



Greenholm Primary School

SHARED PARENTAL LEAVE (ADOPTION AND SURROGACY) POLICY

1. About this policy

1.1 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.

If you or your partner are pregnant or have given birth please see the Shared Parental Leave (Birth) Policy instead.

2. Who does this policy apply to?

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

3. Who is responsible for this policy?

3.1 The board of trustees (**Board**) has overall responsibility for the effective operation of this policy. The Board has delegated responsibility for overseeing its implementation to Headteacher. Suggestions for changes to this policy should be reported to the Head teacher.

3.2 Any questions you may have about the day-to-day application of this policy should be referred to your line manager in the first instance.

3.3 This policy is reviewed every three years by the board of Trustees.

4. Frequently used terms

The definitions in this paragraph apply in this policy.



Official Notification: Written notification from a UK government body that you have been approved for overseas adoption.

Partner: your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is born or placed with you for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Parental Order: a court order under section 54 of the Human Fertilisation and Embryology Act 2008, giving you and your partner parental responsibility for a child born to a surrogate.]

Qualifying Week: in a UK adoption case, the week the adoption agency notifies you that you have been matched with a child for adoption; in an overseas adoption case, the week that you receive your Official Notification; in a surrogacy case, the 15th week before the expected week of childbirth (**EWG**).

5. What is shared parental leave?

5.1 Shared parental leave (**SPL**) gives you and your partner more flexibility in how to share the childcare in the first year, compared to simply taking adoption leave and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you, and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block.

6. Entitlement

6.1 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.

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

6.3 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.



- 6.4 Your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week (or in a surrogacy case, the EWC) and had average weekly earnings of at least £30 during 13 of those weeks.
- 6.5 Either you or your partner must qualify for statutory adoption leave and/or statutory adoption pay (**SAP**) and must take at least two weeks of adoption leave and/or SAP.
- 6.6 You and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or SAP.
- 6.7 If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see our Paternity Leave Policy). 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.
- 6.8 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).

7. Notification

- 7.1 Part of the eligibility criteria requires the staff member to provide the school with correct notification. Notification must be in writing and requires each of the following:
- (a) The name of the staff member
 - (b) The name of the other parent
 - (c) The start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available
 - (d) The date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the staff member was notified of having been matched with the child and the date of placement for adoption
 - (e) The amount of SPL the staff member and their partner each intend to take
 - (f) A non-binding indication of when the staff member expects to take the leave
- 7.2 The staff member must provide the school with a signed declaration stating:
- (a) That they meet, or will meet, the eligibility conditions and are entitled to take SPL.



- (b) That the information they have given is accurate.
- (c) If they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter.
- (d) That should they cease to be eligible they will immediately inform the school.

7.3 The staff member must provide the school with a signed declaration from their partner confirming:

- (a) Their name, address and national insurance number, or a declaration that they do not have a national insurance number.
- (b) That they are the legal parent of the child, or the partner of the primary legal parent, i.e. the mother.
- (c) That they satisfy the employment and earnings criteria (having worked for 26 out of the 66 weeks leading up to the expected week of childbirth or placement, and having been paid at least £30 per week in at least 13 of those weeks) and had, at the date of the child's birth or placement for adoption, the main responsibility for the child, along with the staff member.
- (d) That they consent to the amount of SPL that the staff member intends to take.
- (e) That they consent to the school processing the information contained in the declaration form.
- (f) That they will immediately inform their partner should they cease to satisfy the eligibility conditions.

8. 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 which includes the following information:

- (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 11 and paragraph 12 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.]

9. Ending your adoption leave

- 9.1 If you are taking or intend to take adoption leave and want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your adoption leave (a curtailment notice). The notice must state the date your adoption leave will end. You can give the notice before or after adoption leave starts, but you must take at least two weeks' adoption leave.



- 9.2 You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see paragraph 7) or a written declaration that your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice.
- 9.3 If your partner is eligible to take SPL from their employer they cannot start it until you have given us your curtailment notice.
- 9.4 The curtailment notice is binding on you and cannot usually be revoked. You can only revoke a curtailment notice if your adoption leave has not yet ended and one of the following applies:
- (a) if you realise that neither you nor your partner are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given; or
 - (b) if your partner has died.
- 9.5 Once you have revoked a curtailment notice you cannot opt back in to the SPL scheme.
- 10. Ending your partner's adoption leave or pay**
- 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:
- (a) returned to work;
 - (b) given their employer a curtailment notice to end adoption leave; or
 - (c) given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).
- 11. Booking your SPL dates**
- 11.1 Having opted into the SPL system, you must book your leave by giving us a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.
- 11.2 The period of leave notice can either give the dates you want to take SPL or, if the child has not yet been placed with you (or in a surrogacy case, if the child is not yet born), it can state the number of days after the placement or birth that you want the SPL to start and



end. This may be useful if you intend to take paternity leave or adoption leave starting on the date of placement or birth and wish to take SPL straight afterwards.

- 11.3 Leave must be taken in blocks of at least one week.
- 11.4 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.
- 11.5 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 12, below.
- 11.6 You can give up to three period of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice). [In exceptional circumstances we may allow you to give more than three period of leave notices but there is no obligation for us to do so.]

12. Procedure for requesting split periods of SPL

- 12.1 In general, a period of leave notice should set out a single continuous block of leave. We may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best to discuss this with your line manager and HR in good time before formally submitting your period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.
- 12.2 If you want to request split periods of SPL, you must set out the requested pattern of leave in your period of leave notice. We will either agree to the request or start a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached 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, they will be combined into 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).

13. Changing the dates or cancelling your SPL

- 13.1 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.
- 13.2 You can change the start date for a period of leave by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.
- 13.3 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.
- 13.4 You can combine discontinuous periods of leave into a single continuous period of leave. Since this will involve a change to the start date or end date of a period of leave, see paragraph 13.2 and paragraph 13.3 above which set out how much notice is required.
- 13.5 You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see paragraph 13.2 and paragraph 13.3 above which set out how much notice is required for the request. We do not have to grant your request but will consider it as set out in paragraph 12.
- 13.6 A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:
 - (a) the variation is a result of the child being placed with you earlier or later than the expected placement date;
 - (b) you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period under paragraph 12.2.
 - (c) the variation is at our request; or
 - (d) we agree otherwise.



14. Shared parental pay

- 14.1 You may be able to claim Statutory Shared Parental Pay (**ShPP**) of up to 39 weeks (less any weeks of SAP claimed by you or your partner) 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.
- 14.2 You should tell us in your period of leave notice(s) whether you intend to claim ShPP during your leave (and if applicable, for what period). If it is not in your period of leave notice you can tell us in writing, at least eight weeks before you want ShPP to start.

15. Other terms during shared parental leave

- 15.1 Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 15.2 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 **OR** within three months of returning to work] unless your line 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 line manager's discretion]. Please discuss your holiday plans with your line manager in good time before starting SPL. All holiday dates are subject to approval by your line manager.
- 15.3 If you are a member of the pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any shared parental pay you are receiving, unless you inform [the HR Department **OR** the Pensions Administrator] that you wish to make up any shortfall.

16. Keeping in touch

- 16.1 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.



- 16.2 You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during your SPL without bringing your SPL to an end. This is in addition to any KIT days that you may have taken during adoption leave. KIT days are not compulsory and must be discussed and agreed with [your line manager **OR** the HR Department].
- 16.3 You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement. [Alternatively, you may agree with [your line manager **OR** the HR Department] to receive the equivalent paid time off in lieu.]
- 17. Returning to work**
- 17.1 If you want to end a period of SPL early, you must give us eight weeks' written notice of the new return date. If you have already given us three period of leave notices you will not be able to end your SPL early without our agreement.
- 17.2 If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give us a written 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. You may instead be able to request annual leave or ordinary parental leave (see our Parental Leave Policy), subject to the needs of our business.
- 17.3 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 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 ordinary parental leave.
- 17.4 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.



- 17.5 If you decide you do not want to return to work you should give notice of resignation in accordance with your contract. [This may have an impact on your entitlement to enhanced shared parental pay.]

Policy Review

This policy is reviewed annually by the Personnel and Staffing Committee in the Autumn 1 meeting. Please see the committee minutes for evidence of review.