St John and St Nicolas Schools Federation

Shared Parental Leave Policy SJN087

Version No: 1.1 Issue Date: March 2026

Contents

1. Introduction..... 2
2. Purpose..... 3
3. Scope..... 3
4. Shared Parental Leave..... 3
5. Eligibility..... 4
6. Partners elgibiltity 4
7. Notification requirements.....4
8. When SPL can start.....6
9. How employees can take SPL.....7
10. Variation's to arranged SPL.....7
11. Benefits and contracts of employment during SPL.....7
12. Returning to work.....8

Change History

Version	Date	Change
1.0	Dec 2024	
1.1	March 2026	Updated to reflect legislative changes

1. Introduction

At St John and St Nicolas Schools Federation, our vision is 'For the good of all – through curiosity, creativity and love.' This vision inspires everything that the federation does.

It applies equally to all the federation's policies with the intention that our policies impact as fairly and positively as possible to meet the needs of all members of our schools' community.

2. Purpose

We recognise and value our diverse workforce. In seeking to recruit, motivate and retain employees, we actively support policies which support:

- Maternity
- Adoption
- Paternity
- Parental leave

This procedure sets out employees' rights concerning:

- Pay
- Time off
- Their return to work

This procedure also applies to employees who are having a child, fostering, through adoption or a surrogacy arrangement.

3. Scope

This procedure applies to all employees of West Berkshire schools where West Berkshire Council provides HR support or is a maintained school.

This procedure is non-contractual and may be updated at any point to reflect changes in areas such as legislation, best practice and Council requirements.

4. Shared Parental Leave

Shared Parental Leave (SPL) lets eligible parents share the care of their child in the year after the child's birth or adoption. Its purpose is to give parents more flexibility in how to best care for their child.

If eligible, an employee may be entitled to share up to a maximum of 50 weeks' SPL during the child's first year after birth or placement with the family. This maximum is achieved by the person that gave birth or adopter/foster carer cutting short their maternity or adoption leave after their two week's compulsory leave.

SPL enables the person that gave birth and primary adopters to choose to end their maternity or adoption leave and pay early. With surrogacy, the primary adopter refers to the legal parent who has elected to take adoption leave.

Their partner can:

- take leave equivalent to the balance of maternity or adoption leave and pay
- or share the leave with the primary caregiver

The primary caregiver can choose to continue with their maternity leave and pay. The partner can take off time at the same time using the balance of the primary caregiver's maternity leave as SPL. The primary caregiver and their partner may choose to take the leave and pay at different times and at a later date.

Both parents should liaise with their respective employers as early as possible.

5. Eligibility

Only the primary caregiver and the partner of the child can share SPL. Both parents must share responsibility for the care of the child at the time of the birth or placement for adoption. Check if you are eligible for SPL on GOV.uk.

The Primary Caregiver's Eligibilty For SPL

The primary caregiver is eligible for SPL if they:

- have been employed by us for a continuous period of 26 weeks by the end of the 15th week before the expected week of childbirth or placement. They must remain in employment with us until the week before any period of SPL
- have the primary responsibility for the care of the child, apart from the partner
- are entitled to statutory maternity or adoption leave in respect of the child
- comply with the maternity or adoption leave requirements as well as the SPL notice and evidence requirements. This includes returning to work before the end of statutory maternity or adoption leave

Also, their partner must:

- have been employed or been a self-employed earner for 26 weeks of the 66 weeks before the expected week of childbirth or placement

- have average weekly earnings of at least the maternity allowance threshold (£390) for any 13 weeks of those 66 weeks
- have the primary responsibility for the care of the child, apart from the primary caregiver

6. Partners Eligibilty For SPL

The partner is eligible for SPL if they:

- have been employed by us for a continuous period of 26 weeks by the end of the 15th week before the expected week of childbirth or placement. They must remain in employment with us until the week before any period of SPL
- have the primary responsibility for the care of the child, apart from the primary caregiver
- comply with the SPL notice and evidence requirements

Also, the primary caregiver must:

- have been employed or been a self-employed earner for 26 weeks of the 66 weeks before the expected week of childbirth or placement
- have average weekly earnings of at least the maternity allowance threshold for any 13 weeks of those 66 weeks
- have the primary responsibility for the care of the child, apart from the primary caregiver
- be entitled to statutory maternity or adoption leave, pay or maternity allowance in respect of the child
- comply with the maternity leave or pay curtailment requirements. This includes returning to work before the end of statutory maternity leave.

7. Notification Requirements

If an employee wishes to take SPL in respect of a child, they must make three notifications:

- A notice from the primary caregiver ending or shortening their maternity or adoption leave to create SPL (a curtailment notice)
- An SPL opt-in notice (if they are primary caregiver), or an SPL opt-in notice 3 (if they are the partner), confirming their entitlement to SPL and an intention to take it
- A booking notice confirming that they wish to book a period of SPL

Step 1: A curtailment notice

If an employee is the person that gave birth, they can opt into the SPL scheme. They must give at least eight weeks' written notice to end the maternity or adoption leave

before they or their partner can take SPL. This 'curtailment notice' must state the date the maternity or adoption leave will end.

Individuals can give the notice before or after they give us the birth or placement date. They cannot finish the maternity or adoption leave until at least two weeks after birth or placement date.

At the same time as submitting the curtailment notice, employees should give us:

- notice to opt into the SPL scheme
- a written statement that the other parent has given their employer an opt-in notice that includes the necessary declarations

The curtailment notice is binding. If the maternity or adoption leave has not yet ended, an employee can only revoke it if:

- they or their partner become aware that they are not eligible for SPL or statutory shared parental pay. In this case, they can revoke the notice in writing up to eight weeks after giving it
- in a birth case, the employee gave the curtailment notice before the birth of the child. In this case, they can revoke the notice in writing up to six weeks after the birth
- if the other parent has died

Once an employee has revoked a curtailment notice, they cannot opt back into the SPL scheme. The only exception is where the employee gave the notice before the birth of the child.

Step 2: Opt-in notice

Employees who wish to take SPL must notify their manager at least eight weeks before the date they want to start leave. They must provide:

- information about their own and their partner’s plans for SPL
- declarations that they and their partner both meet the statutory conditions to enable them to take SPL and Shared Parental Pay (SHPP)

We reserve the right to request further evidence of eligibility, such as:

- contact details for the partner’s employer if they have one
- a copy of the birth or matching certificate

If we make such a request, the employee must provide this information within 14 days.

Step 3: Booking notice

Employees must also give notice to book and take the leave requested. In many cases, they will provide this at the same time as the opt-in notice. They must submit each request at least eight weeks before the date they wish to start their leave and, if applicable, receive ShPP.

An employee may submit up to three booking notices for three separate periods of SPL. If they give notice to vary or cancel a period of leave, this will count as a further period of leave notice in most cases. If the SPL booking notice requests a single continuous period of SPL, they will be entitled to take their leave in this way.

An SPL booking notice may contain a request for split periods of SPL, with periods of work in between. Managers may:

- approve the request for discontinuous leave and confirm this in writing
- arrange to meet with the employee to discuss their request within two weeks of receiving it. The manager will confirm any arrangements in writing

Managers may refuse requests for discontinuous periods of leave where there are business reasons to do so. If this is the case, they will explain the reasons why.

Managers may refuse the leave pattern an employee request. If they reach no agreement with the employee during the two-week timeframe, the employee can:

- withdraw the leave booking request within two days of the end of the two-week timeframe. It will not count, and the employee may submit a new one
- or take the total leave requested in one continuous period starting on the start date given in the notice
- or choose a new start date, which must be at least eight weeks after giving the original booking notice. The employee must tell us within five days of the end of the two-week timeframe.

8. When SPL Can Start

The person that gave birth can take SPL after the compulsory two weeks of maternity leave after the birth of the child.

The adopter can take SPL after taking at least two weeks of adoption leave.

The partner can take SPL at any time following the birth or placement of the child.

A primary caregiver can give notice of the date to end their leave. The partner can take SPL while the person that gave birth or adopter is still using their entitlements. SPL

will typically commence from the starting date on the employee's booking notice or subsequent variation notice This is unless the employee has requested a discontinuous period of leave which we cannot accommodate.

9. How Employees Can Take SPL

Employees must take any SPL within 52 weeks of the birth or placement of the child.

SPL not taken before the first birthday or first anniversary of placement for adoption, is lost.

SPL can only be taken in complete weeks but may begin on any day of the week

Employees can request to take SPL as one continuous period or as several discontinuous periods

10. Variations to Arranged SPL

Employees can vary or cancel an agreed and booked period of SPL. They must inform their manager, in writing, at least eight weeks before the original or new start date. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification, including notice to return to work early, will usually count as one of the three booking notices. This reduces the employee's right to book or vary leave by one. However, it will not count as a booking notice if the change is:

- due to a child being born early
- due to management requesting the change and the employee agreeing

We will confirm any variation in writing.

11. Benefits And Contract of Employment During SPL

An employee's terms and conditions of employment remain in force during SPL, except those relating to pay. In particular:

- the employee will receive statutory ShPP instead of usual salary and contractual allowances
- annual leave will continue to accrue
- any period of SPL counts as a period of continuous employment for statutory and contractual purposes

12. Returning to Work

An employee's return-to-work date is the first working day after the end of SPL. The booking notice will specify this.

Employees may return to work before the expected end date of the SPL period. They must give their manager at least eight weeks' written notice. This will count as one of their three SPL booking notices.

If they have already used their three booking notices, managers do not have to accept a request to return to work early. They may postpone the return date until eight weeks after the notice was given.

If the statutory total of SPL is fewer than 26 weeks, employees are entitled to return to the same job.

If the statutory total of SPL is more than 26 weeks, employees are entitled to return to the same job held before their last period of leave. If this is not practical, we will try to offer a suitable role with similar terms and conditions.

Where employees are unable to return to work after SPL due to sickness or injury, we will apply the Sickness Absence Policy. If an employee fails to return on the date expected for any other reason, we will treat it as an unauthorised absence.