

# Aspire Learning Trust



## Shared Parental Leave (Adoption) Policy

|                   |              |
|-------------------|--------------|
| Policy Reference: | A10          |
| To be reviewed:   | Annually     |
| Policy Owner:     | HR Committee |

| Policy Revisions | Progression |                        |
|------------------|-------------|------------------------|
| Date             | Reviewed    | Description of changes |
| December 2016    |             | New Policy             |
|                  |             |                        |

|                    |               |
|--------------------|---------------|
| Date Approved      | December 2016 |
| Date Reviewed by   |               |
| Signature of Chair |               |
| Print Name         |               |

## **ASPIRE LEARNING TRUST SHARED PARENTAL LEAVE POLICY (ADOPTION)**

|            |   |    |
|------------|---|----|
| 1.         | About this policy .....                                   | 1  |
| 2.         | Frequently used terms .....                               | 1  |
| 3.         | What is shared parental leave?.....                       | 1  |
| 4.         | Entitlement .....   | 1  |
| 5.         | Opting in to shared parental leave and pay .....          | 2  |
| 6.         | Ending your adoption leave .....                          | 3  |
| 7.         | Ending your partner's adoption leave or pay .....         | 4  |
| 8.         | Evidence of entitlement .....                             | 4  |
| 9.         | Discussions regarding shared parental leave .....         | 4  |
| 10.        | Booking your SPL dates .....                              | 5  |
| 11.        | Procedure for requesting split periods of SPL .....       | 5  |
| 12.        | Changing the dates or cancelling your SPL .....           | 6  |
| 13.        | Shared parental pay .....                                 | 6  |
| 14.        | Other terms during shared parental leave .....            | 7  |
| 15.        | Keeping in touch .....                                    | 8  |
| 16.        | Returning to work .....                                   | 8  |
|            |   |    |
| Appendix A | Notice to Opt-In to Shared Parental Leave (Adoption) .... | 9  |
| Appendix B | Ending Adoption Leave Early (curtailment Notice) .....    | 10 |
| Appendix C | Notice of Dates for Shared Parental Leave .....           | 14 |

## **1. About this policy**

- 1.1 This policy outlines the arrangements for shared parental leave and pay in relation to the adoption of a child. If you or your partner are pregnant or have given birth, please see the Shared Parental Leave (Birth) Policy instead.
- 1.2 This policy applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## **2. Frequently used terms**

The definitions in this paragraph apply in this policy.

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

Qualifying Week: the week the adoption agency notifies you that you have been matched with a child for adoption.

## **3. What is shared parental leave?**

- 3.1 Shared parental leave (SPL) is a form of leave that may be available where a child is placed with you and/or your partner for adoption on or after 5 April 2015.
- 3.2 It gives you and your partner more flexibility in how to share the care of your child in the first year after birth than simply taking adoption 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.

## **4. Entitlement**

- 4.1 You may be entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption, or where a child is placed with you and/or your partner as foster parents under a 'fostering for adoption' or 'concurrent planning' scheme.
- 4.2 The following conditions must be fulfilled:
  - a) 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;

- b) your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
  - c) you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).
- 4.3 Either you or your partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.
- 4.4 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).

## **5. 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 an Opt-In Notice (Appendix A – adoption) which includes:

- a) your name and your partner's name;
- b) if you are taking adoption leave, your adoption leave start and end dates;
- c) 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;
- d) 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;
- e) 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);
- f) 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);
- g) 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);
- h) 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 please give as much information as you can about your future intentions; and
- i) declarations by you and your partner that you both meet the statutory conditions to enable you to take SPL and ShPP (see Appendix A – adoption).

## **6. Ending your adoption leave**

- 6.1 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 early (a curtailment notice) (Appendix B – adoption). 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.

- 6.2 You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see paragraph 5) 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.
- 6.3 If your partner is eligible to take SPL from their employer they cannot start it until you have given us your curtailment notice.
- 6.4 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;
  - b) if your partner has died.
- 6.5 Once you have revoked a curtailment notice you will be unable to opt back in to the SPL scheme.

## **7. Ending your partner's adoption leave or pay**

- 7.1 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).

## **8. Evidence of entitlement**

- 8.1 You must provide on request:
  - a) one or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
  - b) the name and address of your partner's employer (or a declaration that they have no employer).

## **9. Discussions regarding Shared Parental Leave**

- 9.1 If you are considering/ taking SPL you are encourage to contact your line manager to arrange an informal discussion as early as possible regarding your potential entitlement, to talk about your plans and to enable us to support you.

- 9.2 Your line manager may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with you to talk about your intentions and how you expect to use your SPL entitlement.
- 9.3 Upon receiving a notice of entitlement and intention to take SPL form (Appendix A – adoption), we will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave (a period of a number of weeks taken in a single unbroken period of leave), or where a request for discontinuous leave (where you intend to return to work between periods of leave) can without further discussion be approved, a meeting may not be necessary.
- 9.4 Where a meeting is arranged it will take place in private and be arranged in advance. If the initial date is problematic, then another date will be arranged if possible. If an alternative date cannot be arranged, then a discussion may take place over the telephone.
- 9.5 At the meeting you may, if you wish, be accompanied by a workplace colleague or a trade union representative.
- 9.6 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while you are away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a different arrangement would be agreeable to you and us and what the outcome may be if no agreement is reached.

## **10. Booking your SPL dates**

- 10.1 Having opted into the SPL system you will need to give Notice of Dates for SPL (Appendix C – adoption) telling us the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your Notice of Dates for SPL the dates on which you intend to claim shared parental pay ('ShPP'), if applicable.
- 10.2 If your Notice of Dates for SPL (Appendix C – adoption) gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.
- 10.3 You can submit up to three Notices of Dates for SPL (Appendix C – adoption). 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 Notice of Dates for SPL (Appendix C – adoption).

## **11. Procedure for requesting split periods of SPL**

- 11.1 In general, a Notice of Dates for SPL (Appendix C- adoption) should set out a single continuous block of leave. We may, in some cases, be willing to consider a Notice of

Dates for SPL where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your line manager in advance of submitting any Notice of Dates for SPL (Appendix C –adoption). This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

- 11.2 You must submit a Notice of Dates for SPL (Appendix C – adoption) setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be 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 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 Notice of Dates for SPL (Appendix C – adoption) was given), and tell us within five days of the end of the two-week discussion period; or
  - b) withdraw your Notice of Dates of SPL (Appendix C – adoption) within fifteen days of the Date of the Notice (in which case it will not be counted and you may submit a new one if you choose).

## **12. Changing the dates or cancelling your SPL**

- 12.1 You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the Notice of Dates of SPL (Appendix C – adoption)
- 12.2 You can change the start date for a period of leave, or the length of the period of leave, by notifying us in writing at least eight weeks before the original start date and the new start date.
- 12.3 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 and the new end date.
- 12.4 You can change split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date of the first period.
- 12.5 You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request as set out in paragraph 11 above.
- 12.6 A notice to change or cancel a period of leave will count as one of your three Notices of Dates for SPL (Appendix C – adoption), unless:
- a) a Notice of Dates for SPL requesting a discontinuous period of SPL is withdrawn by you on or before the fifteenth day after the Date of the Notice;

- b) the variation is a result of the child being placed with you earlier or later than the expected placement date;
- c) the variation is at our request; or
- d) we agree otherwise.

### **13. Shared parental pay**

- 13.1 You may be able to claim Statutory Shared Parental Pay (ShPP) for up to 39 weeks (less any weeks of SAP claimed by you or your partner) if 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 by employers at a rate set by the government each year.

### **14. Other terms during shared parental leave**

- 14.1 Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 14.2 If you are a member of the employer's 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 us that you wish to make up any shortfall.

### **15. Keeping in touch**

- 15.1 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.
- 15.2 You may ask or be asked to work (including attending training) on up to 20 "shared parental leave in touch" days ('SPLIT' days) during your SPL. This is in addition to any "keeping in touch" days (KIT days) that you may have taken during adoption leave. SPLIT/KIT days are not compulsory and must be discussed and agreed with us. Any SPLIT days worked do not extend the period of SPL. 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 shared parental pay entitlement.

### **16. Returning to work**

- 16.1 If you want to end a period of SPL early, you must give us eight weeks written notice of the new return date. This should be addressed to the Headteacher/Executive Principal. If you have already given us three Notices of Dates for SPL (Appendix C – adoption) you will not be able to end your SPL early without our agreement.

- 16.2 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 submitted three Notices of Dates for SPL (Appendix C – adoption) you will not be able to extend your SPL without our agreement. If you are unable to request more SPL, you may instead be able to request annual leave or ordinary parental leave, subject to the needs of the business.
- 16.3 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.
- 16.4 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.
- 16.5 If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

## Appendix A

## Notice to Opt-In to Shared Parental Leave (Adoption)

Use this form to opt in to the shared parental leave scheme following the placement of a child for adoption. A separate form is available for birth parents. Please see our Shared Parental Leave Policy for more information.

If you are the child's adopter you must also submit a signed **Notice to End Maternity Leave Early (Curtailed Notice)** Appendix B) to bring your adoption leave entitlement to an end. Please discuss this form, in particular the dates in sections B and C, with your line manager before completing it.

| <b>Section A: Basic information</b>  |   |  |
|--|---|--|
| <b>Guidance notes.</b> Shared parental leave may be shared between a child's adopter and his/her Partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the adopter's spouse, civil partner, or other person living with the adopter in an enduring family relationship, but who is not the adopter's sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew. |   |  |
| A1   | Employee's name   |  |
| A2   | I am the child's adopter or the Partner of the child's adopter.<br>(*delete as appropriate) |  |
| A3   | Child's expected week of placement for adoption   |  |
| A4   | Child's actual date of birth (if known)   |  |
| A5   | Child's place of birth (if known)   |  |
| A6   | Child's name (if known)   |  |

**Section B: Adoption leave, statutory adoption pay**

**Guidance notes.** If you are the adopter, please give your adoption leave (AL) dates below. If you are still on AL you must also submit an Ending Adoption Leave Early (curtailment notice) (Appendix B) to bring your AL to an end.

If you are the adopter's Partner, please give the adopter's AL dates. If your Partner is not entitled to statutory AL, give the dates your Partner started and ended (or will end) her statutory adoption pay (SAP) period as applicable. The adopter must give the employer notice to curtail the AL period.

|    |                        |  |
|----|------------------------|--|
| B1 | AL/SAP start date      |  |
| B2 | AL/SAP end date        |  |
| B3 | Total AL / SAP (weeks) |  |

**Section C: Shared parental leave**

**Guidance notes.** The total shared parental leave (SPL) available is 52 weeks minus the adopter's AL period (see B3).

The first period of shared parental leave cannot start until at least eight weeks after you submit this opt-in notice.

|    |   |  |
|----|---|--|
| C1 | Total SPL available (whole weeks).  |  |
| C2 | Number of whole weeks' SPL intended to be taken by you.   |  |
| C3 | Number of whole weeks' SPL intended to be taken by the person you will share SPL with.                                    |  |
| C4 | Indication of dates you would like to take shared parental leave.   |  |
| C5 | The dates in C4 will be treated as a non-binding until a Notice of Dates for Shared Parental Leave (Appendix C) is given. |  |

**Section D: Statutory shared parental pay**

**Guidance notes.** The total statutory shared parental pay (SSPP) available is 39 weeks minus the adopter's AL period (see B3).

|    |  |  |
|----|--|--|
| D1 | Total SSPP available (whole weeks).  |  |
| D2 | Number of whole weeks' SSPP intended to be taken by child's adopter.   |  |
| D3 | Number of whole weeks' SSPP intended to be taken by child's adopter's partner.   |  |
| D4 | Indication of dates you would like to take SSPP.   |  |
| D5 | The dates in D4 will be treated as a non-binding until a notice to take SSPP is given. (Appendix A - adoption) If you want to treat this notice as a notice to take SSPP on the dates given in D4 tick here. |  |

**Section E: Employee's declaration**

**Guidance notes.** "Child" means the child referred to in Section A. "Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

Please tick as appropriate.

I am the child's adopter and I am entitled to statutory AL. I have submitted an Ending Adoption Leave Early (Curtailment Notice) (Appendix B – adoption) (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).

*Or* I am the child's adopter's Partner.

I had at least 26 weeks' continuous employment in the week in which I was notified of having been matched with a child for adoption and have remained continuously employed since then.

My normal weekly earnings in the eight-week period ending with the 15th week before the week in which the adopter is notified of being matched with a child is not less than the lower earnings limit.

I expect to share the main responsibility for the care of the child with the person who has completed Section F.

I intend to care for the child during each week that I am on shared parental leave and receiving SSPP.

I will immediately inform my line manager if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or SSPP.

The information I have given in this notice is accurate.

**Signed** ..... **Print name:** .....

**Date** .....

**Section F: Declaration by person taking shared parental leave with employee**

**Guidance notes.** "The employee" and "the child" are the employee and child referred to in Section A.

If the employee is the child's adopter, you must be the adopter's Partner.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

|   |  |
|---|--|
| Name  |  |
| Address   |  |
| National Insurance number   |  |
| Your employer's name and address (if employed) or your business address if self-employed. |  |

Please tick as appropriate

|                          |   |
|--------------------------|---|
| <input type="checkbox"/> | I am the adopter of the child and I am (or was) entitled to AL. I have curtailed my AL and SAP, or will have done so by the time your employee starts parental leave.   |
| <input type="checkbox"/> | Or I am the Partner of the child's adopter.   |
| <input type="checkbox"/> | I expect to share the main responsibility for the care of the child with your employee.   |
| <input type="checkbox"/> | I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the week I/your employee is notified of being matched with a child.                                      |
| <input type="checkbox"/> | My average weekly earnings are at least the current regulatory amount, taking the 13 highest-earning weeks in the 66 weeks immediately before the week I/your employee is notified of being matched with a child. |
| <input type="checkbox"/> | I consent to your employee taking shared parental leave and claiming SSPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.             |

I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

**Signed** .....**Print name:**

**Date** .....

**Appendix B Ending Adoption Leave Early (Curtailment Notice) - Adoption**

I wish my adoption leave period to end early on:

Insert date: ..... ('the Adoption Leave Curtailment Date').

I confirm that the above date is:

|   |  |
|---|--|
| At least 8 weeks after the date on which I signed and dated this Ending Adoption Leave Early (Curtailment Notice) and provided a copy to my employer  |  |
| I understand that this Ending Adoption Leave Early (Curtailment Notice) is binding and cannot be revoked (subject to limited circumstances in paragraph 6.4 of the Shared Parental Leave policy). |  |

I confirm that a copy of this Ending Adoption Leave Early (Curtailment Notice) has been provided to my line manager:

(insert name): .....

Signed: .....

Print Name: .....

Date: .....

.....

School use only

Received by:

Name: ..... Job Title .....

Date: .....

## Model Appendix C

## Period of Leave Notice – Adoption

1. I understand that I may not submit a period of leave notice unless this is accompanied by a notice of entitlement and intention to take SPL (Appendix A - adoption).
2. I understand that I may not request SPL with a start or end date which is outside the period in which SPL may be taken. This is within the period which begins on the date my child is placed for adoption and ends the day before the first anniversary of the date on which my child was placed for adoption.
3. I understand that SPL must be taken in multiples of complete weeks, as one continuous period or up to three discontinuous periods. The minimum period of SPL which may be taken is one week.
4. I understand that I may give a total of three periods of leave notices, (including variation notices). The following notices do not count towards the three permitted notices:
  - a) A period of leave notice requesting discontinuous period of SPL which is withdrawn by me on or before fifteenth day after the notice was given.
  - b) A variation notice given as a result of the child being placed with me earlier or later than the expected placement date.
  - c) A variation notice given in response to a request from the school that I vary a period of leave.
  - d) We agree otherwise.
5. I confirm that I would like to take shared parental leave (SPL) and the dates requested are below.

| Start Date | End Date |
|------------|----------|
|            |          |

*Please tick A or B*

A I intend to claim shared parental leave pay for these dates

B I do not intend to claim shared parental leave pay for these dates

| Start Date | End Date |
|------------|----------|
|            |          |

Please tick A or B

A I intend to claim shared parental leave pay for these dates

B I do not intend to claim shared parental leave pay for these dates

| Start Date | End Date |
|------------|----------|
|            |          |

Please tick A or B

A I intend to claim shared parental leave pay for these dates

B I do not intend to claim shared parental leave pay for these dates

| Start Date | End Date |
|------------|----------|
|            |          |

Please tick A or B

A I confirm that **Notice to Opt-In to Shared Parental Leave** (Appendix A) accompanies this form.

B I confirm that I have already presented a **Notice to Opt-In to Shared Parental Leave** (Appendix A) to my line manager.

Signed: ..... Print name: .....

Date: .....

School use only.

Received by:

Name:..... Job Title: .....

Date: .....