

John Scurr Primary School

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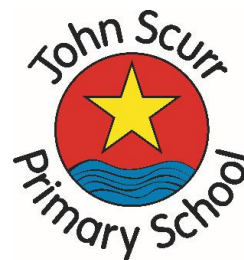
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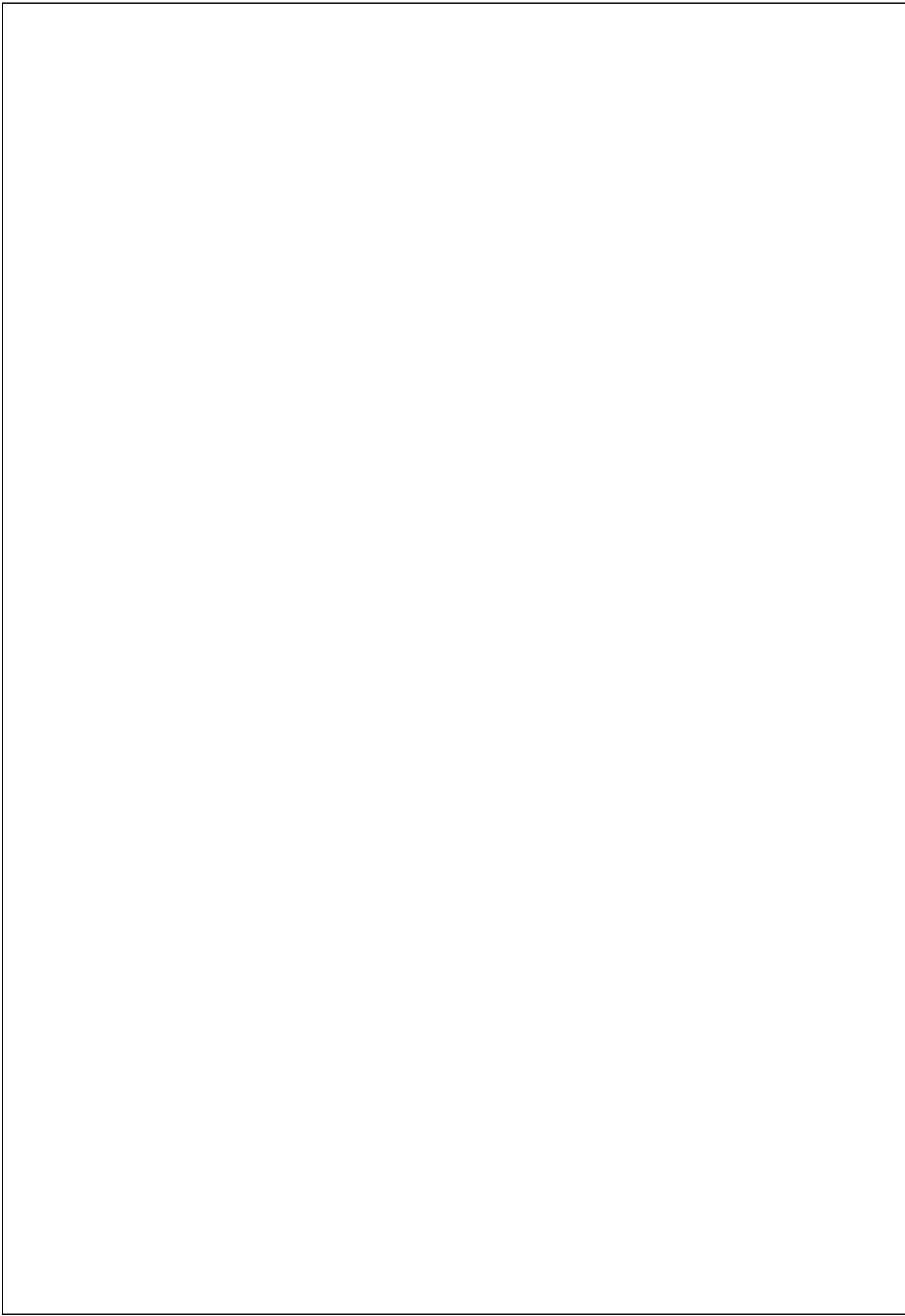
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Headteacher: Maria Lewington



Shared Parental Leave Policy

Reviewed by:	General Governing Body
Date Implemented:	
Date Amended	2025
Next Review:	2026
Ratified by Governors:	2025
Governor Signature:	



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1. INTRODUCTION

- 1.1. Shared Parental Leave enables parents to have greater flexibility in how to care for their child in the first year following birth or adoption.
- 1.2. Eligible parents who are sharing responsibility for a child can get up to 50 weeks Shared Parental Leave (SPL) and up to 37 weeks Shared Parental Pay (ShPP) in the first year after:
 - the birth of their child;
 - adopting a child;
 - getting a parental order if they have had the child through surrogacy
 - fostering a child they are planning to adopt.
- 1.3. The aim of this procedure is to provide employees and headteachers with information regarding contractual and statutory entitlements to shared parental leave and pay. It also gives details of the process an employee will need to follow when arranging their shared parental leave.
- 1.4. The term 'headteacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team, school business managers or managers as appropriate. Where the head teacher is subject to this policy, this will be managed by the Chair of the relevant body or other nominated governor.
- 1.5. Continuous service is when an employee has worked for one employer without a break. For staff in maintained schools continuous service for shared parental is recognised between maintained schools and from one local authority to another and will be carried over in any transfer of employment under TUPE regulations, e.g. during academy conversion. However if an employee voluntarily changes employer in the maternity qualifying period or during the period of maternity leave then their entitlement to maternity pay may be affected. Advice on individual circumstances is available from the school's HR provider.

2. SCOPE

- 2.1 This procedure applies to all employees who have a contract of employment with the school. It does not apply to agency workers or contractors.

3. SHARED PARENTAL LEAVE ENTITLEMENT

- 3.1. Eligible parents can get up to 50 weeks of shared parental leave. The amount of leave depends on how much:
- maternity leave the birth parent has taken;
 - adoption leave the primary adopter has taken.
- 3.2. The birth parent or primary adopter can take up to 52 weeks of statutory maternity or adoption leave. They must take a minimum of 2 weeks' leave after the birth or adoption. After this, they can end their leave so the remaining 50 weeks can be shared between the two parents.
- 3.3. Shared parental leave can be taken in blocks separated by periods of work or taken in one go.
- 3.4. It is the same amount of leave if the parents have:
- more than one baby, for example twins;
 - more than one child in the same adoption placement.
- 3.5. Eligible parents can use shared parental leave in the following ways:
- the birth parent or primary adopter returns to work early from maternity or adoption leave and takes shared parental leave at a later date;
 - the birth parent or primary adopter returns to work and their partner takes shared parental leave
 - both parents are off at the same time
 - both parents share shared parental leave and are off at different times
 - both parents return to work at the same time and take shared parental leave at a later date.
- 3.6. If the birth parent or primary adopter is not entitled to maternity or adoption leave, they will not be eligible to take shared parental leave themselves. However, if they are getting maternity pay, adoption pay, or Maternity Allowance, they can 'curtail' (end) this to create shared parental leave or shared parental pay for the other parent. Please refer to the maternity and adoption leave policies.

4. ELIGIBILITY

- 4.1. To get shared parental leave, there must be two parents sharing responsibility for a child.

- 4.2. A parent is not eligible if they started sharing responsibility for the child after the child was born or placed for adoption.
- 4.3. For either parent to get shared parental leave, the birth parent or primary adopter must give their employer notice to 'curtail' (end) their maternity or adoption leave early.
- 4.4. The parent who is to take shared parental leave must
- Be sharing the responsibility with the other parent from the day of the child's birth or adoption placement
 - Must be classed as an 'employee' (legal definition of employment status under employment law).
 - Must pass the 'continuity of employment test' and their partner must pass the 'employment and earnings test'.
 - Give notice to their Headteacher to take shared parental leave.
- 4.5. The 'continuity of employment test' is where the parent who is to take shared parental leave must
- Have worked for the current employer for at least 26 weeks before their baby is due or their adoption match date
 - Still be working for the current employer a week before the start of each block of shared parental leave they take
 - Must be classed as an 'employee' (legal definition of employment status under employment law).
- 4.6. The 'employment and earnings test' is where the other parent must have:
- Worked for at least 26 of 66 weeks before the expected birth date or the week the employee has been match with a child for adoption;
 - Received average earnings of a minimum as set out on the government website [shared-parental-leave-and-pay](#).
 - Be classed as an 'employee' (legal definition of employment status under employment law).

5 SHARED PARENTAL LEAVE PAY

- 5.1 Shared parental leave pay consists of two elements, Statutory Shared Parental Pay (ShPP) and Occupational Shared Parental Pay.
- 5.2 Eligible parents can get up to 37 weeks of statutory shared parental pay. The number of weeks of statutory pay available will depend on the amount of statutory

maternity or adoption pay that has been received by the birth parent or primary adopter.

- 5.3 During a period of shared parental leave, pay will be calculated on a weekly basis based on the day of the week on which the employee begins their shared parental leave. For example, if a period of shared parental leave commences on a Tuesday and there are 5 Tuesdays in a month, the employee would receive 5 weeks of shared parental leave pay. If a period of shared parental leave commences on a Tuesday and there are 4 Tuesdays in a month, the employee would receive 4 weeks of shared parental leave.
- 5.4 Shared parental leave pay is subject to tax and National Insurance deductions and will be paid in the normal way on the last working day of the month.
- 5.5 To qualify for statutory shared parental leave pay, the birth parent or primary adopter must meet all of the following eligibility criteria:
- have 26 weeks continuous service with the current employer by the end of the 15th before their expected week of childbirth or end of the week in which they were notified of the adoption placement
 - must meet the earning criteria and earn at least the lower earnings limit for National Insurance Contributions. The lower earnings limit is reviewed and set annually by the Government.
 - give the correct notice
- 5.6 The other parent must meet the employment and earnings test as outlined in 4.
- 5.7 Where the employee is not entitled to receive any Statutory Shared Parental Pay (ShPP) for example because the other parent is receiving the full statutory payment of 37 weeks, subject to the qualifying criteria set out in section 6, the amount of occupational pay received will be reduced by the weekly statutory pay rate.
- 5.8 Entitlement to enhanced occupational shared parental pay is dependent on length of continuous service with Local Government and continuous service with the current employer as at the 15th week before the expected week of childbirth or as at the end of the week in which they were notified of the adoption placement.
- 5.9 Continuous service means continued employment with the current employer, a previous local authority or related employer with a break of less than one week between employments. Where an employee previously worked for the school or

the current employer via an agency, any period or assignment undertaken as an agency worker does not count toward continuous service.

5.10 If eligible, occupational shared parental pay is paid on the condition that the employee returns to work after shared parental leave for at least 3 months. If an employee has received occupational shared parental pay and whilst on shared parental leave they decide that they do not wish to return to work, they will be required to repay all occupational shared parental leave pay. They will be entitled to keep all Statutory Shared Parental Pay (ShPP) that they were paid whilst on shared parental leave.

5.11 The rate of enhanced occupational shared parental pay is based on the salary as at the day before the employee commences shared parental leave.

5.12 The entitlements to shared parental pay are outlined in section 6.

6. SHARED PARENTAL PAY ENTITLEMENTS

6.1 The following tables detail the pay entitlements that will apply during shared parental leave. The school will confirm the pay entitlements and which tables applies in writing to the employee.

6.2 For each table, the required length of continuous service for both local government and continuous service with the current employer is as at the 15th week before the expected week of childbirth or at the end of the week in which they were notified of the adoption placement.

6.3 The maximum amount of Statutory Shared Parental Leave Pay (ShPP) available is 37 weeks, therefore, where an employee on shared parental leave is not entitled to receive ShPP, but is entitled to occupational shared parental pay, the rate of occupational pay each week will be where applicable reduced by the weekly rate of SHPP or where applicable the equivalent weekly rate of ShPP.

6.4 Where the other parent is receiving statutory Shared Parental Leave Pay (ShPP), the school may require confirmation of the amount of ShPP from their employer so the relevant deductions can be made.

6.5 Where an employee is the birth parent or primary adopter and has received occupational maternity or occupational adoption pay for the same child whilst on maternity or adoption leave, entitlement to occupational shared parental pay will be reduced by the amount of any occupational maternity or adoption pay already received for the same child.

6.6 Shared parental leave payments are set out below.

(a) Table A

To qualify for pay entitlements in Table A below, as at the **15th week before the expected week of childbirth** or **as at the end of the week in which notification of the adoption placement was received**, the employee must have:

- Local Government continuous service: 1 year or more AND
- The current employer continuous service: 26 weeks or more

Shared Parental Leave	Shared Parental Pay
Weeks 1-4 (4 weeks)	90% average pay or 90% full pay, whichever is the greater (includes 4 weeks ShPP). Teachers who have at least one year's continuous service as a teacher with one or more Local Authorities at the beginning of the 11th week before the EWC will receive 100% of pay for the first 4 weeks in line with Burgundy Book, this is inclusive of ShPP.
Weeks 5 – 8 (4 weeks)	Full pay (includes 4 weeks ShPP)
Weeks 9 – 28 (20 weeks)	Half pay plus 20 weeks ShPP (provided half pay and ShPP are not more than full pay)
Weeks 29 – 37 (9 weeks)	9 weeks ShPP
Weeks 38 – 50 (13 weeks)	No pay
Total: 50 weeks	

It is possible to take 20 weeks half pay as 10 weeks full pay, plus 32 weeks as a combination of remaining ShPP entitlement and unpaid leave.

(b) Table B

To qualify for pay entitlements in Table B below, as at the **15th week before the expected week of childbirth**, or **as at the end of the week in which notification of the adoption placement was received** the employee must have:

- Local Government continuous service: 1 year or more AND
- The current employer continuous service: under 26 weeks

Shared Parental Leave	Shared Parental Pay
Weeks 1-4 (4 weeks)	90% average pay or 90% full pay, whichever is the greater (less equivalent to ShPP standard rate) Teachers who have at least one year's continuous

	service as a teacher with one or more Local Authorities at the beginning of the 11th week before the EWC will receive 100% of pay for the first 4 weeks in line with Burgundy Book, this is inclusive of ShPP standard rate
Weeks 5-8 (4 weeks)	Full pay (less equivalent to ShPP standard rate)
Weeks 9-28 (20 weeks)	Half pay (provided half pay and equivalent to ShPP standard rate are not more than full pay)
Weeks 29-50 (22 weeks)	No pay
Total: 50 weeks	

It is possible to take 20 weeks half pay as 10 weeks full pay, plus 32 weeks as unpaid leave.

(c) Table C

To qualify for pay entitlements in Table C below, as at the **15th week before the expected week of childbirth**, or **as at the end of week in which notification of the adoption placement was received** the employee must have:

- Local Government continuous service: under 1 year AND
- The current employer continuous service: 26 weeks or more

Shared Parental Leave	Shared Parental Pay
Weeks 1-2 (2 weeks)	Full pay, (includes 2 weeks ShPP)
Weeks 3-4 (2 weeks)	2 weeks ShPP
Weeks 5-10 (6 weeks)	Half pay plus 6 weeks ShPP (provided half pay and ShPP are not more than full pay)
Weeks 11 – 37 (27 weeks)	27 weeks ShPP
Weeks 40-52 (13 weeks)	No pay
Total: 50 weeks leave	

Table D

To qualify for pay entitlements in Table D below, as at the **15th week before the expected week of childbirth**, or **as at the end of week in which notification of the adoption placement was received** the employee must have:

- Local Government continuous service: under 1 year AND
- The current employer continuous service: under 26 weeks

Shared Parental Leave	Shared Parental Pay
Weeks 1-2 (2 weeks)	Full pay (less equivalent to ShPP)
Weeks 3-10 (8 weeks)	Half pay (provided half pay less equivalent to

	ShPP) are not more than full pay)
Weeks 11-50 (40 weeks)	No pay
Total: 50 weeks	

- 6.7 If the employee wants a breakdown of shared parental pay, they can contact Payroll during the month that they are due to start shared parental leave and Payroll will calculate the employee's gross payments.
- 6.8 Payment of ShPP to the other parent will be affected by the amount of time for which the birth parent or primary adopter has received payment of statutory pay and will follow the relevant tables above. For example, if the birth parent or primary adopter has received 30 weeks statutory maternity or statutory adoption pay, they will have 7 weeks of statutory pay available which can be taken as statutory shared parental pay.

7. NOTIFICATION TO START SHARED PARENTAL LEAVE

- 7.1 Where the birth parent or primary adopter is employed by the school, they must give 8 weeks' binding notice to their Headteacher that they wish to 'curtail' (end) their maternity or adoption leave and convert the remainder to shared parental leave. They must also inform their headteacher of the number of weeks statutory maternity or adoption pay they will receive.
- 7.2 Where the birth parent or primary adopter is not employed by the school, they must give binding notice to their employer that they wish to 'curtail' (end) their maternity or adoption leave. The school will require written confirmation from the birth parent or primary adopter of this curtailment and the intention to convert the remainder of their leave to Shared Parental Leave as well as written confirmation of the number of weeks of statutory maternity or adoption pay that they will receive.
- 7.3 Where the other parent or co-adopter is employed by the school, they must provide written confirmation from the birth parent or primary adopter of the intention to curtail maternity or adoption leave and give 8 weeks' notice to their Headteacher of the date(s) that they wish to take as Shared Parental Leave.
- 7.4 The relevant forms are available from the school office.
- 7.5 When arranging shared parental leave, the employee must:
- Give their Headteacher 8 weeks' notice each time they want to take leave
 - Take their shared parental leave in blocks of weeks

- Include the start and end dates of any blocks of leave in the notice.

7.6 The employee has the right to submit up to 3 notices to either:

- Take continuous leave – a full block of time off work
- Take discontinuous leave – where blocks of time off work are mixed with time back at work
- Change the dates of any booked leave

7.7 Each notification may contain either a single period of leave or two or more weeks or discontinuous leave, where the employee intends to return to work between the periods of leave.

7.8 Continuous leave is a period of weeks taken in a single unbroken period of leave. The employee has the right to take a continuous block of leave notified in a single notification, provided it does not exceed the total number of weeks of Shared Parental Leave available to them.

7.9 Discontinuous leave is two or more periods of discontinuous leave where there are breaks between periods of shared parental leave. During the break of shared parental leave, the employee will be expected to return to work.

7.10 The Headteacher will consider a discontinuous leave notification but has the right to refuse it, for example, when a particular period would be hugely disruptive to service provision. The headteacher should discuss the reasons with the employee and try to come to an agreement.

7.11 If the leave pattern is refused, the employee can either:

- Withdraw their notice OR
- Take continuous leave in a single continuous block.

7.12 If the employee withdraws their notice on or before the 15th calendar day after they originally gave it, it does not count as 1 of their 3 notices to take or vary leave.

7.13 If the employee withdraws their notice 15 calendar days after they originally gave it, it counts as a notice to vary leave. This means they will have used 1 notice to take leave and 1 to vary it, so they have 1 notice left to take leave.

7.14 If the employee chooses not to withdraw their notice, it will become a block of continuous leave. The leave can start on either:

- The original leave date they gave OR

- A new date they give to the headteacher within 19 days of the original leave date. The new date must be at least 8 weeks after the original leave date.

8. ENDING OR CHANGING SHARED PARENTAL LEAVE

- 8.1 The birth parent or primary adopter may be able to change their decision to maternity or adoption leave early if both:
- The planned end has not passed
 - They have not already returned to work.
- 8.2 If the employee wishes to return to work earlier than the expected return date, they must provide 8 weeks' notice.
- 8.3 The birth parent or primary adopter cannot restart maternity or adoption leave once they have returned to work.
- 8.4 If the birth parent or primary adopter has already given notice to curtail their maternity or adoption leave, they cannot revoke this unless:
- The notice was given before the birth or placement for adoption, in this case it can be revoked up to 6 weeks after the birth or adoption placement start date
 - The other parent dies
 - It is established that neither parent was entitled to shared parental leave or shared parental pay.
- 8.5 As it is not possible to know the exact date a baby will be born or the exact date of an adoption placement, the employee can book shared parental leave based on a number of weeks after the baby is born or adoption placement.
- 8.6 To change or cancel the dates of any shared parental leave booked, the employee must give their headteacher
- 8 weeks notice
 - A notice to vary leave
- 8.7 It is recognised that in some cases it is not possible to give the required 8 weeks' notice to take shared parental leave. For example because a baby is born more than 8 weeks early. In such a case, the employee must notify their headteacher in writing as soon as reasonably practicable.

9. SUPPORTING DOCUMENTS

9.1 In respect of maternity leave, within 14 days of applying for shared parental leave or shared parental pay, the employee is required to provide the following:

- A copy of the birth certificate
- A declaration of the place and date of birth (if the birth has not yet been registered)
- The name and address of the partner's employer or a declaration that the partner has no employer.

9.2 In respect of adoption leave, within 14 days of applying for shared parental leave or shared parental pay, the employee is required to provide the following:

- Name and address of the adoption agency
- Date of matching with the child
- Date the child will start living with the employee
- Name and address of the partner's employer or a declaration that the partner has no employer

10. SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS

10.1 The headteacher should keep in regular contact whilst the employee is on shared parental leave and must inform them about job opportunities and any reorganisation that could affect their job.

10.2 During shared parental leave, the employee can take up to 20 shared parental leave in touch (SPLIT) days without bringing their shared parental leave to an end or losing Statutory Shared Parental Leave Pay (ShPP) entitlement.

10.3 SPLIT days may be used for any activity which would ordinarily be classed as work under the contract of employment, including training and attending a team meeting. They can be undertaken at any stage during shared parental leave.

10.4 These days are in addition to the 10 Keeping in touch (or KIT) days available to those on maternity or adoption leave.

10.5 SPLIT days are optional and can only take place by mutual agreement between the headteacher and employee. A headteacher cannot insist that an employee works during shared parental leave and the employee cannot insist on taking a SPLIT day.

10.6 SPLIT days do not need to be worked as consecutive days and may be worked at any time during shared parental leave.

- 10.7 Where a SPLIT day is worked the employee will receive their normal pay for the hours worked on SPLIT days minus any entitlement to statutory Shared Parental Leave pay or half pay.
- 10.8 Payment for hours worked during SPLIT days will be worked out on an hourly basis (based on the employee's normal salary).
- 10.9 If an employee works part of a SPLIT day, it still counts as a whole day, although the pay will be pro rata and the employee will only be paid for the number of hours worked on that day.

11. PENSIONS

- 11.1 Pension contributions only continue during paid periods of shared parental leave for as long as the statutory payment is made. The Teachers' Pension Scheme does not allow service during periods of unpaid leave to be purchased but there is provision for Additional Pension to be purchased when returning to paid teaching service. Full details are on the Teachers' Pensions website.
- 11.2 For employees in the Local Government Pension Scheme (LGPS), during shared parental leave their pension is worked out using their Assumed Pensionable Pay (APP). This is a notional figure that is used to ensure the pension is not affected by the pay reduction. The employee continues to build up a pension in the scheme as if they are working and receiving normal pay.
- 11.3 During a period of unpaid shared parental leave, whilst membership of the scheme continues, no pension will be accrued unless, when they return to work the employee pays extra pension contributions to buy the pension they have 'lost'.
- 11.4 Employees in the Local Government Pension Scheme (LGPS) will find full details of entitlements whilst on maternity leave on the LGPS website.
- 11.5 Employee who are members of other pension schemes should contact their pension provider for further information.

12. ANNUAL LEAVE, BANK HOLIDAYS, EXTRA STATUTORY DAYS AND CONCESSIONARY DAYS

Teachers

- 12.1 Teachers do not have a contractual entitlement to leave but do retain their right to statutory leave entitlements (28 days inclusive of bank holidays per leave year). Statutory annual leave continues to accrue during maternity leave; however teachers are deemed to 'take' their leave during periods of school closure (e.g., school holidays).

Support Staff

- 12.2 Support staff build up (accrue) holiday entitlement as usual during maternity leave. This includes bank holidays, extra-statutory and concessionary days.
- 12.3 This leave cannot be taken at the same time as maternity leave.
- 12.4 This accrued leave must be taken either immediately prior to the start of maternity leave or, if returning to work, at the end of the maternity leave period.
- 12.5 If the employee is not able to take their leave entitlement during the leave year because they were on maternity leave for all or most of the year, this leave can be carried over to the new leave year.
- 12.6 If the employee does not return to work, they will accrue annual leave, plus leave for bank holidays, extra-statutory and concessionary days that fell during the maternity leave up to the last day of service.

13. DEATH OF A CHILD

- 13.1 If the child dies, the parents can still take shared parental leave that has been booked.
- 13.2 They can also decide to take less shared parental leave or change discontinuous leave into one block of continuous leave.
- 13.3 The employee cannot book any new blocks of shared parental leave.
- 13.4 Where the employee wishes to return to work early from a period of shared parental leave, they should notify their headteacher 8 weeks in advance.
- 13.5 Parents cannot apply for shared parental leave after the death of a child

13.6 The birth parent or primary adopter may still be entitled to take maternity or adoption leave.

13.7 The employee may also be eligible for Parental Bereavement leave and pay. This statutory leave entitles eligible working parents to two weeks paid parental bereavement leave in the event of a death of their child or a child in their care, under the age of 18 or a still birth after 24 weeks of pregnancy. Full details can be found in the Special Leave Policy and Procedure.

13.8 The employee should be made aware of the support available to them through the school's Employee Assistance Programme (EAP).

14. DEATH OF A PARENT

14.1 If the employee is eligible for shared parental leave and the other parent dies, they can still take shared parental leave as planned and transfer and use any shared parental leave due to be taken by the parent who died..

14.2 If they want to book another block of shared parental leave or change the dates of booked leave, the employee is not required to give 8 weeks' notice but should tell the employer as soon as they can. If they have already made 3 notices to book or change shared parental leave, they can make one more.

15. REDUNDANCY PROTECTION PERIODS

15.1 An employee taking shared parental leave has special protection in a redundancy situation. This applies during a redundancy protected period which is the length of time an employee has this redundancy protection for. During the redundancy protected period, the employee is entitled to be offered a suitable alternative post, where one exists, in preference to other employees who would also be redundant.

15.2 The redundancy protected period for an employee taking shared parental leave starts on the day a period of shared parental leave begins. If an employee takes:

- Less than 6 weeks leave – the protected period ends on the last day of the block of leave;
- 6 weeks or more of continuous leave – the protected period ends 18 months from the date of the child's birth

15.3 If the employee takes discontinuous leave, the redundancy protected period finishes as at the end of each period of shared parental leave. An employee who has already taken adoption or maternity leave will have the redundancy protected period of that specific type of leave.

15.4 Details of how the redundancy protection period applies in relation to restructures, job matching and redeployment are set out in the Organisational Change Policy.

16. REDUNDANCY AND SHARED PARENTAL LEAVE PAY

16.1 If a restructure occurs whilst on shared parental leave and the employee decides to take voluntary redundancy or early retirement whilst on shared parental leave, they will receive, all Statutory Shared Parental Pay (should they have met the criteria), however, will only receive occupational shared parental leave pay until the last day of service.

16.2 If a restructure occurs whilst on shared parental leave and the employee is made compulsorily redundant whilst on shared parental leave, they will not be required to repay any occupational shared parental leave pay they received whilst on shared parental leave.

16.3 Further information can be found in the Organisational Change Policy.

17. FLEXIBLE WORKING

17.1 Should the employee wish to change their working hours or pattern on their return to work, they should discuss this with their headteacher and can submit a flexible working request in line with the Flexible Working Policy.

18. FURTHER INFORMATION

18.1 For further information please contact your HR provider.

Document History	
Version 1.1	Draft for Consultation
Version 1.2	Final Agreed Policy
Status	Final Draft
Date	September 2025
Target audience	School Teaching and Support Staff
Ratification	Agreed on 25 th September 2025
Author	HR