



Shared Parental Leave and Pay Policy

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Policy scope and purpose

Scope and purpose	<p>This document sets out the shared leave and pay entitlements for Inclusive Education Trust (IET) employees on support staff terms and conditions including employees on fixed term contracts.</p> <p>This policy intends to:</p> <ul style="list-style-type: none"> • Fully inform employees of their shared parental leave and pay entitlements. • Provide guidance on shared parental leave and pay processes. • Support managers by providing them with details of the IET's obligations to employees.
Legislative requirements	<p>Shared Parental Leave Regulations, which came into force in 2015. The Maternity and Parental Leave Regulations, which came into force on 15 December 1999, together with the provisions of the Employment Rights Act 1996, as amended by the Employment Relations Act 1999, the Employment Act 2002 and the Work and Families Act 2006 which set out the framework for maternity rights.</p>
Who uses this policy	<p>This policy applies to all Support Staff and Teachers on IET terms and conditions of employment.</p> <p>It is intended for eligible mothers or adopters and their partners. Intended parents in a surrogacy arrangement, where they are eligible for adoption leave and pay, will also be able to opt into the shared parental leave and pay system. The 'continuity of employment' test (for establishing eligibility for shared parental leave) is, however, based on the child's expected week of birth, unlike other adoption scenarios (where continuity of employment is based on the week in which the adopter was notified of a match).</p>
Related policies	<p>Maternity Leave and Pay Adoption Leave and Pay Paternity Leave and Pay Unpaid Parental Leave Surrogacy Policy Other leave and and absence Policy</p>

Glossary

General	
Continuous service: CS	<p>For statutory parental scheme entitlements an employee's continuous service is the length of time they have unbroken service with the Trust, but it also covers movement between employment by SCC and employment by the governing body of a community foundation or a voluntary aided school maintained by SCC or other multi academy trusts where there is no break in service. Continuity of service is normally broken if there has been a break in service of a period of one complete week, running from Sunday to Saturday between two contracts of employment, unless certain exceptions apply.</p> <p>Refer to your Statement of Particulars of Employment for further information and see the section: Continuous Service for Shared Parental Pay Entitlements on page 11 of this policy.</p>
Continuity of employment test	<p>The employee must have been continuously employed for at least 26 weeks, up to and including the 15th week before the week in which their baby is due to be born (or for at least 26 weeks in the week in which an adopter is notified of having been matched with a child). They must also still be employed in the week before shared parental leave is due to start.</p>
Responsibility for the child test	<p>At the date of the child's birth/placement the employee must share the main responsibility for the care of the child with the other parent.</p>
Employment and earnings test	<p>The other parent/partner must have been employed/self employed in Great Britain for a total of 26 weeks in the 66-week period leading up to the week in which the child is due or matched for adoption, earning on average at least £30 in 13 of those weeks.</p>
LEL: Lower Earnings Limit	<p>The weekly earnings level set annually by the HM Revenue & Customs, above which you make Class 1 National Insurance contributions. You need to earn this amount before tax to qualify for statutory parental leave pay.</p>
AWE: Average Weekly Earnings	<p>Calculated on the total payments made during an 8-week qualifying period, except where there is no established pattern of work, in which case a 52- week period will be used or the number of weeks in which the employee has been in employment if less than 52.</p>

Partner	<p>The term 'partner' is used in the definition of eligibility. A partner is married to or lives with the mother of the baby/ birth parent/main adopter in an enduring family relationship, whether of different sex or the same sex, but is not an immediate relative.</p> <p>This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother/birth parent/main adopter and the child.</p>
Shared Parental Leave	
ShPL: Shared Parental Leave	Enables birth parents and adopting parents, to share up to 50 weeks' leave
ShPP: Shared Parental Pay	Enables birth parents, adopting parents to share up to 37 weeks' Statutory Parental Pay (SPP).
Curtail	Where an eligible mother/birth parent or main adopter brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early.
SPLIT days: Shared parental leave in touch days	The days that can be worked during shared parental leave without bringing the leave to an end.
SMP OMP	<p>Statutory Maternity Pay</p> <p>Ordinary Maternity Pay</p> <p>https://www.gov.uk/maternity-pay-leave/pay</p>
SAP OMP	<p>Statutory Adoption Pay</p> <p>Ordinary Adoption Pay</p> <p>https://www.gov.uk/adoption-pay-leave/pay</p>

Shared Parental Leave

Eligibility

Shared Parental Leave (ShPL) enables eligible parents to share up to 50 weeks of their maternity or adoption leave (and up to 37 weeks of their maternity or adoption pay see the Shared Parental Pay section below) between them during the first year of birth or adoption, even if the person works elsewhere. Its purpose is to provide flexibility regarding which parent is absent from work, allowing parents to tailor their approach to caring for their child. It includes scope for both parents to be absent at the same time.

To qualify for ShPL, the child's mother/birth parent or the primary adopter must be eligible for:

- Statutory Maternity leave or pay, or
- Statutory Maternity allowance, or
- Statutory Adoption leave or pay.

To get ShPL the employee or their partner must take less than 52 weeks of maternity or adoption leave and the remaining weeks can be taken as ShPL.

Intended parents in a surrogacy arrangement are entitled to take ShPL for a year from the birth if both parents qualify. IET has separate Maternity Leave and Pay, Adoption Leave and Pay and Surrogacy Policies that should be referred to in conjunction with this Policy.

The employee must also:

- Have at least 26 weeks' continuous service by the end of the fifteenth week before their baby is due (known as the EWC or expected week of childbirth) or by the end of the week during which they were matched with a child for adoption
- Have the main responsibility for the care of the child at the date of the birth or adoption (apart from the responsibility their partner or the child's father has)
- Still be employed by the Trust while they take ShPL
- Give the correct notice, including a declaration that their partner meets the employment and income requirements which allow them to get ShPL

The mother's/birth parent's partner or the co-adopting partner must also satisfy minimum employment and earnings criteria to be eligible for ShPL as follows:

- have been employed or self employed for at least 26 weeks (they do not need to be in a row) of the 66 weeks before the expected week of childbirth, or for at least 26 weeks by the end of the week they were matched with the child
- have average weekly earnings of at least £30 for any 13 of those 66 weeks; and
- have the main responsibility for the child at the date of the birth or adoption (apart from the responsibility of the mother/birth parent).

Sometimes only one parent in a couple will be eligible to get shared parental leave and shared parental pay. This means that they cannot share the leave.

Shared Parental Leave entitlement

The maximum total amount of Shared Parental Leave (ShPL) available is 50 weeks. This is 2 weeks fewer than the full leave entitlement because a mother cannot return to work before the end of the compulsory 2 weeks of maternity leave following the birth. Similarly, for adoptions, the person claiming adoption pay must take at least 2 weeks of adoption leave.

If an eligible employee curtails their maternity or adoption leave, any unused leave entitlement can then be shared with their nominated partner if they are also eligible.

Parents can choose how much of the ShPL each of them will take. It cannot be taken after the baby's first birthday.

Rights during Shared Parental Leave

Employees are entitled to receive all the normal terms and conditions of their contract of employment apart from normal pay. Pay during ShPL will be subject to the rules that relate to shared parental leave and pay as detailed in this policy document.

An employee is protected from being subjected to detriment (by any act or deliberate failure to act by their employer) and protected from dismissal because they:

- Took ShPL or
- Sought to take ShPL.

Detriment can cover a wide range of unfair treatment, such as denial of promotion, facilities, or training opportunities which the employer would otherwise have offered or made available.

Qualifying conditions and applying for Shared Parental Leave

The employee must notify their line manager/HoS of their entitlement and intention to take ShPL at least **8 weeks before** their first period of leave and complete the 'Notice of entitlement to take shared parental leave form'.

Both parents must notify their employer, giving declarations about their entitlement to take ShPL and that they agree to the amount of ShPL the other parent wishes to take.

This notification must include:

- details of how much ShPL is available
- the amount of leave each parent intends to take
- a non-binding indication of when the employee intends to take leave
- A copy of child's birth certificate (or name and address of adoption agency or copy of the Parental Order)
- the name and address of the partner's employer within 14 days of applying for ShPL or ShPP.

The employee can subsequently vary the dates or vary or cancel the amount of leave that each parent will take.

Maintaining contact during Shared Parental Leave

Whilst on ShPL, the employee's privacy should be respected. However, as an employer the Trust has legal obligations to the employee whilst they are off and will keep the employee informed of; developments in the workplace, of any organisational change that may affect them and of any vacancies in the school that may be of interest to them and will also discuss the employee's plans to return to work at the appropriate time.

Any contact above this needs to be agreed during a pre-ShPL discussion between the line manager and the employee.

The line manager/Hos and employee should agree; what information the employee would like to receive, when first contact will be made and how frequent contact will be thereafter. The method of contact needs to be agreed also e.g., phone, email, letter or face to face.

If the employee is unsure of what contact they want, the line manager should agree with them when and how first contact will be made and agreement for further contact reached when first contact is made.

Already anticipated Shared Parental Leave in Touch (SPLIT) days could also be scheduled at this point, with any further SPLIT days being agreed during the ShPL period, as they become relevant. A maximum of 20 SPLIT days (per parent) can be scheduled. (See Section on SPLIT days below for further information).

When the leave can be taken

The employee's notice must state when the leave will start and end and can request more than one period of leave. Any one period must be in a block of at least one week.

If the employee has asked for a single continuous period of leave, they are entitled to take it. If the employee has asked for separate periods of leave their manager can:

- agree to the requested pattern of leave
- refuse the request
- refuse the request but propose alternative dates.

If an agreement cannot be reached within two weeks, the employee can withdraw their request, or take the leave requested as a single continuous period.

The employee can give up to three periods of leave notices. If a notice is withdrawn because a leave pattern cannot be agreed, it does not count towards this limit.

All ShPL must be used within 52 weeks of the birth or adoption placement.

'Shared parental leave in touch' SPLIT Days

Each parent can work up to 20 days during ShPL without bringing the leave to an end. These are called 'shared parental leave in touch' (or SPLIT) days. Employees will be paid when they come to work on a SPLIT day. Remuneration is based on contractual pay. Any shared parental pay received will count towards that remuneration and the total must not exceed full pay.

Even if the employee only works for part of a day (for example a half day), this counts as 1 full SPLIT day. The employee will be paid for a full day, irrespective of how many hours they work. If the employee works a shift that spans midnight this will constitute one SPLIT Day. Team lunches or any time when the employee's child is in attendance will not constitute a SPLIT Day.

For part-time employees, the hours paid will be based on their normal working pattern. For example, if an employee works 8 hours per day, over 3 days, the employee will receive 8 hours pay for one SPLIT Day.

Where an employee's working pattern is not available and/or the number of hours worked are not known, payment will default to the average daily hours, across 5 days. Using the above example, 24 hours per week, across 5 days would equate to a payment of 4.8 hours per SPLIT Day.

The line manager/HoS must record each SPLIT-day that the employee attends work and notify HR who will arrange for payment to be made in the next available pay run by contacting hr@ieatm.co.uk SPLIT days are in addition to the 10 'keeping in touch' (or KIT) days available whilst on maternity or adoption leave. Once a parent has ended their Maternity or Adoption Leave, any unused KIT days cannot be carried forward.

Employees can choose to receive payment for a SPLIT-day the month after it has been worked, or to receive payment for all SPLIT-days on their return to work following shared parental leave. The employee's HoS is responsible for instructing hr@ietmat.co.uk to make payments for SPLIT-days.

Annual Leave and Bank Holidays during Shared Parental Leave

For non term time employees employed on an annualised or zero hours contract basis who are going to be taking a long period of ShPL are encouraged to take any outstanding accrued annual leave before their ShPL starts.

Employees continue to accrue all their paid annual leave (including bank holidays where applicable) whilst on ShPL, whether paid or unpaid. Annual leave can be taken before the leave starts, or after it comes to an end, subject to normal management approval. Annual leave cannot be taken at the same time as ShPL. Employees who have a non-standard working pattern (e.g. term time only, annualised hours or on a bank zero hours basis should refer to the appendix in their contract of employment for details about how their annual leave and bank holidays are calculated.

Wherever possible and applicable, annual leave accrued during ShPL should be taken as paid leave before the employee returns to work.

If an employee wishes to use up their accrued leave by returning to the payroll earlier than their intended return date, i.e., substituting a period of unpaid ShPL with a period of paid annual leave, they must give 8 weeks' notice as it will be treated as if returning to work early from ShPL.

Please note that Line Managers are responsible for notifying HR/SBM of any time off taken in lieu of bank holidays accrued during a period of ShPL accordingly.

Carrying over accrued annual leave to the next leave year

If an eligible employee is unable to take their annual leave entitlement during the year in which it accrues, they can carry over up to 28 days leave (their statutory annual leave entitlement including bank holidays – pro rata for those working part time or part year) to the next leave year, to be used within 12 months of the end of the year in which it accrued. For most employees an adjustment to annual leave will be applied, but for employees working on a part year annualised hours basis, this will require a pay adjustment. (See the next section below).

Accrued leave for term time only or annualised hours employees

If an employee works on a term time or annualised hours basis, where their annual salary includes payment for annual leave and bank holidays, their line manager will need to ensure that any outstanding leave accrued and not taken on their return to work is recorded and payroll informed so that pay is adjusted accordingly. The number of days that can be carried forward to a new leave year is limited to 28 days (pro rata for those working part time or part year).

Pensions and Flexible Benefits during Shared Parental Leave LGPS Pension Scheme

During any period of paid ShPL an Teacher's or LGPS member's pension is worked out to make sure that their pension is not affected by the reduction in pay. This means that they will continue to build up a pension in the section of the LGPS they are in, as if they were working normally and receiving pay. For an example of how assumed pensionable pay is calculated see the LGPS and Teachers Pensions website. Employees on ShPL will pay their basic pension contributions on the shared parental pay they receive.

However, any period of unpaid ShPL will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence. If an employee is interested in buying the pension lost, they must contact Surrey Pensions Helpdesk 0300 200 1031 within 30 days of returning to work or Teachers' Pension website or contact the Teachers' Pension helpline on 0345 606 6166 for further details.

For further information see the [LGPS website](#) or contact My Helpdesk Pensions at crt pensions@surreycc.gov.uk if advice is needed.

Flexible benefits

If an employee has elected to receive flexible benefits, they will be required to continue to pay contributions whilst on ShPL. For more information the employee should contact the SBM.

Pay and Pay Progression during Shared Parental Leave Pay Awards

If the annual pay award falls during the period of an employee's ShPL, they will be notified of their reviewed salary at the same time as other employees and will receive their reviewed salary upon their return to work. Similarly, any backdated increases will be considered when calculating statutory shared parental pay.

Pay Progression

If a pay progression review date falls whilst an employee is on a period of ShPL their increment will be paid, in accordance with normal pay progression arrangements.

Shared Parental Pay

Shared Parental Pay entitlement

If the employee is entitled to Shared Parental Leave (ShPL), they may also be entitled to Statutory Shared Parental Pay (ShPP).

If the employee will be receiving ShPP, this will start when the relevant period of ShPL starts.

If the mother/birth parent or primary adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used up their statutory entitlement to 39 weeks' pay, then Statutory ShPP could be claimed for any remaining weeks (less the 2 weeks' compulsory leave to be taken by mothers/birth parents/adopters). For example, if a mother/birth parent curtailed their maternity pay after 30 weeks, 7 weeks would still be remaining and this could become statutory ShPP.

ShPP is paid at the current statutory rate or 90% of average weekly earnings (whichever is lower). This is the same as Statutory Maternity/Adoption Pay (SMP/SAP) except that during the first 6 weeks SMP/SAP is paid at 90% of earnings (with no maximum).

Any unused OMP/OAP cannot be transferred or shared and will therefore be lost.

Any remaining entitlement to ShPL, beyond those where ShPP is available, is unpaid.

Qualifying conditions for Shared Parental Pay

To be able to claim any remaining weeks as Statutory ShPP, a parent must:

- have worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and be still working for the employer at the start of each leave period
- have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions for the 8 weeks prior to the 15th week before the expected due date or matching date and
- the other parent in the family must also meet the employment and earnings criteria above.

Continuous Service for Shared Parental Pay entitlements

An employee's continuous service is the length of time they have unbroken service with the Trust, but it also covers movement between employment by SCC and employment by the governing body of a community, foundation or a voluntary aided school maintained by SCC or other multi academy trusts where there is no break in service. Continuity of service is normally broken if there has been a break in service of a period of one complete week, running from Sunday to Saturday between two contracts of employment, unless certain exceptions apply.

Shared Parental Leave and Pay Summary

Both the employee and their partner to have at least 26 weeks' continuous service (with their respective employers) by the end of the 15th week before the baby is due to be born (the Expected Week of Childbirth or EWC), or by the week in which the employee has been matched with the child (UK adoptions), or from when adoption pay starts (overseas adoptions).	Birthing and adopting parents: Up to 50 weeks' leave during which 37 weeks' pay can be shared. Pay is at a standard rate (same as the statutory lower Statutory Maternity Pay/Statutory Adoption Pay rate) or 90% of average weekly earnings, whichever is the lower.
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Leaving IET employment during Shared Parental Leave

- (a) If an employee is considering resignation, their line manager should invite them to a meeting to discuss the potential flexible working options that might be considered to facilitate a return to work and to advise the employee of their rights under the Flexible working Policy
- (b) If the employee does not wish to return to work after Shared Parental Leave, they must give notice in accordance with the notice provisions specified in their Statement of Particulars of Employment. Further information can be obtained from hr@ietmat.co.uk
- (c) If the employee leaves Trust employment after the qualifying week (that is after the 15th week before the Expected Week of Childbirth (EWC)) through resignation

connected or unconnected with pregnancy or childbirth or through dismissal and they satisfy the qualifying conditions as outlined above, they will receive SMP.

- (d) If the employee leaves Trust employment or is dismissed before they have given notice of their maternity leave, were employed at the start of the qualifying week (that is the 15th week before the EWC) and satisfies the qualifying conditions as outlined above, they will receive SMP. In these circumstances. SMP begins on the later of the Sunday of the 11th week before the EWC or the Sunday of the week after employment ends.
- (e) In either of the circumstances described in paragraphs c and d above, where the employee is entitled to receive SMP, the employment will terminate at the end of the notice period and SMP will be paid as a lump sum, subject to tax and national insurance contributions.
- (f) In either of the circumstances described in paragraphs c and d above, the employee will not receive OMP.
- (g) If the employee leaves Trust employment when they are on OML, their last day of service will be the end of their notice period following resignation and SMP will be paid as a lump sum.
- (h) If the employee leaves Trust employment when they are on AML, their last day of service will be the end of their notice period following resignation. The date should be no earlier than the date of receipt of the resignation.
- (i) Employees who resign during maternity leave or who do not return to work at the end of their maternity leave period may, in some cases, be entitled to pay in lieu of their accrued annual leave entitlement. If the employee qualifies for OMP, the pay in lieu of leave will help off-set any OMP that has to be repaid following a failure to return to work. See the section Qualifying conditions for Occupational Maternity Pay above for further information.

Returning to work following Shared Parental Leave

If the employee leaves the Trust's employment when they are on ShPL, their last day of service will be the end of their notice period following resignation.

In the case of dismissal, refer to the HR team for information regarding end of notice period and pay entitlements.

Employees who intend to return to work immediately after their ShPL period do not have to give notice of their return.

If an employee wishes to return to work before the notified date, they need to give 8 weeks notice of the date of their intended return. If the employee fails to give 8 weeks notice, their return can be deferred to ensure 8 weeks notice is provided.

Employees who take up to 26 weeks of ShPL (or ShPL in combination with Maternity Leave or Adoption Leave) have the right to return to their job, on terms and conditions no less favourable to those they had at the commencement of their ShPL and to any improvements implemented in their absence unless this is not reasonably practicable.

If the employee takes more than 26 weeks of ShPL (or ShPL in combination with Maternity Leave or Adoption Leave, whether or not taken consecutively), they will have the right to

their job or a similar job (if it is not possible to give them their old job).

Similar means the job has the same or better terms and conditions. If the employee unreasonably refuses to take the similar job the Trust can take this as their resignation.

Continuity of Service following Shared Parental Leave

On return to work the employee will have full continuity of service for purposes of redundancy and other service-related benefits, provided they return to work on the specified date.

Returning to work late following Shared Parental Leave

An employee who does not return to work on the specified date, either the date originally agreed or subsequently amended date, must contact their line manager/HoS as soon as possible to explain the reasons why. An employee cannot extend ShPL beyond the statutory entitlement.

- If the employee is ill at the date of return to work, they should inform their line manager in the normal way. This would be dealt with in accordance with the provisions for absence management
- If the employee cannot return to work for other reasons, depending on the circumstances the employee may be able to take unpaid parental leave or use annual leave or special leave in agreement with their line manager/HoS
- If there is an interruption of work (whether due to industrial action or some other reason) and it is unreasonable to expect the employee to return on the notified day, the employee may instead return when work resumes, or as soon as reasonably practicable thereafter
- If the employee fails to return after the maximum period of ShPL, and fails to notify their absence, disciplinary procedures may be invoked. In these circumstances, the employee's line manager/HoS should make every effort to contact the employee to establish the reason(s) and offer support, if appropriate.

Varying hours of work on return from Shared Parental Leave

If an employee wishes to vary their hours of work on their return from ShPL, they should discuss this with their line manager/HoS. They have a right to request a flexible working arrangement and for that request to be fully considered. Should a manager receive such a request they should deal with it under the Flexible working Policy.

Forms to be completed

The following forms are available on the shared drive/Intranet:

- Notice to take ShPL mother or adopter
- Notice to take ShPL partner
- Notice of variation of intention to take ShPL
- ShPL Period of leave notice

Frequently Asked Questions

Must my partner and I take the leave at different times?

Periods of shared parental leave do not have to be consecutive. Both parents can take leave at the same time, provided that the total amount of leave taken does not exceed 52 weeks.

Is the shared parental leave flexible?

This is subject to agreement of your line manager/Hos. You can take discontinuous blocks of leave. For example, the mother/birth parent/main adopter can take leave for a period and then return to work while their partner takes some leave, with the mother/birth parent/main adopter then going on leave again for the remaining period.

Does shared parental leave change your continuous service date?

On return to work you will be given full continuous service for purposes of redundancy and other service-related benefits. This is provided you return to work on the specified date.

What happens if I become sick during shared parental leave?

Statutory or occupational sick pay cannot be paid during the same period in which statutory or occupational pay is being received for shared parental leave. If you become sick during shared parental leave you must end your SPL and return to work if you want to qualify for contractual sick pay.

If you have indicated that you are returning to work but are unable to because of ill health, this will be treated as sickness absence in accordance with the Trust's Absence Management Policy.

Can I be made redundant during shared parental leave?

It is unlawful for an employer to select an employee for redundancy in preference to other comparable employees during their shared parental leave for any reason connected with their shared parental entitlements.

Employees have the right to be offered any suitable alternative job (where one is available) if they are at risk of redundancy (even if other colleagues are more suitable for the role) whilst on shared parental leave.

What happens if I have a fixed term contract and decide to take shared parental leave?

If you have a fixed term contract and decide to take shared parental leave you will be treated in the same way as a permanent employee, even if your contract ends whilst you are on shared parental leave.

The pay and leave entitlements and relevant qualifying conditions will be applied to you as they are to a permanent employee. If your contract comes to an end whilst you are on shared parental leave your entitlements will be dealt with in the same way as if a permanent employee left.

If your fixed-term contract is not renewed this is treated as a dismissal. If you can demonstrate that the reason or principal reason for the non-renewal of your fixed term contract related to your shared parental leave, then the dismissal will be automatically unfair.

If your fixed term contract comes to a natural or premature end for reasons of redundancy whilst you are on shared parental leave, you are entitled to be offered a suitable alternative vacancy, before your contract ends, where one is available. The work must be suitable and appropriate for you. It is unlawful for an employer to make an employee redundant during shared parental leave without first complying with these requirements.

Other Sources of Information

Other useful sources of information about Shared Parental Leave and Pay include:

[Shared parental leave and pay - Maternity Action](#)

[Shared parental leave and pay for adoptive parents - Maternity Action](#) [Shared](#)

[Parental Leave and Pay: How it works - GOV.UK \(www.gov.uk\)](#)

<https://www.gov.uk/maternity-paternity-pay-leave> Eligibility checker