intend to care for my child in the weeks I receive ShPP
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA
- The information provided in this declaration is accurate

Signature of mother	
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Date mother signed	
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SECTION G: Partner's declaration (must be completed)

- I am the father of the child, or at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother)
- I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of childbirth
- I consent to the amount of SPL which the mother intends to take, as set out in Section D above.
- I consent to the mother's employer processing the information I have provided
- I consent to the amount of ShPP which the mother intends to take, as set out in Section E above.
- The information provided in this declaration is accurate

Signature of partner	
Date partner signed	

Form 3: Notice confirming that Partner is taking SPL but mother is not (for Mother's Employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the mother) do not intend to take SPL (or ShPP where relevant) but that my partner will be.	
Mother's surname	
Mother's first name(s)	
SECTION B: Confirmation	
<ul style="list-style-type: none"> ▪ I am either not entitled to SPL (or ShPP where relevant), or I do not intend to take SPL (or claim ShPP where relevant) ▪ I declare that my partner has given a notice to their employer to take SPL and/or ShPP. ▪ I consent to my partner's intended claim for SPL and/or ShPP. 	
SECTION C: Signature (must be completed)	
Signature of mother	
Date signed	

Form 4: Notification that Partner is intending to take SPL (for Partner's Employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the mother's partner) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Partner's Surname	
Partner's First name(s)	
Mother's surname	
Mother's first name(s)	
Mother's Address	
Mother's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
SECTION B: Maternity entitlement details (all answers that apply must be	

completed)	
Date mother started (or intends to start) maternity leave (if applicable)	
Date mother's maternity leave ended (or will end) (if applicable)	
Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends	
Date mother started (or intends to start) SMP or MA (if applicable)	
Date mother's SMP or MA ended (or will end) (if applicable)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	

SECTION C: Amount of SPL available (must be completed)

The total number of weeks of SPL created depends on the mothers leave and pay entitlements:

- If the mother was/is entitled to maternity leave and SMP/MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the mother was/is entitled to maternity leave but not to SMP or MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the mother was/is not entitled to maternity leave but was entitled to SMP/MA, the total created will be 52 weeks less any weeks of SMP/MA that was paid
- If the mother previously revoked her curtailment notice any SPL that was taken by the partner must be deducted

Total number of weeks of SPL created (50 max)

Total number of weeks of SPL I (the partner) intend to take

Total number of weeks of SPL the mother intends to take (if applicable)

SECTION D: Indication of Partner's leave intentions (must be completed but is not binding)

I (the partner) currently expect to take SPL as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

SECTION E: Amount of ShPP available (only complete if claiming ShPP)

Total number of weeks of ShPP created (39 weeks less total number of SMP/MA taken and any ShPP paid from a previous notice and revocation)

Total number of weeks of ShPP I (the partner) intend to take:

Total number of weeks of ShPP mother intends to take:

I (the partner) currently expect to take ShPP as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

SECTION F: Partner's declaration (must be completed)

The following points apply in all circumstances:

- I am giving notice that I am entitled to and intend to take SPL
- I am the father of the child, or at the time of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I have been (or will be) continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of our child at the time of the child's birth (along with the child's mother who has made the declaration below)
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of the mother's employer or a declaration that she does not have an employer if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes her notice to curtail her maternity leave or SMP/maternity allowance period
- I (or my partner) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I intend to care for my child in the weeks I receive ShPP

- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I will remain employed with this employer until before the date of my first period of ShPP
- The information provided in this declaration is correct

Signature of partner	
Date partner signed	

SECTION G: Mother's declaration (must be completed)

The following points apply in all circumstances:

- I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my partner who has made the declaration above)
- I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of birth
- I will immediately inform my partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement
- I consent to my partner's intended SPL as set out in Section D above
- I consent to my partner's employer processing the information I have provided
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am entitled to SMP or MA, and I have reduced (or will reduce) the SMP or MA period and the remainder will be available as ShPP
- I consent to my partner's intended ShPP as set out in Section E above
- I will immediately inform my partner if I revoke the reduction of my SMP or MA
- I consent to the person who will pay ShPP to my partner or the child's father processing the information I have provided
- The information provided in this declaration is correct

Signature of mother	
Date mother signed	