



# Shared Parental Leave Policy

The Children's Endeavour Trust comprises:

- Abbot's Hall Community Primary School
- Bosmere Community Primary School
- Broke Hall Community Primary School
- Chilton Community Primary School
- Combs Ford Primary School
- Freeman Community Primary School
- Springfield Junior School
- Whitehouse Community Primary School

## Document Control

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## 1. Introduction

The shared parental leave (SPL) policy sets out the statutory rights and enhanced benefits in relation to shared parental leave and pay.

SPL enables eligible mothers, fathers, partners and adopters to choose how to share time off work in the first year after their child is born or placed. This could mean that an eligible mother or adopter may now choose to reduce their maternity/adoption leave early and opt in to SPL.

Supporting information can be found in the shared parental leave guidance, which also contains a glossary of terms and a flow chart. This policy is also accompanied by a number of forms to help employees and manager through the process.

The [gov.uk website](https://www.gov.uk) also has an online calculator to help prospective parents calculate their eligibility for shared parental leave and their pay entitlements.

Throughout this policy the term 'partner' includes same sex partners.

## 2. Scope

This policy covers all Childrens' Endeavour Trust ("the Trust") employees.

## 3. Shared Parental Leave: Eligibility and Entitlements

Shared parental leave and pay is available to eligible parents of babies due, or children placed for adoption, on or after 5 April 2015.

Who is entitled to shared parental leave?

SPL can only be used by the mother/ primary adopter and one other person:

- the father of the child (in the case of birth) or
- the spouse, civil partner or partner (including same sex partner) of the child's mother/ adopter.

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

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

- be an employee
- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance;
- the mother/ adopter must have curtailed or given notice to curtail any maternity/adoption entitlements;
- the employee must still be working for the organisation at the start of each period of SPL;

- the employee must pass the '*continuity test*', requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date (for surrogate parents it is the due date of birth that applies);
- the employee's partner must meet the '*employment and earnings test*' requiring them to have worked for any part of at least 26 weeks in the 66 weeks leading up to the child's expected due date/matching date and have average weekly earnings of at least £30 (this is correct as of 2015 but may change annually) in any 13 of those weeks (this is correct as of 2015 but may change annually);
- the employee must correctly notify the organisation of their entitlement and provide evidence as required.

Sometimes only one parent will be eligible. For example, a self-employed parent will not be entitled to SPL themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

If both parents are employees and both meet the qualifying requirements, then there will be a joint entitlement and the parents will have to determine how to divide the leave entitlement once the mother has decided to curtail their maternity/adoption leave.

### What is the entitlement to shared parental leave?

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or Shared Parental Pay (ShPP)).

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL. Both parents can be on leave at the same time – the mother could be on maternity leave and, if she has curtailed her maternity leave from a future date, the father or partner could be taking SPL, or they could both be on SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to statutory maternity/ adoption pay or maternity allowance, they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see section on notice requirements below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

An employee is not entitled to extra SPL if they are expecting more than one child. The entitlements are the same: this also applies to multiple adoptions that occur in a single placement.

#### **4. Shared Parental Pay (ShPP): Eligibility and Entitlements**

Who is eligible for shared parental pay?

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance;
- the mother/adopter must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must have average weekly earnings in the eight weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date/matching date, not less than the lower earnings threshold applicable in that week (currently £111 per week);
- the employee must intend to care for the child during each week in which ShPP is payable;
- the employee must be absent from work on SPL during each week in which ShPP is paid (apart from Shared Parental Leave In Touch (SPLIT) days)
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification.

What is the entitlement to shared parental pay?

##### Statutory ShPP

Eligible employees may be entitled to take up to 37 weeks statutory ShPP while taking SPL. The number of weeks available will depend on the number of weeks by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

Statutory ShPP is based on a rate set by the Government for the relevant tax year.

## Enhanced ShPP

The Trust applies its enhanced rate of occupational maternity pay to employees on SPL. The same criteria will apply: that the employee should have at least 1 years' continuous local government service at the 11th week before the expected week of childbirth, or the adoption match.

The current rate of enhanced pay for eligible employees (except Teachers) is 12 weeks at half pay following the period of 90% pay, plus statutory pay (unless half pay plus statutory pay exceeds normal pay).

The current rate of enhanced pay for eligible Teachers is 4 weeks at full pay, 2 weeks at 90% pay and 12 weeks at half pay, plus statutory pay (unless half pay plus statutory pay exceeds normal pay).

Shared parental pay can be paid in three ways:

- Paid as it falls due (with regular pay)
- As a lump sum upon the return to work
- As a lump sum after the return to work.

If the mother or adopter returns to work in advance of the date given on the pay curtailment notice (see section on notice requirements), this does not generate an additional entitlement to more weeks of ShPP: the entitlement is based on the curtailment date.

As with occupational maternity pay, if an employee does not return to work following shared parental leave, or leaves within 13 weeks of the end of shared parental leave, then they will need to repay the enhanced element of shared parental pay received, although not the statutory part.

The Trust only pays ShPP to its own employees, not to partners of employees.

## Taking shared parental leave and pay

Timescales, roles and responsibilities are covered in this document however further practical guidance to help and support the employee in taking shared parental leave can be found in the **Shared Parental Leave Guidance, flowchart and forms**. There are also answers to some common questions on Ask HR or for schools-based employees, on the [Schools' Choice website](#).

## 5. Notice Requirements

The notice that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements:

- A 'leave curtailment notice' from the mother setting out when she proposed to end her maternity leave (unless the mother has already returned to work from maternity leave)
- A 'notice of entitlement and intention to take shared parental leave' from the employee, the required contents of which are set out in the appendix to the accompanying Guidance, and
- A 'period of leave notice' from the employee setting out the start and end date of each period of shared parental leave that he/she is requesting.

### Timescales, roles and responsibilities

Employees:

- Are encouraged to have early conversations with their line manager about taking shared parental leave
- Should provide a written 'notice of entitlement and intention to take shared parental leave' 8 weeks before any period of shared parental leave starts. Template available in **Shared Parental Leave Guide, Appendix 1**.
- Should provide written notification of entitlement to shared parental pay and curtailment of maternity/ adoption pay 8 weeks before any period of shared parental pay starts (can be included in the above notification)
- Should be aware that, whilst the dates and periods of leave, can be varied, the 'leave curtailment notice' itself is binding, unless there are exceptional circumstances.
- Should give a 'period of leave notice' 8 weeks before their desired start date (can be given at the same time as the notice of entitlement to SPL). Template available in **Shared Parental Leave Guide, Appendix 2**.
- Can give up to three 'period of leave notices' as long as 8 weeks' notice is given before the period of leave requested in that notice starts, this entitlement includes providing varying any notice already given.
- Can, in any 'period of leave notice' request either a single period of leave (which will be granted provided the notice is given in time) or two or more discontinuous periods of leave (which will not necessarily be granted)

Managers:

- Should be open to having early conversations with their employee about their plans to take shared parental leave

- May request further evidence of eligibility within 14 days of the entitlement notification being given
- Should seriously consider any notifications given by the employee to take shared parental leave
- May apply discretion in exceptional circumstances, for example, where timescales cannot be met or greater flexibility is required in terms of the number of notices allowed
- Cannot turn down a 'period of leave notice' which requests a single period of continuous leave
- Can turn down a 'period of leave notice' which requests for two or more periods of discontinuous leave but should consider all requests fully, set out their reasons for refusing and seek to agree an alternative
- Must respond in writing to any notifications (including variations) within 14 working days.

## **6. Contact during Shared Parental Leave**

Before an employee's SPL begins, the manager will discuss the arrangements for them to keep in touch during their leave. The manager should maintain reasonable contact with the employee from time to time during their SPL. This may be to ensure the individual is aware of vacancies, team changes, training and redundancy and restructures; to discuss the employee's plans to return to work; to discuss SPLIT days or any other arrangements or training to ease the return to work; or to update them on developments at work during their absence.

### Shared Parental Leave in Touch (SPLIT) days

An employee can agree to work for the organisation (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as Shared Parental Leave In Touch or SPLIT days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The organisation has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the organisation and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

## **7. Returning to Work after Shared Parental Leave**

The employee will have been formally advised in writing of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify otherwise. If they are unable to attend due to sickness or injury, normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they must provide at least 8 weeks' written notice to vary the leave and the date of early return. This will count as one of the employee's notifications.

On returning to work after SPL, the employee is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, if their total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

## **8. Further information and support**

This is a non-contractual policy. Any issues or queries should be raised with your Headteacher who has access to external HR Advice where required.

Guidance available on the ACAS and BIS websites:

<http://www.acas.org.uk/media/pdf/1/c/Shared-Parental-Leave-a-good-practice-guide-for-employers-and-employees.pdf>

<https://www.gov.uk/government/publications/shared-parental-leave-and-pay-employers-technical-guide>

# Appendix 1: NOTIFICATION OF ENTITLEMENT AND INTENTION TO TAKE SHARED PARENTAL LEAVE/ PAY AND CURTAILMENT OF MATERNITY/ ADOPTION LEAVE/ PAY (part 1 of 3)

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**NB:** Please note that all fields in each of the 3 sections must be completed, or else the eligibility criteria will not be met. However, if the application is for leave only, and not pay, the answers relating to pay can be marked 'N/a'. If any support is needed, please contact your line manager in the first instance.

Please also note that, whilst the dates and pattern of leave given are non-binding and can be changed, the notification of curtailment itself is binding and can only be revoked in very limited circumstances.

An employee entitled and intending to take shared parental leave or pay must give their line manager at least 8 weeks' notice with their notification of their entitlement and intention to use it. In exceptional circumstances where it has not been possible to give 8 weeks' notice, managers may use discretion to accept a notification, but this is not an entitlement of the employee.

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Name of employee: .....

Name of other parent: .....

The start and end dates of any maternity/adoption leave, taken or to be taken by the mother or primary adopter in respect of the child:

.....

The start and end dates of any maternity/adoption pay, or maternity allowance, taken or to be taken by the mother or primary adopter in respect of the child:

.....

The total amount of shared parental leave available: .....  
(this should be 52 weeks minus the number of weeks maternity or adoption leave taken or to be taken by the mother or primary adopter)

The number of weeks shared parental pay available: .....  
(this should be 39 weeks minus the number of weeks maternity or adoption pay or maternity allowance taken or to be taken by the mother or primary adopter)

## **EITHER**

The date on which the child was expected to be born and the actual date of birth (if notice is provided before the birth, the actual date of birth must be given as soon as reasonably practical after the birth, and before the first period of shared parental leave taken):

.....

## **OR**

In the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption:

.....

The amount of shared parental leave the employee and the other parent each intend to take:

.....

A non-binding indication of when the employee expects to take the leave:

.....

(continue on a separate sheet if necessary)

The amount of shared parental pay the employee and their partner each intend to claim:

.....

A non-binding indication of when the employee expects to claim shared parental pay:

.....

(continue on a separate sheet if necessary)

## **DECLARATION BY THE EMPLOYEE (part 2 of 3)**

I hereby confirm that:

- At the date of the child's birth or placement for adoption, I will, or did, share the main responsibility for the child, along with the other parent;
- The mother or primary adopter has given notice to curtail the maternity/ adoption entitlement;
- I meet the 'continuity of employment test' (see Shared Parental Leave Policy);
- I am one of the following (please tick the correct description):
  - the biological mother of the child,
  - the primary adopter,
  - the biological father of the child,
  - or, if not the biological father, the spouse, civil partner or partner of the mother/ primary adopter;
- I meet the criteria for eligibility for shared parental leave and shared parental pay (delete if not applicable);
- If either I or the other parent should cease to care for the child, or otherwise cease to be eligible, I will immediately inform the school;
- The information I have given is accurate.

Signed:.....

PRINT NAME:..... Date.....

Employee payroll number: .....

## **DECLARATION BY THE OTHER PARENT: (part 3 of 3):**

I hereby confirm that:

- I am one of the following (please tick the correct description):
  - the biological mother of the child,
  - the primary adopter,
  - the biological father of the child,
  - or, if not the biological father, the spouse, civil partner or partner of the mother/ primary adopter;
- (If the mother/ primary adopter) I am entitled to statutory maternity/ adoption leave, statutory maternity/ adoption pay or maternity allowance, and I have given notice to my employer to curtail that leave or pay/ allowance;
- I satisfy the 'employment and earnings test';
- At the date of the child's birth or placement for adoption, I will, or did, share the main responsibility for the child, along with the employee;
- I consent to the amount of leave and pay that the employee intends to take;

- I meet the criteria for the employee to be eligible for shared parental leave and shared parental pay (delete if not applicable);
- I will immediately inform the other parent if I cease to satisfy the eligibility conditions;
- I consent to the school processing the information contained in this form and processing any payments for shared parental pay to the employee;
- The information I have given is accurate.

Signed:.....

PRINT NAME:..... Date.....

Address: .....

National Insurance number (or a declaration that I do not have one): .....

**PLEASE SEND ONE COPY OF THIS FORM TO YOUR HEADTEACHER, AND ONE TO:**  
[HR@CETrust.org.uk](mailto:HR@CETrust.org.uk)

## Appendix 2: NOTIFICATION OF LEAVE BOOKING, INCLUDING VARIATION OF LEAVE REQUESTS – to be sent to the employee’s manager and HR Payroll

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**NB:** Please note that the notification of leave booking can be sent *with* or *after* the notification of entitlement and curtailment of maternity/ adoption entitlements, but not *before*. The notification of entitlement and intention to take shared parental leave / pay and curtailment of maternity / adoption leave / pay must have been received in order for a notification of leave booking to be processed.

Please note that the dates and pattern of leave given can be cancelled or changed through a variation of leave request, subject to the limit of three leave notifications or variation notifications, and provided notice is given to the manager in writing at least 8 weeks before the date of any variation. In exceptional circumstances, the manager can apply discretion to allow more than three notifications, or less than 8 weeks’ notice.

Shared parental leave can only be taken in complete weeks, but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of leave, the next period can start on any day of the week.

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Date.....

Dear (Insert Name of Manager),

**EITHER**

I would like to notify you of my intention to take shared parental leave in a single continuous block. I have given details of the total number of weeks, and the start and end dates below:

.....

**OR**

I would like to make a request for a period of discontinuous shared parental leave, to follow the pattern described below (give dates):

.....

.....

.....

Yours sincerely,

## **Appendix 3: CONFIRMATION OF ENTITLEMENT TO SHARED PARENTAL LEAVE – for use by the manager**

To go on school's headed paper

Date .....

Dear .....

Thank you for advising us of your entitlement to take shared parental leave.

We confirm that, based on the information you have provided us, you are entitled to take shared parental leave.

We can confirm that you currently have ..... weeks of shared parental leave to take. You have ..... weeks of shared parental pay.

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

- (a) of any shared parental leave or pay that you or your partner have already booked;
- (b) the number of weeks you are adding to your entitlement from your partner's entitlement or the number of weeks you are deducting to give to your partner;
- (c) when you expect to take any additional weeks of leave.

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

If your eligibility changes at any point, you must inform us immediately.

Please complete the enclosed form along with the requested documents and return to the school as soon as possible.

If you have any questions about any aspect of your shared parental leave and/or pay entitlement, please speak to your manager in the first instance.

Yours sincerely

**[name]**  
[job title]

TO BE COMPLETED BY THE EMPLOYEE

- Name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed, their contact details must be given instead);
- (If applicable) In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth);
- (If applicable) In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

## **Appendix 4: REQUEST TO DISCUSS NOTIFICATION OF SHARED PARENTAL LEAVE BOOKING – for use by the manager**

To go on school's headed paper

Date .....

Dear .....

Thank you for your notice to book a period of shared parental leave that was given on **[date]**. We would like to arrange a convenient time to discuss your notification with you.

I therefore suggest a meeting at **[location]** on **[date]** at **[time]**.

Although there is no entitlement to be accompanied to this meeting, and as the meetings are intended to be informal, if you wish, you may be accompanied at this meeting by a work colleague or trade union representative.

Please contact me to confirm whether you are able to attend and if relevant, the name of the person who will accompany you at the meeting.

Yours sincerely

**[name]**  
[job title]

## **Appendix 5: CONFIRMATION OF SHARED PARENTAL LEAVE BOOKING (including agreed modified arrangements) – for use by the manager**

To go on school's headed paper

Date .....

Dear .....

Thank you for your notice to take shared parental leave commencing on **[date]**.

### **EITHER (for continuous leave requests)**

I confirm that you are entitled to take shared parental leave as set out in your notification.

### **OR (for discontinuous leave requests that have been agreed)**

I confirm that I have been able to allow the pattern of shared parental leave as set out in your notification.

I confirm that you will be away from work on shared parental leave from ..... to ..... **[If leave is discontinuous then please amend as needed]**. You are expected to return to work on the first working day after your leave period ends.

During your leave period you will receive shared parental pay from.....  
to..... **[If leave is discontinuous, or where no pay is applicable then please amend as needed]**

If you wish to vary or reduce the leave that you have booked, you must give at least 8 weeks' notice. A notice to vary your booked leave will count as a new notice, thereby reducing your entitlement to make three statutory notifications by a further one.

If you have any questions about any aspect of your shared parental leave and/or pay entitlement, please speak to your line manager in the first instance.

Yours sincerely

**[name]**  
[job title]

## Appendix 6: REFUSAL OF A DISCONTINUOUS LEAVE BOOKING

To go on school's headed paper

Date .....

Dear .....

Thank you for your notice booking shared parental leave that was given on **[date]**.

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

Unless your notice is withdrawn, the total amount of leave requested in your notice, amounting to ..... weeks, will automatically become a continuous block. Unless you inform me of the date you would like this to start, by **[date]** (19 days from the date of the original notification of leave booking), the single period of leave will begin on the date you originally requested your leave period to start: **[date]**. Please remember that the start date cannot be sooner than 8 weeks from the date your original notice was given.

Alternatively you may withdraw your notification on or before **[date]** (15 days from the date of the original notification of leave booking). A withdrawn notification does not count towards your entitlement of 3 notifications.

If you have any questions about any aspect of your shared parental leave and/or pay entitlement, please speak to your line manager in the first instance.

Yours sincerely

**[name]**  
[job title]

## **Glossary/ definitions**

*Mother:* the woman who gives birth to a child.

*Adopter:* the person who is eligible for adoption leave and/or pay. They can be male or female. Parental order parents in a surrogacy arrangement are included in the definition of an adopter.

*Partner:* the child's biological father or the partner of the mother/adopter.

This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child. The term 'partner' includes same sex partners. The person must not be the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew. The requirement to be living together applies only at the time of birth – subsequent separations do not affect entitlements as long as the partner continues to care for the child in each week they take leave and pay.

*SPL:* Shared parental leave.

*ShPP:* Shared parental pay.

*Curtailment:* To cut short or reduce.

*Revocation:* To recall or annul.

## APPENDIX 7 FLOWCHART OF PROCESS

