

Shared Parental Leave (Birth) Policy

(effective 6th April 2024)

Frequency of Review	Every 3 years
Author	(Judicium adopted) COO
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Introduction

The Propeller Academy Trust (PAT) applies this policy to employees of the Trust only (who will be referred to as “you” in this policy) and does not apply to agency workers, consultants, or self-employed contractors.

This policy is for guidance only and does not form part of any employee’s contract of employment and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, we reserve the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

This policy covers the rights you are given by law but is intended to be a summary only and not a complete statement of your rights. Please contact a Trust HR/Finance Officer, hr@propellertrust.org, if you have any queries about your entitlement.

If you want to take time off work to attend an antenatal appointment for your own antenatal care or take time off to accompany a pregnant woman to an antenatal appointment, please refer instead to our Time off for Antenatal Care Policy, as this entitlement is not covered within this policy.

If you are adopting a child and interested in your shared parental leave rights, please refer instead to our Shared Parental Leave (Adoption & Surrogacy) Policy.

Frequently used terms

The definitions in this paragraph apply in this policy:

- **Expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.
- **Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- **Partner:** your spouse, civil partner or someone living with another person in an enduring family relationship, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece, or nephew.
- **Qualifying Week:** the fifteenth week before the expected week of childbirth.

What is Shared Parental Leave?

The right to Shared parental leave (SPL) gives eligible employees more flexibility in choosing how to share the care of their child with their partner during the first year after its birth.

SPL allows parents to take up to 50 weeks leave in total following the birth of a child (the first two weeks of maternity leave are not included in the 50 weeks of SPL as this leave is

compulsory maternity leave), and you may be able to take this leave at the same time or at different times as your partner.

Entitlement to SPL

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

- child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- child's father and share the main responsibility for the care of the child with the child's mother; or
- mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The following conditions must also be fulfilled:

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

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

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

If you are the child's father or the mother's partner, 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.

Relationship with Paternity Leave

If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once SPL is started, you will lose any untaken paternity leave entitlement. SPL entitlement is additional to the paternity leave entitlement. If you intend to take paternity leave, you must take it in the first 8 weeks after childbirth otherwise it will be lost. You will lose any untaken paternity leave entitlement as soon as

they have started a period of SPL. It is advisable for you to take paternity leave first rather than going straight onto SPL. Unlike maternity leave, time spent on paternity leave does not reduce the amount of SPL available.

Opting into SPL and Shared Parental Pay (ShPP)

No less than 8 weeks before the date you intend your SPL to start, you must give us a written opt-in notice giving:

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

Ending Maternity Leave

If you are the child's mother and want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. This notice must state the date that maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth. A template Curtailment Notice Letter can be obtained from a Trust HR/Finance Officer, hr@propellertrust.org.

You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see "opting into SPL" above) or a written declaration that the child's father or the mother's partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice. A template Opt-in Form - Birth can be obtained from a Trust HR/Finance Officer, hr@propellertrust.org.

The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.

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

- you realise that neither you nor the other parent 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;
- if you gave the curtailment notice before giving birth, you can revoke it in writing up to six weeks after birth; or
- the other parent has died.

Once you have revoked a curtailment notice, you will be unable to opt back into the SPL scheme unless you gave the curtailment notice before giving birth and revoked it up to 6 weeks before birth as set out above.

Ending your partner's maternity leave or pay

If you are the child's father or the mother's partner, and the mother is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once the mother has either:

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

Evidence of Entitlement

You must also provide on request:

- a copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- the name and address of the other parent's employer (or a declaration that they have no employer).

Booking periods of SPL

Having opted into the SPL system, you will need to book your leave by giving us a period of leave notice. This notification can be given at the same time as the opt-in notice, or it can be given later, as long as it is given at least 8 weeks before the start of the leave.

You must state in your period of leave notice, the dates on which you want to take leave or, if the child has not been born yet, the number of days after birth that you want the leave to

start. This may be particularly useful if you intend to take paternity leave starting on the date of birth and wish to take SPL straight afterwards.

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

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

If your period of leave notice requests split periods of SPL, with periods of work in between, we will consider your request as set out below.

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; see “Changing or Cancelling Booked SPL” below).

Booking split periods of SPL

In general, a period of leave notice should set out a single continuous block of leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best to discuss this with your Line Manager or the Headteacher in advance of submitting any formal 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.

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 an agreement, you will be entitled to take the full amount of the requested SPL as one continuous block, starting on the start date given in your written 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:

- choose a new start date (which must be at least eight weeks after the date you submitted the notice requesting split periods of leave), and tell us within five days of the end of the two-week discussion period; or
- withdraw your period of leave notice and tell us 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 they choose).

Changing or cancelling booked SPL

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.

You can change the start date for a period of leave by giving us at least eight weeks' notice before the original start date or the new start date (whichever is earlier).

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.

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, you must give sufficient notice in accordance with the paragraphs above.

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, you must give sufficient notice in accordance with the paragraphs above. We do not have to grant your request but will consider it in accordance with "Booking Split Periods of SPL" above.

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

- the variation is a result of the child being born earlier or later than the EWC;
- you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period under "Booking split periods of SPL" above;
- the variation is at our request; or
- we agree otherwise.

Premature birth

Where the child is born early (before the beginning of the EWC), you may be able to start SPL in the eight weeks following birth even though you cannot give eight weeks' notice. The following rules apply if:

- you have given a period of leave notice to start SPL on a set date in the eight weeks following the EWC, but your child is born early, you can move the SPL start date forward by the same number of days, provided you notify us in writing of the change as soon as you can. (If your period of leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)
- your child is born more than eight weeks early and you want to take SPL in the eight weeks following birth, please submit your opt-in notice and your period of leave notice as soon as you can.

Shared Parental Pay

You may be able to claim ShPP of up to 39 weeks (less any weeks of SMP or MA claimed by you or your partner) if you have at least 26 weeks' continuous employment with the Trust 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 by employers at a rate set by the government each year.

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.

The following conditions must also be fulfilled:

- the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- both parents must give the necessary statutory notices and declarations, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

Terms and Conditions during SPL

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual leave entitlement will continue to accrue at the rate provided under your contract. Further details are set out below.

Annual Leave

You will continue to accrue annual leave during any period of SPL in accordance with your contract of employment.

Annual leave entitlement cannot usually be carried over from one holiday year to the next and you will normally be required to take your holiday entitlement within the holiday year in which it accrues or forfeit any accrued but untaken holiday entitlement at the end of the holiday year.

However, if your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave may need to be carried over.

Your Line Manager or the Headteacher will usually hold an informal meeting to discuss the best way to manage your holiday entitlement during your proposed period of SPL as soon as possible after notification of the intended start date. The options we will consider may include:

- arrangement to take the period of holiday entitlement that you would have accrued but been unable to take during that holiday year by reason of proposed SPL prior to the commencement of SPL or maternity Leave;

- arrangement to allow for an exceptional carry-over of such holiday entitlement to the following year to be taken at such time or times as the Trust's operational needs and requirements dictate;
- discussion regarding the possibility of changing the intended start date of the SPL or maternity Leave voluntarily to enable you to take your holiday entitlement prior to commencing maternity leave. If you wish to choose this option, you will be required to submit notification of intention to delay the start of your SPL or maternity Leave as above;
- discussion regarding the possibility of changing your intended SPL or maternity Leave dates, voluntarily, by substituting days of additional maternity leave which are unremunerated for holiday days which will be paid at your normal rate of pay. If you wish to choose this option, you will be required to submit notification of intention to alter your intended return date.

We must, in considering the alternatives with you, have regard to the Trust's operational requirements, needs and demands throughout the academic term to ensure that a mutually satisfactory arrangement can be reached.

Pension

If you are a member of the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS), during any period of paid SPL, we will continue to make any employer contributions, based on the terms of the scheme. You will continue to pay contributions at your normal rate but based on the actual reduced salary which you receive.

During any period where you are not receiving contractual or statutory pay, we will not make any payments into the TPS or the LGPS and the period shall not count as pensionable service. However, following your return to work, you may elect to pay additional contributions for additional pensionable service in the scheme (to make up for any pension lost during the period of unpaid leave). Further details can be found here:

- [TPS](#)
- [LGPS](#)

If you wish to pay additional contributions to make up any shortfall, then please contact a Trust HR/Finance Officer, hr@propellertrust.org, in the first instance.

Keeping in touch

Shortly before your first period of SPL starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact during your leave.

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

You may ask or be asked to work (including attending training) on up to 20 'Shared Parental Leave in touch days' or 'SPLIT days' during your SPL without bringing your SPL entitlement or ShPP entitlement to an end. This is in addition to any KIT days that you may have taken during maternity leave. SPLIT days are not compulsory and must be discussed and agreed with your Line Manager or the Headteacher.

If you work on a day that would otherwise have been a day of SPL, this will count as one whole SPLIT day against your 20-day allowance, irrespective of how long you work for on that day.

You will be paid at your normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any ShPP entitlement. Alternatively, you may agree with your Line Manager or the Headteacher to receive the equivalent paid time off in lieu.

Redundancy during Shared Parental Leave

In the event of a redundancy situation during your shared parental leave, we shall write to you to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment.

Where a redundancy situation arises, you shall be given first refusal on any suitable alternative employment that is appropriate to your skills:

- whilst you are on shared parental leave; or
- where you have returned to work following at least 6 consecutive weeks of shared parental leave which began on or after 6th April 2024 and are within 18 months from either the first day of your EWC or the exact date of birth (where you notified us of this before the end of your maternity leave) provided your statutory maternity leave ends on or after 6th April 2024;
unless you are otherwise protected under Maternity Leave.

Returning to work

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

If you want to extend your SPL you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three period of leave notices. 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, subject to our needs. Please see our Parental Leave Policy for more information.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, where 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 if:

- your SPL and any maternity or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- you took SPL consecutively with more than four weeks of parental leave.

Shortly before you are due to return to work from a period of SPL, we may invite you to have a discussion about the arrangements for your return to work. This may include updating you on any changes that may have occurred, discussing any necessary training and discussing any changes to working arrangements.

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

If you decide you do not want to return to work, you should notify the Trust as soon as possible. In such circumstances, you must give written notice of resignation in accordance with your contract of employment.

When giving notice of resignation, you should ensure that you have sufficient SPL left, otherwise you might be required to return to work for the remainder of the notice period.