

SHARED PARENTAL LEAVE (ADOPTION) POLICY

ORIGINATOR: Natalie Ray

SLT LINK: Stuart Williams



June 2022

CONTENTS

| | | |
|-----|--|---|
| 1. | ABOUT THIS POLICY | 1 |
| 2. | FREQUENTLY USED TERMS | 2 |
| 3. | WHAT IS SPL?..... | 2 |
| 4. | ENTITLEMENT TO SPL..... | 2 |
| 5. | OPTING IN TO SHARED PARENTAL LEAVE AND PAY | 3 |
| 6. | ENDING ADOPTION LEAVE | 4 |
| 7. | ENDING A PARTNER'S ADOPTION LEAVE OR PAY | 5 |
| 8. | EVIDENCE OF ENTITLEMENT | 5 |
| 9. | BOOKING SPL DATES | 5 |
| 10. | PROCEDURE FOR REQUESTING SPLIT PERIODS OF SPL..... | 6 |
| 11. | CHANGING THE DATES OR CANCELLING SPL..... | 6 |
| 12. | SHARED PARENTAL PAY..... | 7 |
| 13. | OTHER TERMS DURING SHARED PARENTAL LEAVE | 7 |
| 14. | KEEPING IN TOUCH | 7 |
| 15. | RETURNING TO WORK..... | 8 |

1. ABOUT THIS POLICY

- 1.1 Within this policy 'we' and 'us' means the Federation.
- 1.2 This policy outlines the arrangements for Shared Parental Leave (SPL) and pay in relation to the adoption of a child. If the employee or the employee's partner are pregnant or have given birth please see the Shared Parental Leave (Birth) Policy instead.
- 1.3 This policy applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. FREQUENTLY USED TERMS

2.1 The definitions in this paragraph apply in this policy.

- Partner: the employee's spouse, civil partner or someone living with the employee in an enduring family relationship at the time the child is placed for adoption, but not the employee's sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- Qualifying Week: the week the adoption agency notifies the employee that they have been matched with a child for adoption.

3. WHAT IS SPL?

3.1 It gives the employee and their partner more flexibility in how to share the care of their child in the first year after adoption rather than simply taking maternity and paternity leave. Assuming the employee and their partner are both eligible, they will be able to choose how to split the available leave between them, and can decide to be off work at the same time or at different times. They may be able to take leave in more than one block.

4. ENTITLEMENT TO SPL

4.1 To trigger the right to SPL for one or both parents, the mother must:

- have a partner;
- be entitled to maternity/adoption leave; or to statutory maternity/ adoption pay or maternity allowance (if not eligible for maternity/adoption leave);
- have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).

4.2 The employee may be entitled to SPL if an adoption agency has placed a child with them and/or their partner for adoption and the employee intends to share the main responsibility for the care of the child with their partner.

4.3 The following conditions must be fulfilled:

- (a) if both parents want to share SPL, they both must have at least 26 weeks' continuous employment by the same employer by the end of the week they are matched with the child; and must still be employed by the same employer while SPL is taken; They must be 'employees' not 'workers' and each earn sufficient to qualify.
- (b) if only one of the parents wants to take the SPL and Shared Parental Pay (ShPP), the parent who wants to take the leave and pay must have been employed continuously by the same employer for at least 26 weeks by the end of the week you were matched with the child; have stayed with the same

employer while they take SPL; be an 'employee' (not a 'worker'); earnings on average must be sufficient to qualify. The other parent must have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the child was placed with you; have sufficient earnings in total in 13 of the 66 weeks (adding up the highest paying weeks, they do not need to be in a row).

- (c) the employee and their partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).

- 4.4 Either the employee or their partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.
- 4.5 If the employee's partner is taking adoption leave and/or claiming SAP, the employee may be entitled to two weeks paternity leave and pay. The employee will lose any untaken paternity leave entitlement once they start a period of SPL.
- 4.6 The total amount of SPL available is 50 weeks, less the weeks of adoption leave taken by either the employee or their partner (or the weeks in which the employee's partner has been in receipt of SAP if they were not entitled to adoption leave).

5. OPTING IN TO SHARED PARENTAL LEAVE AND PAY

- 5.1 Not less than eight weeks before the date the employee intends their SPL to start, or as soon as is reasonably practicable, they must give us a written opt-in notice which includes:
 - (d) their name and their partner's name;
 - (e) if the employee is taking adoption leave, their adoption leave start and end dates;
 - (f) if the employee is not taking adoption leave, their partner's adoption leave start and end dates, or if their partner is not entitled to adoption leave, the start and end dates of their SAP;
 - (g) the total SPL available, which is 50 weeks minus the number of weeks' adoption leave or SAP taken or to be taken by the employee or their partner;
 - (h) how many weeks of the available SPL will be allocated to the employee and how many to their partner (the employee can change the allocation by giving us a further written notice, and the employee does not have to use their full allocation);
 - (i) if the employee is claiming statutory shared parental pay (ShPP), the total ShPP available, which is 37 weeks minus the number of weeks of SAP taken or to be taken);

- (j) how many weeks of the available ShPP will be allocated to the employee and how many to their partner (the employee can change the allocation by giving us a further written notice, and the employee does not have to use their full allocation);
- (k) an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave (see section 'Booking SPL Dates' and 'Procedure for requesting split periods of SPL' for information on taking leave). This indication will not be binding at this stage, but please give as much information as possible about future intentions; and
- (l) declarations by the employee and their partner that they both meet the statutory conditions to enable them to take SPL and ShPP.

6. ENDING ADOPTION LEAVE

- 6.1 If the employee is taking or intend to take adoption leave and wants to opt into the SPL scheme, they must give us at least eight weeks' written notice to end their adoption leave (a curtailment notice). The notice must state the date their adoption leave will end. The employee can give the notice before or after adoption leave starts, but the employee must take at least two weeks' adoption leave.
- 6.2 The employee must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see 'Booking SPL Dates') or a written declaration that the employee's partner has given their employer an opt-in notice and that they have given the necessary declarations in that notice.
- 6.3 If the employee's partner is eligible to take SPL from their employer they cannot start it until the employee has given us their curtailment notice.
- 6.4 The curtailment notice is binding on the employee and cannot usually be revoked. An employee can only revoke a curtailment notice if their adoption leave has not yet ended and one of the following applies:
 - (a) if the employee realises that neither they nor their partner are in fact eligible for SPL or ShPP, in which case they can revoke the curtailment notice in writing up to eight weeks after it was given;
 - (b) if the employee's partner has died.
- 6.5 Once the employee has revoked a curtailment notice they will be unable to opt back in to the SPL scheme.

7. ENDING A PARTNER'S ADOPTION LEAVE OR PAY

- 7.1 If the employee's partner is taking adoption leave or claiming SAP from their employer, the employee will only be able to take SPL once their partner has either:
- (a) returned to work;
 - (b) given their employer a curtailment notice to end adoption leave; or
 - (c) given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

8. EVIDENCE OF ENTITLEMENT

- 8.1 The employee must provide on request:
- (a) one or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
 - (b) the name and address of their partner's employer (or a declaration that they have no employer);
 - (c) it is the employee's responsibility to check that they are eligible for SPL and ShPP and we should grant leave and pay based on the information and declarations provided by the employee;
 - (d) if it is subsequently discovered that ShPP was incorrectly paid, we will correct our records and may recover wrongly paid ShPP as an overpayment of wages, as applies to all statutory payments.

9. BOOKING SPL DATES

- 9.1 Having opted into the SPL system, the employee will need to give a period of leave notice, telling us the start and end dates of their leave. This can be given at the same time as their opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of their leave. The employee must also state in their period of leave notice the dates on which they intend to claim ShPP, if applicable.
- 9.2 If the employee's period of leave notice gives dates for a single continuous block of SPL they will be entitled to take the leave set out in the notice.
- 9.3 The employee can give up to three period of leave notices. This may enable the employee to take up to three separate blocks of SPL (although if they give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice; see paragraph 11, Changing the dates or cancelling SPL).

10. PROCEDURE FOR REQUESTING SPLIT PERIODS OF SPL

- 10.1 In general, a period of leave notice should set out a single continuous block of leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best for the employee to discuss this with their manager or the Executive Principal in good time before formally submitting their period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with the employee from the start.
- 10.2 The employee must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to the request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we and the employee have not reached an agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in their notice (for example, if they requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, the employee may:
- (a) choose a new start date (which must be at least eight weeks after the original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
 - (b) withdraw the period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and the employee may submit a new one if they choose).

11. CHANGING THE DATES OR CANCELLING SPL

- 11.1 The employee can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.
- 11.2 The employee can change the start date for a period of leave, or the length of the period of leave, by notifying us in writing at least eight weeks before the original start date and the new start date.
- 11.3 The employee can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date and the new end date.
- 11.4 The employee can change split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date.
- 11.5 The employee can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request as set out in paragraph 10.

- 11.6 A notice to change or cancel a period of leave will count as one of the employee's three period of leave notices, unless:
- (a) the variation is a result of the child being placed with the employee earlier or later than the expected placement date;
 - (b) the variation is at our request; or
 - (c) the employee and we agree otherwise.

12. SHARED PARENTAL PAY

- 12.1 The employee may be able to claim Statutory Shared Parental Pay (ShPP) of up to 37 weeks (less any weeks of SAP claimed by the employee or their partner)
- 12.2 To qualify for ShPP an employee needs to have met the 'continuity of employment test' and their average earnings are not less than the lower earnings limit set by the government each tax year, in the 8 weeks leading up to and including the 15th week before the child's due date/Matching date. They must also still be employed with the same employer at the start of the first period of ShPP.
- 12.3 The employee's partner must meet the 'employment and earnings test'.
- 12.4 ShPP is paid by employers at a rate set by the government each year.
- 12.5 If both parents qualify for ShPP they must decide how it will be divided, and they must each inform their employer of their entitlement.

13. OTHER TERMS DURING SHARED PARENTAL LEAVE

- 13.1 The employee's terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

14. KEEPING IN TOUCH

- 14.1 We may make reasonable contact with the employee from time to time during their SPL although we will keep this to a minimum. This may include contacting the employee to discuss arrangements for their return to work.
- 14.2 The employee may ask or be asked to work (including attending training) on up to 20 "Shared Parental Leave in Touch" days (SPLIT days) during their SPL. This is in addition to any KIT days that they may have taken during adoption leave. SPLIT days are not compulsory and must be discussed and agreed with the employee's line manager or the Executive Principal.
- 14.3 The employee will be paid at their normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

15. RETURNING TO WORK

- 15.1 If the employee wants to end a period of SPL early, they must give us eight weeks' written notice of the new return date. If the employee has already given us three period of leave notices they will not be able to end their SPL early without our agreement.
- 15.2 If the employee wants to extend their SPL, assuming they still have unused SPL entitlement remaining, they must give us written notice at least eight weeks before the date they were due to return to work. If the employee has already given us three period of leave notices they will not be able to extend their SPL without our agreement. They may instead be able to request annual leave or ordinary parental leave, subject to the needs of the Federation.
- 15.3 The employee is normally entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow the employee to return into the same position, we may give the employee another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
 - (a) if the employee's SPL and any adoption or paternity leave they have taken adds up to more than 26 weeks in total (whether or not taken consecutively);
or
 - (b) if the employee took SPL consecutively with more than four weeks of ordinary parental leave.
- 15.4 If the employee wants to change their hours or other working arrangements on return from SPL they should refer to the Federation Maternity Policy or Paternity Policy for guidance on this. It is helpful if such requests are made as early as possible
- 15.5 If the employee decides they do not want to return to work they should give notice of resignation in accordance with their contract.

SHARED PARENTAL LEAVE AND PAY OPT-IN FORM (ADOPTION)

ORIGINATOR: Natalie Ray
SLT LINK: Stuart Williams

June 2022



Use this form to opt in to the shared parental leave scheme when a child is placed with you for adoption. This includes placement under the "fostering for adoption" scheme or "concurrent planning" scheme. Please see our Shared Parental Leave (Adoption) Policy for more information. A separate form is available for SPL on the birth of a child.

Either you or your partner must take at least 2 weeks of adoption leave (or claim at least 2 weeks statutory adoption pay) before you are entitled to shared parental leave or pay. The partner taking adoption leave or pay must also submit a signed curtailment notice to bring that adoption leave and pay to an end.

If you need any help with this form, in particular in working out your shared parental leave entitlement in section C, please speak to the Chief Finance Officer. It may also be useful to discuss your proposed pattern of leave with your manager and/or the Chief Finance Officer before completing the form.

| Section A: Basic information | | |
|---|--|--|
| Guidance notes. Shared parental leave may be shared between the parent who has elected to be the child's adopter and the person who, at the date when the child is placed for adoption, is their partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means a person's spouse, civil partner, or other person living with them in an enduring family relationship, but who is not their sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew. | | |
| A1 | Employee's name | |
| A2 | Partner's name | |
| A3 | Date notified of having been matched with the child | |
| A4 | Child's expected date of placement | |
| A5 | Child's actual date of placement. (If your child is yet to be placed with you please give the date as soon as you can after placement and before you start SPL.) | |

| Section B: Adoption leave and statutory adoption pay | | |
|--|--|--|
| <p>Guidance notes. If you are taking, will take, or have already taken statutory adoption leave and/or pay, please give your adoption leave and statutory adoption pay dates below. If you are not returning to work before taking SPL you must also complete an adoption leave and adoption pay curtailment notice.</p> <p>If your partner is taking adoption leave and/or pay please give their dates. Your partner must give their employer notice to curtail their statutory adoption leave and/or pay. Adoption pay can only be curtailed after a whole number of weeks. For example, if the adoption pay period started on a Wednesday, it can only be curtailed on a Tuesday. These figures are needed in order to calculate your entitlement to shared parental leave and pay.</p> | | |
| B1 | I am taking or will take adoption leave* My partner is taking or will take statutory adoption leave* My partner is not entitled to statutory adoption leave but is receiving or will receive statutory adoption pay* | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> (*tick one only) |
| B2 | Adoption leave start date | |
| B3 | Adoption leave end date | |
| B4 | Total adoption leave (weeks) | |
| B5 | Statutory adoption pay start date | |
| B6 | Statutory adoption pay end date | |
| B7 | Total statutory adoption pay (weeks) | |

| Section C: Shared parental leave | | |
|--|---|--|
| <p>Guidance notes. The total shared parental leave (SPL) available is 50 weeks minus the number of weeks' adoption leave taken. If there is no adoption leave entitlement, it is 50 weeks minus the statutory adoption pay period (see section B). SPL must be taken in whole numbers of weeks. If you need help working this out please speak to the Chief Finance Officer.</p> <p>Your first period of shared parental leave cannot start until at least eight weeks after you submit this opt-in notice and a period of leave notice.</p> | | |
| C1 | Total SPL available (whole weeks). | |
| C2 | Number of whole weeks' SPL intended to be taken by you. | |
| C3 | Number of whole weeks' SPL intended to be taken by your partner. | |
| C4 | Indication of dates you would like to take shared parental leave. | |
| C5 | The dates in C4 will be treated as non-binding until you give a period of leave notice. | |

| | | |
|--|--|--------------------------|
| | If you want to treat this notice as a period of leave notice to take SPL on the dates given in C4 tick here. | <input type="checkbox"/> |
|--|--|--------------------------|

| | | |
|---|--|--------------------------|
| Section D: Statutory shared parental pay | | |
| Guidance notes. The total statutory shared parental pay (ShPP) available is 37 weeks minus the number of weeks' statutory adoption pay paid (or to be paid) to you or your partner (see section B). | | |
| D1 | Total ShPP available (whole weeks). | |
| D2 | Number of whole weeks' ShPP intended to be taken by you. | |
| D3 | Number of whole weeks' ShPP intended to be taken by your partner. | |
| D4 | Indication of dates you would like to take ShPP. | |
| D5 | The dates in D4 will be treated as a non-binding until a notice to claim ShPP is given. If you want to treat this notice as a formal notice to claim ShPP on the dates given in D4 tick here. | <input type="checkbox"/> |

| | | |
|--|--|--|
| Section E: Employee's declaration | | |
| Guidance notes. "Child" means the child referred to in Section A. "Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew. | | |
| A child has been placed or will be placed with me for adoption and I am entitled to statutory adoption leave. I have submitted a curtailment of adoption leave notice (or will submit it before my partner takes SPL and at least eight weeks before the first date on which I intend to take SPL).* | | |
| or | | |
| My partner is entitled to statutory adoption leave because of the placement of a child with us/him/her* for adoption.* (*delete as applicable.) | | |
| I had at least 26 weeks' continuous employment at the end of the week in which we were notified that we had been matched with the child, and I have remained continuously employed since then. | | |
| My normal weekly earnings in the eight-week period ending with that week were not less than the lower earnings limit. (delete if not applicable) | | |
| I expect to share the main responsibility for the care of the child with the person who has completed the declaration in Section F. | | |
| I intend to care for the child during each week that I am on shared parental leave and receiving ShPP. | | |

I will immediately inform the Chief Finance Officer if I cease to care for the child, or if I no longer satisfy the conditions for entitlement to shared parental leave or ShPP.
The information I have given in this notice is accurate.

Signed
Date

Section F: Declaration by employee's partner

Guidance notes. "The employee" and "the child" are the employee and child referred to in Section A.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

| | |
|--|--|
| Name | |
| Address | |
| National Insurance number | |
| You employer's name and address (if employed) or your business address if self-employed. | |

I am (or was) entitled to statutory adoption leave and/or statutory adoption pay. I have curtailed my statutory adoption leave or pay, or will have done so by the time the employee starts parental leave. *(Delete if not applicable.)*

The employee is my partner.

I expect to share the main responsibility for the care of the child with the employee.

I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the week we were notified that we had been matched with a child.

My average weekly earnings were £....., based on the 13 highest-earning weeks in that 66-week period, weeks do not need to be consecutive.

I consent to the employee taking shared parental leave and claiming ShPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.

I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

SignedDate