SHARED PARENTAL LEAVE (ADOPTION) POLICY

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Contents

1. Scope…… 4

2. Introduction to shared parental leave…….. 4

3. Definitions under this shared parental leave policy…….. 4

4. Scope of this shared parental leave policy…….. 5

5. Amount of shared parental leave available……..5

6. Eligibility for shared parental leave……6

6.1. Adopter's eligibility for shared parental leave……6

6.2. Partner's eligibility for shared parental leave……6

7. Notice requirements for shared parental leave……7

7.1. Adopter's notice curtailing adoption leave……8

7.2. Revocation of adoption leave curtailment notice……8

7.3. Your notice of entitlement and intention……..8

7.4. Variation or cancellation of notice of entitlement and intention……9

7.5. Your period of leave notice……10

7.6. Variation or cancellation of period of leave notice……10

7.7. Limit on number of requests for leave……10

8. Continuous period of shared parental leave……10

9. Discontinuous periods of shared parental leave……10

10. Amount of shared parental pay available……11

11. Eligibility for statutory shared parental pay……11

11.1. Adopter's eligibility for statutory shared parental pay……12

11.2. Partner's eligibility for statutory shared parental pay……12

12. Rights during shared parental leave……..13

13. Contact during shared parental leave……14

14. Returning to work following shared parental leave……..14

15. Dismissal protection……14

Appendix 1 - Summary of SPL (Adoption) ……15

1 Key Entitlements……15

2 Eligibility ……15

3 Notice Requirements……15

4 Shared Parental Pay……15

5 During Leave……15

6 Return to Work ……15

7 Dismissal Protection……15

1. Scope

This policy applies to all employees. It has been subject to consultation with Trade Unions. It does not form part of anybody's contract of employment and may be varied.

2. Introduction to shared parental leave

This policy sets out your rights to shared parental leave and pay when adopting a child. Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with your partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date. We have a separate policy on shared parental leave for parents in a birth situation.

Shared parental leave should not be confused with unpaid parental leave, which is unaffected by shared parental leave.

We recognise that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if you wish to take shared parental leave you should discuss this with your Headteacher at the earliest opportunity to ensure that the processes are followed correctly.

3. Definitions under this shared parental leave policy

The following definitions are used in this policy:

- "**Adopter**" means the person with whom the child is, or is expected to be, placed for adoption, or, in a case where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of adoption leave.
- "**Partner**" means the person who is married to, or the civil partner or the partner of, the adopter at the date on which the child is placed for adoption (for adoptions from overseas, at the date on which the child enters Great Britain). This includes someone, of whatever sex, who lives with the adopter and the child in an enduring family relationship but who is not the adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
- **"Matched for adoption"** means an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.
- **"Placed for adoption"** means placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").
- **"Official notification"** means written notification, issued by or on behalf of the relevant central authority, that it is prepared to issue a certificate to the overseas authority concerned with the

adoption of a child from overseas, or that it has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt, and has been assessed and approved as being a suitable adoptive parent.

4. Scope of this shared parental leave policy

This policy applies to employees, whether you are the adopter or the partner. If you are the adopter and are employed by us, your partner must (where relevant) submit any notifications to take shared parental leave to their own employer, which may have its own shared parental leave policy in place, if they want to take a period of shared parental leave.

Similarly, if you are the partner and are employed by us, the adopter must (where relevant) submit any notifications to their own employer.

The adopter and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

5. Amount of shared parental leave available

The amount of shared parental leave to which an individual is entitled will depend on when the adopter brings their leave period to an end and the amount of leave that the other adoptive parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. You can request to take shared parental leave in one continuous block (in which case we are required to accept the request as long eligibility and notice requirements are met), or as a number of discontinuous blocks of leave of at least a week each in length (in which case our agreement is needed). A maximum of three requests for leave per adoption placement (regardless of the number of children who are placed as part of that placement) can normally be made by each adoptive parent.

You can begin a period of shared parental leave at any time from the date on which the child is placed for adoption (for adoptions from overseas, at any time from the date on which the child enters Great Britain) or, where more than one child is placed for adoption through a single placement, the date of placement of the first child (for adoptions from overseas, at any time from the date on which the first child enters Great Britain). However, they should bear in mind that the adopter's partner will lose their entitlement to take up to two weeks' paternity leave following the adoption of their child if shared parental leave is taken first. You must take any shared parental leave within 52 weeks of the date on which the child is placed for adoption (for adoptions from overseas, within 52 weeks of the date on which the child enters Great Britain).

6. Eligibility for shared parental leave

To be eligible to take shared parental leave, both adoptive parents must meet certain eligibility requirements.

6.1. Adopter's eligibility for shared parental leave

The adopter is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in continuous employment with the Employer until the week before any period of shared parental leave that they take;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- are entitled to statutory adoption leave in respect of the child;

and

- comply with the relevant adoption leave curtailment requirements (or have returned to work before the end of statutory adoption leave), and shared parental leave notice and evidence requirements.

In addition, for the adopter to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which the child enters Great Britain in relation to an adoption from overseas);
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;

and

- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child.

6.2. Partner's eligibility for shared parental leave

The partner is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in

continuous employment with the Employer until the week before any period of shared parental leave that they take;

- has, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which the child enters Great Britain in relation to an adoption from overseas);
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory adoption leave or statutory adoption pay in respect of the child;

and

- comply with the relevant adoption leave or pay curtailment requirements or have returned to work before the end of statutory adoption leave.

7. Notice requirements for shared parental leave

The notices that you must give to us to be able to take shared parental leave are made up of three elements. They are:

- If you are the adopter an "adoption leave curtailment notice" setting out when you propose to end your adoption leave (unless you have already returned to work from adoption leave);
- a "notice of entitlement and intention" giving an initial, non-binding indication of each period of shared parental leave being requested; and
- a "period of leave notice" setting out the start and end dates of each period of shared parental leave being requested.

The notice periods set out below are the minimum required by law. However, the earlier we are informed of an employees' intentions, the more likely it is that we will be able to accommodate their wishes, particularly if they want to take periods of discontinuous leave.

If you have already decided the pattern of shared parental leave that you would like to take, you can provide more than one type of notice at the same time. For example, the adopter could provide an adoption leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide their notice of entitlement and intention and period of leave notice at the same time.

7.1. Adopter's notice curtailing adoption leave

Before the adopter or partner can take shared parental leave, the adopter must either return to work before the end of their adoption leave (by giving the required eight weeks' notice of their planned return) or provide us with an adoption leave curtailment notice. The adoption leave curtailment notice must be in writing and state the date on which adoption leave is to end. That date must be at least:

- two weeks after the first day of the adopter's ordinary adoption leave period;
- eight weeks after the date on which the adopter gave the adoption leave curtailment notice to their employer; and
- one week before what would be the end of the additional adoption leave period.

The adopter must provide their adoption leave curtailment notice at the same time they provide either

- their notice of entitlement and intention or
- a declaration of consent and entitlement confirming that their partner has given their employer a notice of entitlement and intention.

7.2. Revocation of adoption leave curtailment notice

The adopter can withdraw their notice curtailing their adoption leave in limited circumstances. The withdrawal of an adoption leave curtailment notice must be in writing and can be given only if the adopter has not returned to work. The adopter can withdraw their adoption leave curtailment notice if:

- it is discovered that neither the adopter nor the partner is entitled to shared parental leave or statutory shared parental pay and the adopter withdraws their adoption leave curtailment notice within eight weeks of the date on which the notice was given; or
- the partner has died.

7.3. Your notice of entitlement and intention

You must provide us with a non-binding notice of entitlement and intention. The notice of entitlement and intention must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken and they must complete the relevant form associated with this policy which sets out the information required.

Within 14 days of receiving a notice of entitlement and intention from you, whether the adopter or partner, we can request:

- (In relation to adoptions within the UK), documentary evidence from the adoption agency of:
    - the name and address of the adoption agency;
    - the date on which the adopter was notified of having been matched for adoption with the child; and
    - the date on which the adoption agency expects the child to be placed for adoption with the adopter; and
- (In relation to adoptions from overseas), a copy of the official notification;

and

- whether a UK or overseas adoption, the name and address of the other adoptive parent's employer (or a declaration that the other adoptive parent has no employer).

You have 14 days from the date of the request to send us the required information.

7.4. Variation or cancellation of notice of entitlement and intention

You can vary or cancel your proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that you provide us with a written notice. The written notice must contain:

- an indication as to when you intend to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the adopter and the partner that they agree the variation.

Any indication of leave intended to be taken that you provide in a variation of notice of entitlement and intention is non-binding until you provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

7.5. Your period of leave notice

To take a period of shared parental leave, the employee must provide us with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

7.6. Variation or cancellation of period of leave notice

You can vary or cancel their proposed shared parental leave dates following the submission of a period of leave notice, provided that you provide us with a written notice not less than eight weeks before any period of leave varied by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

7.7. Limit on number of requests for leave

You can provide a combined total of up to three period of leave notices or variations of period of leave notices per adoption, although we may waive this limit in some circumstances.

8. Continuous period of shared parental leave

If you submit a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave subject to you meeting the eligibility criteria as defined above.

9. Discontinuous periods of shared parental leave

You may submit a period of leave notice requesting discontinuous periods of leave. For example, the adopter and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If you submit a period of leave notice requesting discontinuous periods of leave, the employer, in the two weeks beginning with the date the period of leave notice was given, can:

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

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, you are entitled to take the leave as one continuous period of leave. In that event, you must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. You must notify us of that date within five days of the end of the two-week discussion period. If you do not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if we have refused the request or no agreement has been reached during the two-week discussion period, you may withdraw a period of leave notice requesting discontinuous periods of leave. You can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that you can make.

10. Amount of shared parental pay available

Statutory shared parental pay is available for eligible adoptive parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the adoptive parents will depend on how much statutory adoption pay the adopter has been paid when their adoption pay period ends. A total of 39 weeks' statutory adoption pay is available to the adopter. As adoption leave cannot be curtailed for the first two weeks of leave, an adopter can share up to 37 weeks' statutory shared parental pay with their partner.

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the adoptive parents as to who is paid any statutory shared parental pay and how it is apportioned between them.

11. Eligibility for statutory shared parental pay

For you to be eligible for statutory shared parental pay, both adoptive parents must meet certain eligibility requirements.

11.1. Adopter's eligibility for statutory shared parental pay

The adopter is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in continuous employment with the Employer until the week before any period of shared parental leave that they take;
- have normal weekly earnings for a period of eight weeks ending with the week in which the adopter is notified of having been matched for adoption with the child (or by the week in which they receive official notification in relation to an adoption from overseas) of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child;
- are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay; and
- are entitled to statutory adoption pay in respect of the child, but the adoption pay period has been reduced.

In addition, for the adopter to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which they receive official notification in relation to an adoption from overseas);
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child.

11.2. Partner's eligibility for statutory shared parental pay

The partner is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas) and remain in continuous employment with the Employer until the week before any period of shared parental leave that they take;
- have normal weekly earnings for a period of eight weeks ending with the week in which the adopter is notified of having been matched for adoption with the child (or by the week in which

they receive official notification in relation to an adoption from overseas) of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the adopter, for the care of the child;

and

- are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay.

In addition, for the partner to be eligible, the adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the week in which the adopter is notified of having been matched for adoption with the child (or the week in which they receive official notification in relation to an adoption from overseas);
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date on which the child is placed for adoption (or enters Great Britain if the child is being adopted from overseas), the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory adoption pay in respect of the child, but the adoption pay period has been reduced.

12. Rights during shared parental leave

During shared parental leave, all terms and conditions of your contract except normal pay will continue. Salary will be replaced by statutory shared parental pay if eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid during periods of paid shared parental leave.

13. Contact during shared parental leave

We reserve the right to maintain reasonable contact with you during shared parental leave. This may be to discuss your plans for your return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence. You can agree to work for us (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of their shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days. We have no right to require you to carry out any work and you have

no right to undertake any work during your shared parental leave. If you do any work, you will be paid your normal rate of pay inclusive of any statutory ShPP entitlement.

14. Returning to work following shared parental leave

You have the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory adoption leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.

If you are returning to work from shared parental leave and the period of leave taken is more than 26 weeks*, you have the right to return to the same job unless this is not reasonably practicable. If it is not reasonably practicable for us to permit a return to the same job, you have the right to return to another job that is suitable and appropriate for you.

(the period of leave is calculated by adding and period of shared parental leave, statutory adoption or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional adoption leave or additional maternity leave)*

15. Dismissal protection

Where it is not practicable by reason of redundancy for us to permit a return to work in the substantive post, you shall be entitled to be offered a suitable alternative vacancy where one exists, on a first refusal basis, provided that the work to be done in that post is suitable and appropriate to the circumstances. In addition, the capacity and place you are to be employed and the terms and conditions of employment should not be substantially less favourable, than if they were able to return in the job as originally employed.

Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g., a general reorganisation), which would have occurred if employees had not been absent, necessitate a change in the job in which you were employed prior to your absence. The work to be done should be suitable and appropriate to the circumstances and the capacity and place you are to be employed and your terms and conditions of employment should not be less favourable to you than if you had been able to return to the job in which you were originally employed.

The protected period will cover 18 months from the birth provided you have taken at least 6 consecutive weeks of shared parental leave. It will not apply if you are otherwise protected under maternity or adoption leave.

Headteachers and Governors should seek further advice from their HR Advisors.

Appendix 1 - Summary of Shared Parental Leave (Adoption)

1. Key Entitlements

- Up to 50 weeks of leave and 37 weeks of pay can be shared between adoptive parents.
- Leave must be taken within 52 weeks of the child's placement.
- Leave can be taken in one block or split into multiple blocks (minimum one week each).
- You can make up to three leave requests per adoption placement.

2. Eligibility

- Both the adopter and their partner must have 26 weeks' continuous employment before the matching week.
- They must be responsible for the child's care.
- They must meet earnings thresholds for statutory pay.

3. Notice Requirements

- Curtailment notice (if adopter is ending adoption leave).
- Notice of entitlement and intention (non-binding).
- Period of leave notice (binding dates).
- Each notice must be given at least 8 weeks before the leave starts.

4. Shared Parental Pay

- Up to 37 weeks of pay available, depending on how much adoption pay has been used.
- Paid at SMP weekly rate or 90% of average weekly earnings, whichever is lower.
- Pay can be split between adoptive parents.

5. During Leave

- All contract terms continue except salary.
- Holiday and pension contributions continue.
- You may work up to 20 SPLIT days without ending your leave.

6. Return to Work

- You have the right to return to the same job if total leave is 26 weeks or less.
- If more than 26 weeks, you may return to a suitable alternative role.

7.Dismissal Protection

- You are protected from redundancy for 18 months from the child's placement if you take at least 6 weeks of SPL.
- You must be offered a suitable alternative role if your original role is redundant