



The Bishop Konstant Catholic Academy Trust

Learning Communities, Inspired by Faith

Trust Shared Parental Leave Procedure 2023-2024



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POLICY DOCUMENT	Trust Shared Parental Leave Procedure
Legislation/Category: Academy Schools	Legally Required
Lead Member of Staff:	Trust Head of HR
Approved by:	BKCAT Trust Board
Date Approved:	June 2023
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Review Frequency:	2 Years

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			

Contents

Mission Statement 1

Change Control 2

1. Introduction **Error! Bookmark not defined.**

2. When and How Can Shared Parental Leave be Taken..... **Error! Bookmark not defined.**

3. Notification Requirements for Shared Parental Leave/Pay.....**Error! Bookmark not defined.**

4. Returning to work after Shared Parental Leave 8



1. Introduction

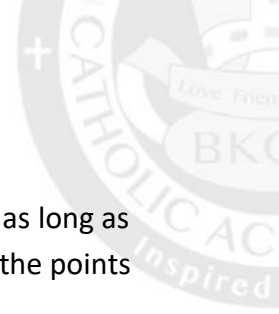
The Academy Trust is supportive of parents who wish to take shared parental leave in accordance with the statutory provisions. Shared parental leave legislation applies where a baby is due to be born on or after 5 April 2015, or where a child is placed for adoption on or after 5 April 2015 where the 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. When and how can Shared Parental Leave be taken

An employee must give at least 8 weeks' notice of each period when they want to take ShPL (an employee can give up to 3 notices of leave or to vary leave).

- ShPL must be taken in blocks of complete weeks with a minimum period of 1 week (a week can commence on any day of the week).
- The mother can take ShPL after she has taken the legally required 2 weeks of maternity leave immediately following the birth of the child.
- The main adopter can take ShPL after taking a minimum of 2 weeks adoption leave.
- The father/spouse or partner can take ShPL immediately following the birth/ placement of the child but may choose to first use their paternity leave entitlements.
- It must be taken in the period from the day the child is born to the day before the child's first birthday (or from the date of placement for adoption to the day before the first anniversary of the placement of an adopted child).
- It can be taken as one continuous period or (if agreed by the employee's manager) in discontinuous blocks.
- It is possible for both parents to be on leave at the same time, for example one parent to take ShPL at the same time that the other parent is on Maternity or Adoption leave (if the mother or adopter has already given notice to curtail their Maternity/ Adoption entitlement), or at the same time that the other parent is also taking ShPL.



- If an employee requests a single block of leave in their period of leave notice, then as long as the eligibility criteria have been met and the leave requested is a valid period as in the points above, then it cannot be refused.
- An employee can use a single period of leave notice to request a number of discontinuous blocks of leave. There is no statutory entitlement for the employee to be able to take the leave in discontinuous blocks on one notice. In this case there is a discussion period of 2 weeks from the Academy Trust receiving the notice for the Academy Trust to discuss with the employee and decide whether to consent to the leave, propose alternative dates or refuse the dates. If agreement is not reached about the timing of discontinuous leave the employee has 5 days from the end of this 2-week period to specify a date from which they will take the leave as a continuous period (must be at least 8 weeks after the date the notice was originally given to the Academy Trust).

3. Notification Requirements for Shared Parental Leave/Pay

Curtailment of Maternity/ Adoption Leave and Pay

In order to have ShPL the mother or adopter must end the entitlement to maternity leave or adoption leave before using their full entitlement. It must be ended at least 1 week before the end of the full statutory maternity or adoption leave period. It cannot be ended until after the compulsory maternity leave period following the birth of the child (2 weeks) or until at least 2 weeks of adoption leave have been taken. Where the mother or adopter is an Academy Trust employee the entitlement to maternity or adoption leave can be ended either by:

- Giving 8 weeks notice before returning to work early or:
- Giving a leave curtailment notice in writing which states the future date on which the mother or adopter will end this leave (see ShPL1 or ShPL2 Form). This notice is accompanied by a notice of entitlement to shared parental leave (see ShPL3 or ShPL6 Form) or a declaration of entitlement and consent for the partner's leave (see ShPL5 or ShPL8 Form). This notice must be provided at least 8 weeks prior to the first period of ShPL being taken.

For either partner to have any entitlement to ShPP the mother or adopter must provide a written notice to curtail the entitlement to maternity or adoption pay with 8 week's notice. If the mother or adopter has already returned to work early from maternity or adoption leave there is still a requirement to provide a pay curtailment notice for there to be an entitlement to ShPP. The period of ShPP available is 39 weeks less the number of weeks of maternity or adoption pay taken up to the return-to-work date.

If the mother or adopter is eligible for maternity pay or adoption pay, but not leave then she will have to provide a pay curtailment notice – giving 8 weeks' notice - to end her pay so that the partner may take ShPL (if eligible). If the mother claims maternity allowance from Jobcentre Plus, she must curtail this by notifying Jobcentre Plus.



Revoking a Leave Curtailment Notice

There are limited circumstances in which the mother or adopter may change their mind about ending their maternity or adoption leave:

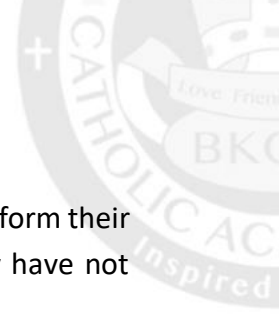
- It is discovered following the curtailment notice that neither of the parents are entitled to ShPL or ShPP and the mother or adopter withdraws the notice within 8 weeks of giving the notice; or
- The mother/adopter gave their maternity/adoption leave curtailment notice before the birth/placement of the child, in which case she has 6 weeks from the date of birth/placement to change their mind and revoke the end of their maternity/adoption leave and they may subsequently give another leave curtailment notice; or
- The partner/spouse of the mother or adopter dies.

Where one of these circumstances apply the mother or adopter must provide written notification before the curtailment date to state that they revoke their leave curtailment notice and should give the date of death of their partner/spouse if applicable. It is not possible to give another leave curtailment notice after having revoked a previous notice, except where the mother had given the original notice before the birth and then changed her mind after the birth.

Notification of an entitlement to Shared Parental Leave (and Shared Parental Pay where applicable)

An employee entitled and intending to take ShPL must give their line manager notification of their entitlement and intention to take to ShPL, (ShPL4 or ShPL7 Form) at least eight weeks before they can take any period of ShPL. If the employee is entitled to receive ShPP they must give notice of this entitlement at least 8 weeks before taking ShPP and therefore to avoid duplication where there is an entitlement to ShPP the employee should include this as part of the notification of entitlement to take ShPL. The employee must also provide the Academy Trust with a signed declaration from their partner confirming:

- their name, address, and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child, or they are the father of the child or are the spouse, civil partner, or partner of the mother/adopter;
- that they satisfy the eligibility criteria for ShPL and ShPP
- that they consent to the amount of ShPL (and ShPP where applicable) that the employee intends to take;
- that they consent to the Academy Trust processing the information contained in the declaration form;
- (in the case of the mother or adopter where the partner is taking ShPP), the date on which their maternity or adoption pay period or maternity allowance period began and the number of weeks by which it will be reduced; and



- (in the case where the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions, for example if they have not reduced their maternity/ adoption leave (and where applicable, pay) period.

Variation of the number of weeks each parent takes The notification of entitlement gives a non-binding indication of how much ShPL and ShPP each of the parents are intending to take and when. The employee can give any number of variation notices to cancel or vary how much leave (and pay if applicable) they intend to take and the periods during which they intend to take it. Such variations are only an indication and are not binding.

Requesting evidence of eligibility

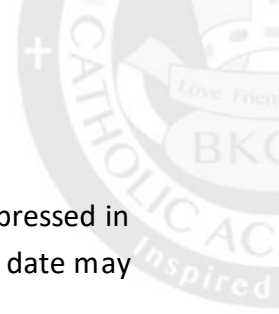
The Academy Trust will within 14 days of being given the notification of entitlement to ShPL, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead);
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration which states this fact and provides the date and location of the child's birth). If the child has not yet been born when the request is made then the birth certificate should be provided within 14 days of the birth;
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption. If an employee fails to provide the evidence requested, the Academy Trust will not agree to any requests for ShPL and depending on the circumstances may instigate an investigation as to whether the request is legitimate.

Period of Leave Notice or Booking Notice

In addition to notifying the Academy Trust of entitlement to ShPL/ShPP an employee must give the Academy Trust a notice to take leave. (See ShPL9 Form). This notice must be provided at least 8 weeks before the first period of leave they wish to take under that notice. In many cases the notice to take leave will be given at the same time as the notice of entitlement to ShPL/ShPP. An employee has a statutory right to submit up to 3 notifications to book or vary periods of leave. Note that the following do not count towards the 3 notifications:

- a notice withdrawn within 15 days of providing it;
- a notice to vary leave due to a child being born earlier or later than the EWC;
- a notice to vary provided following a request from the employer that the employee vary the period of leave. Each notification may contain either:
 - a single continuous period of full weeks of leave; or
 - two or more weeks of discontinuous leave where the employee intends to return to work between periods of leave.



If the notice is given before the child's birth the start and end dates of leave may be expressed in terms of a number of days following the birth (or in case of a father or partner the start date may possibly be on the date of birth).

If the notice is given before the child is placed for adoption the start and end dates may be expressed as the number of days following the placement for adoption (or the start date may be expressed as the day the child is placed for adoption).

Where the notice is for one continuous period of leave the employee is entitled to take this leave so long as it does not exceed the number of weeks available to them (specified in the notice of entitlement), 8 weeks notice has been given and the dates requested are within the period in which shared parental leave may be taken. An example of a continuous period of leave would be an employee's notice for 6 weeks leave to be taken in one single unbroken block.

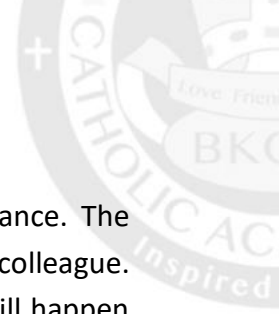
If the notice is for discontinuous periods of leave (an example would be where an employee notifies 6 weeks leave as 6 weekly blocks over a 12-week period working every alternate week) the manager will consider the notice but does not have to agree to it. The decision could be:

- to consent to the pattern of leave;
- to propose an alternative pattern of leave; or
- to refuse the pattern of leave

Requests for discontinuous leave will be carefully considered on a case-by-case basis, weighing up the potential benefits to the employee and to the Academy Trust against any adverse impact to the service. Agreement to one request will not set a precedent or create the right for another employee to be granted a similar pattern of ShPL.

- The employee will be informed of the decision within 2 weeks of giving the notice.
- If the manager consents to the leave pattern requested or has agreed with the employee alternative leave dates the employee is entitled to take the leave on the dates agreed.
- If no agreement has been reached in 2 weeks from the date of the notice the employee is entitled to take the total amount requested as a continuous block.
- If the leave pattern is refused the employee may withdraw the notice within 15 days of the notice being given, without it counting as 1 of the 3 notifications.
- If after refusal of the leave pattern, the employee chooses to take the leave in a single continuous block the employee has until the 19th day from the notice being given to specify a date from which they will take the continuous period of leave (the date must be after the required 8-week notice period). If the employee does not choose a date the default position is that the leave will commence on the start date of the first period of leave requested.

When a period of leave notice is received, a meeting will usually be arranged with the employee to discuss it. A meeting may not always be required if the request is for a single period of continuous leave or where a request for discontinuous leave can be approved without further discussion.



The meeting to discuss the notice will take place in private and be arranged in advance. The employee may, if they wish, be accompanied by a trade union representative or work colleague. The purpose of the meeting will be to discuss in detail the leave proposed and what will happen while the employee is away from work. Where the request is for a period of discontinuous leave the discussion will consider how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Academy Trust and what the outcome may be if no agreement is reached.

All notices for continuous leave will be confirmed in writing within 2 weeks (14 calendar days) of the notification being made. All decisions on discontinuous leave requests will be communicated to the employee within 14 calendar days of the notice being given.

An employee may ask to vary or cancel an agreed and booked period of ShPL (and ShPP where applicable) if the notice is given at least 8 weeks before the date of the variation. This will usually count as one of the 3 allowed period of leave notices unless it is one of the exceptional circumstances identified earlier in this section.

Child Born Early

The requirement to give 8 weeks' notice to vary a period of leave or pay does not apply if the child is born before the EWC and the parent is to take leave within 8 weeks of the birth. If the parent wishes to amend the start date of the leave so that it starts the same length of time following the birth as it would have done if the birth had been in the EWC then the requirement is to provide notice to vary the leave as soon as is reasonably practicable after the birth.

If the child is born more than 8 weeks before the EWC and the notification of entitlement and the period of leave notice have not already been provided the requirements are amended. If leave is to be taken within 8 weeks of the child's birth the notices must be provided as soon as reasonably practicable after the child's birth.

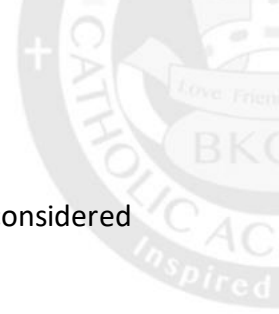
Change in circumstances

Where, less than 8 weeks before, or during a period of ShPL a change in circumstances means that an employee no longer meets the criteria for ShPL (for example the employee is no longer caring for the child, or the mother or adopter has not curtailed their maternity/adoption leave or pay), the Academy Trust may still require the employee to take or continue such leave until the earlier of:

- the earliest time that the Academy Trust can accommodate a return to work; or
- 8 weeks after the Academy Trust is notified of the change.

4. Returning to work after Shared Parental Leave

If the employee wishes to return to work earlier than the expected return to work date, they may provide a written notice to vary the leave with at least 8 weeks' notice. This will count as one of the 3 notifications. If the individual has already used their 3 notifications to book or vary leave then the



Academy Trust does not have to accept the notice to return early but may do so if it is considered to be reasonably practicable to do so.

Annual Leave and Bank Holidays

The following guidance supplements the provisions included in the Shared Parental Leave Policy. The maximum amount of leave which can be carried forward to the following leave year (where ShPL has prevented an employee from taking all of their statutory leave entitlement) is 20 days (pro-rata for part time employees) if the employee has a separate bank holiday entitlement, given the carry over of untaken bank holidays is treated separately. For teachers and other employees who don't have a separate bank holiday entitlement the maximum carry over of leave is 28 days (pro-rata for part time employees).

If leave is carried over in these circumstances, the maximum carry forward period is limited to the end of the following leave year. If an employee's contract of employment terminates and they have been unable to take their annual leave due to ShPL, they are entitled to payment in lieu of any untaken annual leave accrued in the current leave year and, if applicable, for any untaken statutory holiday entitlement which they had been permitted to carry over from the previous leave year. Teachers accrue statutory holiday entitlement (up to 28 days per year, if full time, under the Working Time Regulations) during a period of ShPL.

This statutory holiday entitlement can be offset by any school closure periods before or after the period of leave. It is likely that there will be enough school closure periods in the year outside of the period of ShLP to fit the holiday entitlement. If the teacher has been unable to fit in the accrued entitlement then the balance of up to 28 days may be carried forward to the next year to be taken during periods of school closure.

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.