Applecroft School



Shared Parental Leave Policy

Review Cycle:	**Annually**
Person Responsible:	**Finance & Business Manager**
Date of Issue:	**October 2026**
Review Date:	**October 2027**

The Professional Associations and/or Trade Unions have been consulted on this policy, and the school has adopted the contents based on HFL Education recommendation.

Shared Parental Leave Policy

1) Introduction:

School Vision:
'To be a positive and inspiring community that nurtures each individual and empowers leaders for life'.

School Mission Statement:
'Nurturing Potential, Inspiring Minds, Changing Lives'

School Values:

- Ambition and Leadership
- Kindness and Supportiveness
- Respect and Honesty
- Determination and Resilience.

2) 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.

3) Introduction to shared parental leave:

This policy sets out your rights to shared parental leave and pay. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. We have a separate policy on shared parental leave for employees who are adopting children.

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, you may have questions or concerns relating to your shared parental leave rights. Our policy helps 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 possibility to ensure that the processes are followed correctly.

4) Definitions under this shared parental leave policy:

The following definitions are used in this policy:

- "Mother" means the mother or expectant mother of the child.
- "Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of whatever sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
- "Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects them to give birth.

5) Scope of this shared parental leave policy:

This policy applies to employees, whether they are the mother or the partner. If you are the mother 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 mother must (where relevant) submit any

notifications to take shared parental leave to their own employer.

The mother 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.

6) Amount of shared parental leave available:

The amount of shared parental leave to which an individual is entitled will depend on when the mother curtails their maternity leave (i.e., brings it to an end) and the amount of leave that the other 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 as you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave of at least a week each in length (in which case you need our agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail their maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave mothers usually take before the birth).

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that they are entitled to take up to two weeks' paternity leave following the birth of their child, which they will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of birth.

7) Eligibility for shared parental leave:

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

7.1 Mother's eligibility for shared parental leave

The mother is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth 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 of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- are entitled to statutory maternity leave in respect of the child; and
- comply with the relevant maternity leave curtailment requirements (or have returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother 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 expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

7.2 Partner's eligibility for shared parental leave

The partner is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth 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 of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- comply with the relevant shared parental leave notice and evidence requirements.

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

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

8) Notice requirements for shared parental leave:

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

- if you are the mother a "maternity leave curtailment notice" setting out when you propose to end maternity leave (unless you have already returned to work from maternity 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 your intentions, the more likely it is that we will be able to accommodate your wishes, particularly if you 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, if you are the mother, you could provide a maternity 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.

8.1 Mother's notice curtailing maternity leave

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

- after the compulsory maternity leave period, which is the two weeks after birth;
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to their employer; and
- at least one week before what would be the end of the additional maternity leave period.

The mother must provide their maternity 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.

8.2 Revocation of maternity leave curtailment notice

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

- it is discovered that neither the mother nor the partner is entitled to shared parental leave or statutory shared parental pay and the mother withdraws their maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother

withdraws their maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died.

8.3 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. The relevant form associated with this policy which sets out the information required, must be completed and submitted.

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

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

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

8.4 Variation or cancellation of notice of entitlement and intention

You can vary or cancel their proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided 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 mother and the partner that they agree to 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 can be made.

8.5 Your period of leave notice

To take a period of shared parental leave, you 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.

8.6 Variation or cancellation of period of leave notice

You can vary or cancel your 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 or cancelled 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.

8.7 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 pregnancy, although we may waive this limit in some circumstances.

9) Continuous period of shared parental leave:

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

10) Discontinuous periods of shared parental leave:

You may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother 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, we can, in the two weeks beginning with the date the period of leave notice was given:

- 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, you will be entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, you will be 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.

11) Amount of shared parental pay available:

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when their maternity leave or pay period ends.

A total of 39 weeks' statutory maternity pay, or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks, this means that a mother who ends their maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with their partner (although it will normally be less than this because of the maternity leave mothers usually take before the birth).

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 your average weekly earnings, if this figure is lower than the Government's set weekly rate.

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

12) Eligibility for statutory shared parental pay:

To be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

12.1 Mother's eligibility for statutory shared parental pay

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

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with the employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for a period of eight weeks ending with the 15th week before the

expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, 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 maternity pay in respect of the child, but the maternity pay period has been reduced.

In addition, for the mother 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 expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks.

12.2 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 ending with the 15th week before the expected week of childbirth and remain in continuous employment with the employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- are absent from work and intends 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 mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

13) Rights during shared parental leave:

During shared parental leave, all terms and conditions of the contract of employment except normal pay will continue. Salary will be replaced by statutory shared parental pay if you are 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.

14) Contact during shared parental leave:

We reserve the right to maintain reasonable contact during shared parental leave. This may be to discuss the plans for your return to work, to discuss any special arrangements to be made or training to be given to ease the return to work or to update them on developments at work during your absence.

You can agree to work (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of your 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 shared parental leave. If you do any work, you will be paid the normal rate of pay inclusive of any statutory ShPP entitlement.

15) 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 maternity leave or statutory paternity leave taken 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 any period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or the last of two or more consecutive periods of statutory leave that included a period of unpaid parental leave of more than four weeks, or a period of additional maternity leave.)*

16) 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 you were able to return in the job as originally employed.

Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g., a general reorganisation), which would have occurred if you 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.

Under current legislation, provided you have taken at least 6 consecutive weeks of SPL, the protected period will cover 18 months from either;

- the date of the child's birth or
- the EWC

If you take less than 6 weeks shared parental leave, the protected period ends on the last day of the block of leave.

If you take discontinuous leave, the redundancy protected period finishes at the end of each period of SPL.

It will not apply if you are otherwise protected under maternity or adoption leave.

Headteachers and Trustees should seek further advice from their HR Advisors before making any decisions affecting employees within this protected period.

Appendix 1 - Summary of Shared Parental Leave (Birth)

1 Key Entitlements

· Up to 50 weeks of leave and 37 weeks of pay can be shared between parents.

· Leave must be taken within 52 weeks of the child's birth.

· 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 pregnancy.

2. Eligibility

· Both parents must meet employment and earnings criteria.

· Each must have 26 weeks' continuous employment before the 15th week prior to the expected week of childbirth.

· Each must have main responsibility for the child's care.

· Each must meet earnings thresholds for statutory pay.

3. Notice Requirements

· Submit a maternity leave curtailment notice (if you are the mother).

· Submit a notice of entitlement and intention (non-binding).

· Submit a 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 maternity pay has been used.

· Paid at SMP weekly rate or 90% of average weekly earnings, whichever is lower.

· Pay can be split between 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 birth if you take at least 6 weeks of SPL.

· You must be offered a suitable alternative role if your original role is redundant.