

Shared Parental Leave Policy

Expansive Learning Group

April 2023

Author: Scott Roberts

Version 1

Review Date: April 2025

1. Scope of the policy

This policy applies to all employees who are pregnant or have recently given birth, including those who work part-time or on fixed-term contracts or expectant fathers or partners

2. What is ShPL?

Shared Parental Leave is a period of leave which the parents can share as they see fit. It gives you and your partner greater flexibility with childcare arrangements in the first year of the child's life. It allows you both to share the statutory maternity leave entitlement between you and potentially to benefit from shared parental pay (SSP – which is described later in this section).

You can take it in blocks of time and if you wish to do so, provided you give us the relevant notices and details of your dates and intentions, you should be able to alternate those blocks between you to balance both time at home and time at work.

3. Your entitlement to ShPL

Provided that you are both eligible, ShPL enables you to split the 52 weeks of leave to which a mother is entitled between the two of you. But, as a minimum, the mother must take any period of compulsory maternity leave. This means that you could both take time off at the same time, or you could choose to take it consecutively.

The 52 weeks will in fact be reduced by:

- a) The statutory 2 weeks immediately after the birth that the mother is legally obliged to take
- b) Any maternity leave that the mother took before or after the baby was born.

But, the 52 weeks are in addition to the 2 weeks of paternity leave to which the father or partner is legally entitled.

4. Your eligibility for ShPL

You or your partner may be eligible for ShPL if:

- a) You are the mother and share the main childcare responsibility with the child's father or your partner, OR
- b) You are the father and share the main childcare responsibility with the child's mother; OR
- c) You are the mother's partner and share the main childcare responsibility with the mother in place of the father; AND
- d) You have worked for us for at least 26 continuous weeks by the end of the Qualifying Week and you will still be employed by us before you take ShPL; AND
- e) The other parent:
 - i. has worked at least 26 of the 66 weeks before the EWC (due date) – this can be as an employee or self-employed – and
 - ii. had weekly earnings averaging at least £30 during 13 of those weeks; AND
 - iii. You and the other parent fulfil the notice and other requirements detailed below.

We may also request the following from you:

- a) A copy of your child's birth certificate, or a signed declaration of the date and place of birth (if you have yet to get the birth certificate) and/or
- b) Contact details for the other parent's employer, or a declaration that they do not have an employer. **NOTE:** If your child is adopted, then we are entitled to ask for evidence of the adoption of the child by your spouse/partner (including the name/address of the adoption agency), and a declaration that they have elected to receive received Statutory Adoption pay. (See also Part V11 below.)

5. Start Date

If you're the mother, you cannot start ShPL until the end of the compulsory maternity leave period. This is usually two weeks after birth.

The child's father, or the mother's partner, may want to consider using their two weeks' paternity leave before starting ShPL, since once ShPL starts, entitlement to any paternity leave not already taken is lost.

If your baby arrives early (before the start of the EWC), we may agree to you starting ShPL early also, even if this

means that you have not been able to give us 8 weeks' notice of your intentions (which is the notice generally required). Before we can agree to this earlier start date, you must:

- a) write to tell us as soon as possible if your 'period of leave' notice gave us a set date within the 8 weeks following the EWC for your ShPL to start, and you now want to move the date forward by the same number of days. Once we receive this written request, we should be in a position to agree, or
- b) give us your opt-in notice and 'period of leave' notice as soon as possible, if you don't yet have a set date but want to take ShPL in the eight weeks following birth and your baby arrives early.

If, however, you had a start date of a set number of days – rather than a set date – after the birth in your 'period of leave' notice, you do not need to do anything. You may start the leave early without further need to notify us.

6. Step 1: Requesting ShPL – the 'ShPL Opt-in Notice'

There's a fair amount of paperwork involved in requesting ShPL and some important notice periods and deadlines. We have set these out in the sections that follow.

If you have any questions about how this applies in your case, however, please speak with your line manager as soon as you can so that we can assist you.

At least 8 weeks before you want the ShPL to begin, you must inform us in writing that you want to take this leave (called opting in to the SHPL scheme.)

The written notice must be provided to your line manager, and within it, you must include the following details:

- a) Both parents' names
- b) The start and end dates of the mother's maternity leave (or the SMP or MA start and end dates, if the mother is not eligible for maternity leave)
- c) How many weeks of ShPL is available (52 weeks minus maternity leave, SMP or MA already taken by the mother, or due to be taken)
- d) How many weeks ShPL you intend to take and how many the other parent will take. (You can change this by telling us in writing, and you do not have to take your full allowance.)
- e) The total Statutory Shared Parental Pay (**ShPP**) available (39 weeks minus the number of weeks of SMP or MA already taken, or due to be taken)
- f) How many weeks of the ShPP available is to be allocated to you, and how many to the other parent. (You can change this by writing to us, and you do not need to use all your allocation.)
 - a. The arrangements for leave you want to take, with start and end dates for each block of leave. (Although this is not binding, it will help us if you give us as much information as possible.)
 - b. Signed declarations from both you and the other parent that you are both eligible to claim ShPL and ShPP.

7. Step 2a: cutting short maternity leave – the 'curtailment notice'

If you're the child's mother, then at the same time as you supply the ShPL opt in notice, (i.e. at least 8 weeks before you want to take up the ShPL), you must also provide your line manager with written notice that you intend to bring your maternity leave to an end.

This written notice is called a 'curtailment notice' and must clearly state the date on which you intend your maternity leave to end. That date cannot be any earlier than 2 weeks after your baby is born.

We must receive this curtailment notice or you will not be able to take ShPL.

8. Step 2b: written declaration where your partner is taking the ShPL

If it is your partner taking the ShPL, you must provide your line manager with a written declaration that their employer has received an ShPL opt-in notice from your partner, and that all the necessary declarations have been made.

Your partner may be able to take ShPL from their employer before your maternity leave ends, but only if:

- a) we have received your curtailment notice to end your maternity leave and/or your SMP or
- b) you have given the benefits office a curtailment notice ending your Maternity Allowance (MA) or
- c) you have returned to work.

9. The legal status of curtailment notices and whether you can revoke one

Curtailment notices are legally binding and cannot usually be revoked. You can only revoke one if:

- a) you are still on maternity leave and it has not yet finished AND
- b) you meet one of the following applies:
 - i. You find out that neither you nor the other parent is eligible for ShPL or ShPP. (If this happens, you can revoke the curtailment notice by writing to us any time up to eight weeks after it was given.)
 - ii. The curtailment notice was issued before the birth of your baby and you are revoking it in writing during the six weeks after the birth
 - iii. The child's other parent has died.

If you choose to revoke a curtailment notice, you cannot opt back into the scheme you've revoked, except if you have provided the notice to us before the birth and it is revoked in writing within 6 weeks after the birth.

10. Step 3: actioning the ShPL

If you've followed the steps above, you've now opted into the ShPL scheme.

Next, you need to provide us with what's called 'a period of leave notice', so that you can get that time booked off.

Ideally, we recommend that you provide us with this notice at the same time as the ShPL opt-in notice and the curtailment notice, but in any event, you should provide it at least 8 weeks before you want the first period of ShPL to begin.

Within the 'period of leave' notice itself, you can either give us specific dates or the number of days after the birth that you want ShPL to start and finish.

You may prefer the second option if the father intends to take paternity leave as soon as the baby is born and wants ShPL to run on from it.

You must take ShPL in blocks of at least one week at a time and you are automatically entitled to take a single continuous block of ShPL.

We will also consider any request for separate (alternating) blocks of ShPL, on the basis of the following:

- a) You may lodge up to 3 'period of leave' notices, which may allow you to take up to three separate ShPL blocks with periods at work in between. If you later reschedule or cancel one of the blocks, it nevertheless counts towards your three notices. A cancellation will cause any agreed right to take up that particular block of time to expire.
- b) You should discuss your proposed intentions with your line manager as early as possible and before you submit your formal 'period of leave' notice. This will make it easier for us to consider allowing you to take ShPL in more than one block and to take steps, if we are able, to accommodate it within the business.
- c) You must ensure that we have the necessary detail of these proposed alternating, separate blocks of leave in your period of leave notice. We will then:
 - i. either agree immediately to your request, or
 - ii. we will start a discussion period with you that will last for up to two weeks.

If we reach agreement, we will confirm this in writing before the end of that two-week period. If are unable to agree, you can take all the ShPL you asked for in one continuous block, beginning on the start date you gave us in your notice. For example, if you asked for three separate three-week periods, you can combine them into one continuous 9-week leave period.

As an alternative to (c) above, if we do not immediately agree to what you have proposed, the following approach could also be followed during the 2-week discussion period:

- a) You choose a new start date and inform us of it within 5 days of the 2-week discussion period ending. The new date has to be at least eight weeks after the start date of the first of the blocks you asked for, or
- b) You withdraw the period of leave notice and inform us within 2 days of the 2-week discussion period ending. This will not be counted as a 'period of leave' notice, and you are free to submit a fresh one

11. Changing ShPL arrangements, once they've been agreed

Requests for changes must be made in writing to your line manager and made within the relevant statutory time frames, as follows:

- a) Cancelling a period of ShPL: must be requested at least eight weeks ahead of the relevant block start date
- b) Changing a start date for a period of ShPL: must be requested at least eight weeks before whichever is the earlier of the original and new start dates
- c) Changing the end date for a period of ShPL: must be notified to us at least eight weeks before whichever is the earlier of the original or new end dates
- d) Combining blocks of ShPL into one continuous period: you will need to give us the new start or end date, whichever is relevant, within 8 weeks.
- e) Splitting a continuous period of ShPL into two or more periods separated by periods at work: you will need to tell us the new start or end date.

We may not be able to agree, but we will consider your request as if you had asked for separate blocks of ShPL in the first place.

If you request a change to, or cancellation of, a block of leave, we will count this as one of your three 'period of leave' notices, unless your request is triggered by one of the 3 exceptions to this legal rule:

- a) You're requesting the change because your baby was born earlier or later than the EWC
- b) You're cancelling a request for separate blocks of leave within two days of the two-week discussion period ending
- c) We ask you to make the change.

12. Statutory Shared Parental Pay (SSPP) – what do you get?

When you give us your 'period of leave' notice (or notices), you must notify us that you intend to claim ShPP while you are on ShPL. (You can also write to us at least 8 weeks before the date you want us to start paying your ShPP, if you have not already told us in a 'period of leave' notice.)

We will pay you Statutory Shared Parental Pay for up to 39 weeks of ShPL, provided that:

- a) You have at least 26 weeks' continuous employment with us at the end of the Qualifying Week (the 15 week before the EWC, i.e. the due date), and
- b) Your average earnings are not less than the lower earnings limit set each tax year.

We will pay this at the rate set annually by the government, minus any SMP or MA already claimed by either you or your partner.

13. Employee benefits and accruing holiday entitlement

All of your contractual benefits (except pay) will continue to be available to you, as usual, while you are on ShPL.

Annual leave will continue to accrue at the rate set out in your contract. If your ShPL continues into the next holiday year, any holiday entitlement that cannot reasonably be taken before stating your leave may be carried over and must be taken immediately before returning to work unless your manager agrees otherwise.

If you are due to take any holiday before your ShPL begins, we encourage you to take it, where practical, and if you are the mother, to discuss the taking of it with your line manager. All holiday dates are subject to approval by your manager.

14. Keeping in touch – 'SPLIT days'

During your ShPL leave, we may want to contact you on occasion; for example, so that we can discuss arrangements for your return, ensure that you're kept abreast of new opportunities and/or remind you about training opportunities or ongoing qualification criteria (if relevant). You do not have to consent to this and if you would rather that we did not make this contact with you, please let us know this in writing.

You may also be asked to work during ShPL for up to 20 days. These are known as SPLIT (shared parental leave in touch) days. This includes training sessions and – if you are a woman – is in addition to the 10 Keeping In Touch days you have the option to work during your maternity leave.

You are not obliged to work any of these days and your decision will not affect your right to ShPL. If you do decide to work one or more of them, you will be paid at a rate agreed, in advance of your coming in, with your line manager. This rate of pay will also apply if you request to work on any of those 20 days.

15. Extending your ShPL

If you have unused ShPL entitlement and you want to extend your ShPL, you must tell us in writing by submitting a 'period of leave' notice at least 8 weeks before the date you had intended returning to work.

You won't be unable to extend your ShPL without our agreement if you have already used your three 'period of leave' notices. But you may still be able to take annual leave or to request ordinary parental leave.

16. Planning to return to work – coming back early

If you decide to return to work from ShPL early, you must give us eight weeks' notice in writing (please provide this to your line manager), and specify your proposed new return-to-work date.

By law, you won't be able to end your ShPL early without our agreement, if you have already used your three 'period of leave' notices. We will, however, endeavour to accommodate all reasonable return requests where we are able to do so.

17. Planning to return to work – same job entitlement?

When you come back to work, you're legally entitled to resume the same job with the same employment terms that you had before going on ShPL.

Under certain circumstances, however, it may not be reasonably practical for you to resume your previous role. Where that is the case, we may place you in another appropriate post with no less favourable terms and conditions.

We would only do this if:

- a) Your ShPL, plus any maternity or paternity leave, taken amounts to more than 26 weeks, irrespective of whether or not it was taken consecutively OR
- b) Your ShPL was taken consecutively, before or after more than four weeks of 'ordinary parental leave' (defined in more detail in its own section below).

18. Flexible working requests

Please refer to our Flexible Working Policy if you want to make a flexible working request.

We encourage you to make this request as early as possible, because that allows us time to properly consider it.

19. Deciding not to return to work

If you decide not to come back to work after ShPL, you must inform us in writing as soon as possible. Your employment contract contains the directions you must follow when giving us that written notice.

20. If you are the mother and returning to work poses a risk to you

Some types of job may pose a potential risk to an employee's health and safety as a new mother or because they are breastfeeding.

If your job is identified as one of these roles, we will notify you and you can rest assured that we will take all reasonable measures to eliminate those risks.

If you have any concerns about your health and safety, you should speak to line manager.

21. Back at work

We are committed to making your return to work as smooth as possible for you. As soon as you return your line manager will meet with you to discuss what has happened in your absence and ensure you're up to date and that you feel included.

If you are the mother, you will also have the opportunity to talk about other matters, such as breastfeeding, or arrangements to enable you to express milk during working hours.




22. Monitoring & Review

This Policy will be reviewed every 2 years

Impact of non-compliance

Staff:	Not applicable
Student:	Not applicable
Legislation/organisational:	Reputational damage, litigation, statutory and non-regulated compliance.
Compliance lead:	Shared Services
Policy Reference:	ELGR-POL-HRIM-0024
Version:	1
Agreed policy location:	Document Hub, company webpage, PeopleHR and employee intranet
Review Schedule:	24 months
Does the policy require Governor approval?	No

Approval

Prepared by Scott Roberts 18/04/2023  Head of Shared Services	Approved by Karl Wane 18/04/2023  Director of Post 16 Education	Counter Signatory Richard King 18/04/2023  Director of Schools, Pre 16 Education
--	--	---

Version Control

Version	Date	Revision	Review Date
1	18/04/2023	First Issue	April-2025
2			
3			
4			
5			