



The Bishop Konstant Catholic Academy Trust

Learning Communities, Inspired by Faith

Trust Shared Parental Leave Policy 2023-2024



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POLICY DOCUMENT	Trust Shared Parental Leave Policy
Legislation/Category: Academy Schools	Legally Required
Lead Member of Staff:	Trust Head of HR
Approved by:	BKCAT Trust Board
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Mission Statement

All policies are written in line with our Trust Mission statement:

With Jesus Christ at the centre of the life of the Trust, we seek to provide learning communities offering the highest possible standards of education. We are committed to working in partnership and trust for the common good. We strive to encourage and empower children and young people to recognise and realise their God-given potential and to discern their vocation in life. As learning communities inspired by faith, we celebrate achievement, offering each other challenge and support, as together we follow Christ in self-giving love and service.



Change Control

Version	Date	Author	Changes
1.2	June 2023	Trust HR Officer	Updated with and checked for any legislative changes 2023
1.1			
1.0			

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1. Introduction

The Academy Trust is supportive of parents who wish to take shared parental leave in accordance with the statutory provisions. Shared parental leave legislation applies where a baby is due to be born on or after 5 April 2015, or where a child is placed for adoption on or after 5 April 2015 where the qualifying criteria have been met. Shared parental leave enables working parents to share leave in the year after their child's birth or placement for adoption and to take leave in a more flexible way. Eligible employees will be able to stop and start their shared parental leave and return to work between periods of leave. They will be able to take it in turns to have periods of leave to care for the child, and/or take leave at the same time as each other. No employee will suffer any detriment due to:

- taking, seeking to take or make use of the benefits of Shared Parental Leave;
- the Academy Trust believing that the employee is likely to take Shared Parental Leave;
- undertaking, considering undertaking, or refusing to undertake work as allowed for by the provision of Shared Parental Leave In Touch (SPLIT) days (see 6. below).

2. Scope

This policy (and its associated procedure) applies to all Academy Trust employees.

3. Aims of the Policy

The purpose of this document is to set out the Academy Trust's provisions for leave, pay and other arrangements for employees in accordance with the Shared Parental Leave legislation, in relation either to the birth of a baby or the adoption of a child. It sets out criteria for eligibility and the entitlements to leave and pay, notification requirements and other arrangements.

4. Shared parental leave

Shared Parental Leave (ShPL) will be created where an eligible mother or adopter brings their maternity or adoption leave to an end early. This is called "curtailing" maternity or adoption leave. The untaken weeks of maternity or adoption leave, up to a maximum of 50 weeks, can be shared between the child's mother or main adopter, and the child's father (or mother's/main adopter's partner), subject to them being eligible under the criteria set out below.

In circumstances where the mother or adopter is not entitled to statutory maternity leave or adoption leave (e.g they are self employed, they are agency workers or they no longer work), then the number of weeks that is available to the father/partner to be shared is 52 weeks less the number of weeks (up to a maximum of 39) of Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance that she has had or intends to have.

4.1 Eligibility

ShPL can only be used by two people:



- The mother/main adopter and
- One of the following:
 - the father of the child (in the case of birth) or
 - the spouse, civil partner, or partner of the child's mother/adopter.

In cases of childbirth, the eligibility criteria for both mothers and fathers/partners employed by the Academy Trust are :

- They have a minimum of 26 weeks continuous service with the Academy Trust by the end of the 15th week before the Expected week of Childbirth (EWC) and they remain in continuous employment up to the week before taking ShPL.
- They have, at the time of the child's birth, the main responsibility for the care of the child shared with their spouse/partner (or mother/father of their child if not their spouse/partner)
- Their spouse/partner (or mother/father of their child if not their spouse/partner) must have been employed or self-employed for any of part of at least 26 of the 66 weeks immediately before the EWC and have averaged weekly earnings of at least the level stated in legislation in any 13 of those 66 weeks.
- Mothers must be entitled to Statutory Maternity Leave (SML) and have ended her entitlement to it by curtailing her leave or returning to work before the end of the SML period. For the father/partner to be eligible the mother must be entitled to SML, Statutory Maternity Pay or Maternity Allowance but she must have curtailed her entitlement to any of these, or returned to work, before the end of the SML period.

The eligibility criteria for parents who are adopting a child follows the same principles as those above:

- They have a minimum of 26 weeks continuous service with the Academy Trust by the end of the week that the main adopter is informed that they have been matched with a child and they remain in continuous employment up to the week before taking ShPL.
- They have at the time of the child's placement, the main responsibility for the care of the child shared with their spouse/partner.
- Their spouse/partner must have been employed or self-employed for any part of at least 26 of the last 66 weeks immediately before the week they are matched with the child and have averaged weekly earnings of at least the level stated in legislation in any 13 of those 66 weeks.
- The main adopter must be entitled to Statutory Adoption Leave and have ended their entitlement to it by curtailing their leave or returning to work before the end of the statutory adoption leave period. For the partner of the main adopter to be eligible the main adopter must be entitled to statutory adoption leave or statutory adoption pay but they must have curtailed their entitlement to either of these or returned to work.

Details on the following principles and procedures relating to ShPL are explained within the Shared Parental Leave Procedure;



- When and how ShPL can be taken.
- Notification requirements regarding the curtailment of (or intention to curtail) Maternity Leave or Adoption Leave
- Notification of an entitlement to ShPL and subsequent amendments to outstanding entitlement
- Notification of when the employee intends to take their ShPL entitlement and any changes in planned arrangements.

5. Statutory Shared Parental Pay

The Academy Trust will pay statutory shared parental pay for all eligible employees taking shared parental leave. Statutory shared parental pay (ShPP) will be created where an eligible mother or adopter brings their maternity or adoption pay or maternity allowance to an end early. The untaken elements of these payments, up to a maximum of 37 weeks, can be shared as ShPP between the two parents.

5.1 Eligibility

The eligibility criteria required for parents to enable them to receive ShPP are:

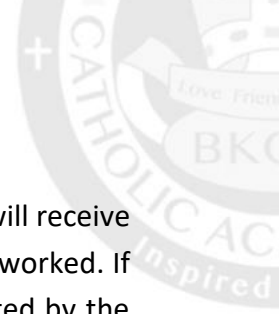
- They meet the 26 weeks service eligibility criteria for ShPL.
- They must have average weekly earnings in the 8 weeks ending in the 15th week before the EWC (or the week an adopter is informed they have been matched with a child) of not less than the lower earnings limit for National Insurance contributions applicable in that week.
- They must intend to care for the child during each week that ShPP is paid to them.
- Mothers must be entitled to Statutory Maternity Pay (SMP) or Maternity Allowance (MA) and have given notice to curtail these payments to allow the unused amount to become ShPP. For a father/partner to be eligible the mother must be entitled to SMP or MA and the relevant pay periods must have been reduced. In cases of adoption the same principle applies with Statutory Adoption Pay (SAP) replacing SMP or MA.

6. Contact during Shared Parental Leave

Before an employee's ShPL begins the manager will discuss with them the arrangements for keeping in touch during the period of leave. The Academy Trust reserves the right in any event to maintain reasonable contact with the employee from time to time during their ShPL. This may be to discuss the employee's plans to return, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

6.1 Shared Parental Leave keep in Touch Days (SPLIT days)

Each employee on ShPL can request to work up to 20 SPLIT days during ShPL without bringing the period of ShPL to an end or impacting on their right to claim ShPP for that week. There is no obligation on managers to agree to such requests and neither can managers require employees to



carry out work during ShPL if they do not wish to do so. An employee taking a SPLIT day will receive full pay for the time worked, effectively “topping up” the ShPP to full pay for the period worked. If SPLIT days are worked, the manager will ensure that the KIT Day claim form is completed by the employee and submitted to payroll as soon as practicable after each SPLIT day, recording all the time worked. Managers will ensure that the number of SPLIT days taken does not exceed the 20 days allocation as this will bring the ShPL to an end.

These SPLIT days are in addition to the 10 Keeping In Touch (KIT) days that are available to the mother during maternity leave. Contact made to discuss the employee’s return to work or other reasonable contact does not constitute work and does not therefore require a SPLIT day.

7. Returning to Work after Shared Parental Leave

An employee is entitled to return to the same job they had before taking ShPL where their total statutory leave taken in relation to that child is 26 weeks or less. However, if the employee takes more than 26 weeks’ statutory leave, or 5 weeks or more unpaid parental leave, then the Academy Trust will give full consideration to them returning to the same job they had before, however where this is not reasonably practicable they will be offered another job, on the same terms and conditions of employment, which is both suitable and appropriate for them to undertake.

8. Contractual Terms and Conditions

During the period of ShPL the employee’s contract of employment continues and they are entitled to receive all their contractual benefits, except for pay. Salary will be replaced by ShPP if the employee is eligible. Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid ShPL. Employee contributions will be based on actual pay, while the Academy Trust’s contributions will be based on the salary the employee would have received had they not been taking ShPL.

8.1 Annual Leave

Annual leave continues to accrue during ShPL. Employees will take annual leave in the year that it is earned. Employees should consider how their annual leave entitlement can be used to ensure it is not untaken at the end of the holiday year. Employees (excluding teachers) will be entitled to take a day in lieu of any bank holiday that occurs during the period of their ShPL. These should where possible be taken in the leave year they relate to however if it is not possible they may be carried forward into the following leave year. Where, due to taking ShPL it is not possible for an employee to take their leave in the year it is accrued they may be allowed to carry forward the untaken balance of their statutory leave entitlement into the next leave year.

9. Sickness and Shared Parental Leave

An employee who is unfit to attend work is considered unable to care for the child and is therefore not entitled to take shared parental leave.



10. Definitions

Expected Week of Childbirth (EWC) - the week, beginning with midnight between Saturday and Sunday, in which, as appropriate, the mother's doctor or midwife expects the child will be born, or expected the child to be born.

Adopter – An adopter is someone with whom the child is, or is expected to be, placed for adoption. Where two people have been matched jointly, the adopter for the purposes of the shared parental leave scheme is the person who elected to take statutory adoption leave.

Partner of a mother or adopter – a person (whether of a different sex or of the same sex) who lives with the mother or adopter and with the child in an enduring family relationship but is not the mother or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece, or nephew.

Placed for adoption – means either placed for adoption under the Adoption and Children Act 2002 or the Adoption and Children (Scotland) Act 2007; or placed in accordance with section 22C of the Children Act 1989 with a local authority foster parent who is also a prospective adopter.

Monitoring and Review of this Policy

The Trust shall be responsible for reviewing this policy from time to time to ensure that it meets legal requirements and reflects best practice.

