



Shared Parental Leave for Birth, Adoption and Surrogacy 2024 -2027

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1. Introduction

The purpose of this is to policy outline the arrangements for shared parental leave and pay for employees who are:

- a) Adopting a child through a UK or overseas adoption agency;
- b) Fostering a child with a view to possible adoption; or
- c) Becoming a parent through a surrogacy arrangement.

This policy is shared with trade unions and professional associations.

This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time, subject to consultation with trade unions and professional associations.

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

2. What is shared parental leave?

Shared parental leave (SPL) is a form of leave available to working parents following the birth or adoption of a child.

SPL allows parents, and partners in certain circumstances (see 3.1 below), to take up to 52 weeks leave in total on the birth or adoption of a child. You may be able to take this leave at the same time or at different times. Up to 50 weeks of this leave may be designated as SPL. Assuming you are both eligible, you and your partner can choose how you split that leave between you. You may be able to take this leave at the same time or at different times. You may also be able to take it in more than one block.

SPL must be taken in the first 52 weeks of the child's birth or adoption.

If you choose to take SPL then any period of maternity or adoption leave being taken in respect of the child will end.

3. Entitlement to SPL when a child is born

You are entitled to SPL in relation to the birth of a child if:

- a) you are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- b) you are the child's father and share the main responsibility for the care of the child with the child's mother; or

- c) you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The following conditions must also be fulfilled:

- a) you must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
- b) the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- c) you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

If you are the mother, you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL (see section C Paternity leave and pay). Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

4. Entitlement to SPL when a child is adopted or there is surrogacy arrangement

You may be entitled to SPL if:

- a) a UK adoption agency places a child with you and/or your partner for adoption, or
- b) a child in local authority care is placed with you and/or your partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme, or
- c) you adopt a child from overseas with UK government approval; or

- d) you have a child with a surrogate mother and the court has made or is expected to make a Parental Order

You must and you intend to share the main responsibility for the care of the child with your partner.

The following conditions must be fulfilled:

- a) you must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
- b) your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
- c) you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).

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

If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see section C Paternity leave and pay). You should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.

The total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave).

5. Opting in to shared parental leave and pay

Not less than eight weeks before the date you intend your SPL to start, you must give us a written opt-in notice giving the information in 5.2 or 5.3 as appropriate.

When a child is born:

- a) your name and your partner's name;
- b) if you are the child's mother, the start and end dates of your maternity leave;

- c) if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- d) the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
- e) how much of the available SPL will be allocated to you and how much to the other parent. You can change the allocation by giving us a further written notice, and you do not have to use your full allocation;
- f) if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken);
- g) how much of that will be allocated to you and how much to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- h) an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- i) declarations by you and the other parent that you meet the statutory conditions for entitlement to SPL and ShPP.

When a child is adopted/surrogacy case:

- a) your name and your partner's name;
- b) in a UK adoption case, the date the adoption agency notified you of a match, the expected date of placement, and the actual date of placement. If the child has not yet been placed with you, give the actual date of placement as soon as you can, before you take SPL.
- c) In an overseas adoption case, the date you received Official Notification, and the date the child entered Great Britain for adoption purposes. If the child has not yet entered Great Britain, give the actual date of entry as soon as you can, before you take SPL.

- d) in a surrogacy case, the EWC, the actual date of birth, and the date of the Parental Order if has already been made. If the child is not yet born give the date of birth as soon as you can, before you take SPL.
- e) if you are taking adoption leave, your adoption leave start and end dates;
- f) if you are not taking adoption leave, your partner's adoption leave start and end dates, or if your partner is not entitled to adoption leave, the start and end dates of their SAP;
- g) the total SPL available, which is 52 weeks minus the number of weeks' adoption leave or SAP taken or to be taken by you or your partner;
- h) how many weeks of the available SPL will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- i) if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken);
- j) how many weeks of the available ShPP will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- k) an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave (see paragraph 9 and paragraph 10 for information on taking leave). This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- l) declarations by you and your partner that you both meet the statutory conditions to enable you to take SPL and ShPP.

6. Ending your maternity or adoption leave

If you choose to take SPL then the maternity or adoption leave that you, your partner or the other parent are taking will come to an end. This is called curtailment.

If you are still on maternity leave or adoption leave, you must give us at least eight weeks' written notice to end your maternity or adoption leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity or adoption

leave will end. You can give the notice before or after you give birth or your child is placed, but you cannot end your maternity or adoption leave until at least two weeks after the birth or placement.

You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that the child's other parent or your partner has given his or her employer an opt-in notice and that you have given the necessary declarations in that notice.

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

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

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

When a child is born, if you are not the mother, but the mother is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once the mother has either:

- a) returned to work;
- b) given her employer a curtailment notice to end her maternity leave;
- c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- d) given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).

When a child is adopted if your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either: returned to work;

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

7. Evidence of entitlement to shared parental leave and pay

You must also provide on request:

- a) A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); OR
- b) One or more documents from the adoption agency showing the agency's name and address and the expected placement date; AND
- c) The name and address of the other parent's employer (or a declaration that they have no employer).
- d) A written consent from the other parent or partner for their data to be disclosed and processed for the purpose of calculating shared parental leave and pay.

8. Notifying us of your SPL dates

Having opted into the SPL system you will need to give a period of leave notice telling us the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. If the child has not been born or placed with you yet, it can state the number of days after birth or placement that you want the leave to start and end. This may be particularly useful if you intend to take paternity leave starting on the date of birth or date of placement and wish to take SPL straight afterwards. You must also state in your period of leave notice the dates on which you intend to claim shared parental pay, if applicable.

Leave must be taken in blocks of at least one week.

If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

If your period of leave notice requests split periods of SPL, with periods of work in

between, we will consider your request as set out in Paragraph 10, below. You can give up to three period of leave notices. This may enable you to take up to three separate blocks of shared parental leave. In exceptional circumstances we may agree to accept more than three period of leave notices but there is no obligation for us to do so.

9. Procedure for requesting discontinuous (split) periods of SPL

In general, a period of leave notice should set out a single continuous block of leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your line manager/Headteacher* in advance of submitting any formal period of leave notices. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

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

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

10. Changing the dates or cancelling your SPL

- a) You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.
- b) You can change the dates for a period of leave by giving us at least eight weeks' notice before the original start date or the new start date, whichever is earlier.

- c) You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date or the new end date, whichever is earlier.
- d) You can change split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date.
- e) You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. Since this will involve a change to the start date or end date, see Paragraph 9 above which set out how much notice is required for the request. We will consider any such request as set out in paragraph 10.
- f) You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify us in writing of the change as soon as you can.

A notice to cancel or change a period of leave will count as one of your three period of leave notices, unless:

- a) the variation is a result of your child being born or placed earlier or later than the EWC or expected placement date;
- b) you are cancelling a request for discontinuous leave within 2 days of the end of the 2 week discussion period;
- c) the variation is at our request; or
- d) we agree otherwise.

11. Shared parental pay

ShPP of up to 39 weeks (less any weeks of SMP or SAP claimed by you or the other parent/eligible partner) may be available provided you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.

You will qualify for occupational shared parental pay if you have been continuously

employed during the 12-month period ending with the Qualifying Week and did not take any maternity, adoption or shared parental leave during the 12 months ending with the Qualifying Week.

Occupational shared parental pay is calculated in the same way as contractual maternity pay and includes any ShPP that may be due for that period. Any occupational maternity, adoption or paternity pay you have received will be treated as occupational shared parental pay when calculating your entitlement.

Payment of occupational shared parental pay is conditional upon you confirming in writing, before starting SPL, that you intend to return to work for at least 3.5 months after the end of your SPL. If you later decide not to return to work for this minimum period, you must repay any occupational shared parental pay (but not ShPP).

12. Other terms during shared parental leave

All the terms and conditions of your employment remain in force, except for the terms relating to pay during SPL. In particular:

- a) Benefits in kind such as life insurance and health insurance shall continue
- b) Annual leave entitlement under your contract shall continue to accrue where applicable (see paragraph 14, Annual leave)
- c) Pension benefits shall continue (see paragraph 13, Pensions).

13. Pensions

During any period of paid SPL we shall continue to make the relevant employer pension contributions. Employee contributions are usually made based on the pay you are receiving whilst absent. If you wish to increase your contributions to make up any shortfall from those based on your normal salary, then please contact the Pensions Administrator directly. For teaching staff this will be Teachers' Pensions on 0345 6066166 and for support staff, this will be West Sussex LGPS administered by Hampshire Pension Services on 01962 845588.

During any period of unpaid SPL, we shall not make any employer pension contributions and the period shall not count as pensionable service. If you are a member of support staff, you may if you wish make up any contributions for the unpaid period. If you choose not to, you will not build up any membership for this

period, and this will affect your pension benefits. If you are a member of teaching staff, you do not have the option of paying contributions during any period of unpaid paternity leave, but you can purchase additional pension on top of your normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

14. Annual leave

All staff continue to accrue annual leave during SPL at the rate provided under your contract of employment.

Teachers: The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your SPL. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the SPL period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement, you will be entitled to take any remaining leave during term time at a time mutually agreed with your line manager/Headteacher*.

Associate staff – term time only/term time plus: The salary calculation for associate staff contracted to work term time only or term time plus additional working weeks, includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your SPL. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the SPL period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement, you will be entitled to take any remaining leave during term time at a time mutually agreed with your line manager/Headteacher*.

Associate staff – full working year: Annual leave entitlement will continue to accrue at the rate provided under your contract. If your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over and must be taken immediately before

returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry-over of more than one week is at your manager's discretion]. Please discuss your holiday plans with your manager in good time before starting SPL. All holiday dates are subject to approval by your manager. Our holiday year runs from 1 April to 31 March.

15. Keeping in touch

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

You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during your SPL. This is in addition to any KIT days that you may have taken during maternity leave. The arrangements, including pay, would be set by agreement with your line manager/Headteacher*. KIT days are not compulsory and must be discussed and agreed with your line manager/Headteacher*.

16. Returning to work

If you want to end a period of SPL early, you must give us eight weeks' prior notice of the return date. You should give this notice in writing. If you have already given us three period of leave notices you will not be able to end your SPL early without our agreement.

If you have unused SPL entitlement remaining and want to extend your SPL, you must submit a new period of leave notice at least eight weeks before the date you were due to return to work. If you have already given us three period of leave notices you will not be able to extend your SPL without our agreement. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to business need.

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

- a) if your SPL and any maternity, adoption or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or

b) if you took SPL consecutively with more than four weeks of parental leave (under our Parental Leave Policy).

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

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract. This will have an impact on your entitlement to occupational shared parental pay.