

SHARED PARENTAL LEAVE POLICY - SCHOOLS

1. Who this policy applies to?

- 1.1 This policy applies to any employee who is the mother or primary adopter of a child born or placed for adoption, or the father or the person, who, at the time of the birth is married to, or the civil partner, or partner of the mother or primary adopter.
- 1.2 A partner is defined as a person who lives with the mother or primary adopter and the child in an enduring family relationship, but cannot be the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
- 1.3 Shared parental leave is also available to intended parents through surrogacy. Surrogate parents who meet the criteria to apply for a Parental Order will be eligible for statutory adoption leave and pay (See the Maternity and Adoption Policy) and shared parental leave and pay if they meet the qualifying criteria.
- 1.4 **This policy must be read with the Shared Parental Leave – Pay Policy.**

2. Eligibility

- 2.1 There are a number of qualifying criteria that must be fulfilled by the employee and their partner before Shared Parental Leave (SPL) can be taken. (See Guidance Note 1 & 2).
- 2.3 Eligibility for Statutory Shared Parental Pay (ShPP) is covered in the Shared Parental Leave - Pay Policy.

3. Shared Parental Leave (SPL) Entitlement

- 3.1 If the employee is the mother or primary adopter of the child, they must take their 2 weeks compulsory maternity or adoption leave following childbirth or placement for adoption. The remaining 50 weeks leave can be shared between the employee and their partner and taken either consecutively or concurrently (but must not exceed the total SPL available to the employee).
- 3.2 All of the SPL entitlement must be taken before the child's first birthday or the first anniversary of their placement for adoption.
- 3.3 Employees can take their SPL all in one go or in discontinuous blocks, although each period must be no less than one week and it cannot extend the overall SPL period beyond the child's first birthday or the first anniversary of their placement for adoption, as outlined in para 3.2 above.

- 3.4 If the employee is the father or partner they can take SPL while the mother or primary adopter is still using their maternity/adoption leave entitlement as long as they have provided the correct notices to shorten their maternity or adoption leave and pay at a future date.
- 3.5 Employees can choose to take ordinary paternity leave, maternity or adoption leave, and Shared Parental Leave (SPL). Ordinary Paternity Leave can be taken before or after a period of SPL. Maternity or adoption leave must start before SPL can begin, but it can be ended early to create SPL entitlement.

4. Notifications of Leave

4.1 Notice to end maternity/adoption leave

- 4.1.1 If the employee is the mother/primary adopter of the child, they must give 8 weeks notice to bring their maternity/adoption leave to an end early. SPL cannot start until this notice is given. This notice can be given before or after the birth/placement for adoption. (*See Guidance Note 3*).
- 4.1.2 If the employee has given notice to shorten their maternity/adoption leave, there are only limited circumstances in which they can revoke that notice. These are:
- If it is discovered in the 8 weeks following the notice that neither the employee or their partner are entitled to SPL or ShPP
 - The employee gave their leave curtailment notice before the birth/placement of the child; or
 - The employee's partner dies.
- 4.1.3 If the employee has revoked their notice to shorten their maternity/adoption leave this will not prevent them from curtailing their maternity or adoption leave at a later date, and opting for Shared Parental Leave in the future.
- 4.1.4 If the employee experiences any other changes of circumstance, further detail can be found in the accompanying guidance. (see Guidance Notes 5, 6, 7, and 13)

4.2 Notice of entitlement & intention to take SPL

- 4.2.1 If the employee wishes to take SPL, they must submit a written 'notice of entitlement & intention' at least 8 weeks before the leave is due to be taken. This can be given at the same time, or later than their notice to bring their maternity/adoption leave to an end early. (*See Guidance Note 3*).
- 4.2.2 Both the employee and their partner must submit a separate 'notice of entitlement & intention' to their respective employers at the same time.
- 4.2.3 If the employee is the mother or primary adopter and do not intend to take SPL but their partner does, they must provide a declaration of consent stating that their partner has given a 'notice of entitlement and

intention' and that they consent to the amount of leave requested. In these circumstances the employee does not need to complete a 'notice of entitlement & intention.'

- 4.2.4 On receipt of the employee's 'notice of entitlement & intention' their line manager will talk to them informally about their preferences. (See *Guidance Note 14*).

4.3 Period of leave notice

- 4.3.1 In addition to the notice of entitlement & intention, the employee must provide a 'period of leave notice' for each period of SPL they wish to take (See *Guidance Note 3*). This must include the start and end dates of each period of SPL requested.
- The notice must be given not less than 8 weeks prior to the requested start date;
 - The notice can be given at the same time as the notice of entitlement and intention, or later;
 - The notice can request one or more periods of leave;
 - The notice must detail what the employee and/or your partner wish to be paid during each requested period of leave;
 - If the notice is given before the child is born the start date may be expressed as a number of days from the date the child is born;
- 4.3.2 Employees can only submit 3 'period of leave' notices, including any requests to vary a period of leave that has already been agreed. Any notices withdrawn following the refusal of a discontinuous period of leave do count towards the 3 notices, subject to them being withdrawn on time.
- 4.3.3 For the purposes of eligibility managers may request further evidence from the employee in relation to the child's birth/placement. (See *Guidance Note 4*)

5. Agreeing SPL

- 5.1. A single continuous period of SPL will not be refused, as long as the employee and their partner meet the eligibility criteria.
- 5.2 If the employee wishes to take two or more periods of SPL separated by periods of time at work (discontinuous leave) then agreement with the headteacher is required. The line manager/headteacher will invite the employee to a meeting to discuss their intentions, with a view to reaching agreement (See *Guidance Notes 11, 12, 15 and 17*). This must happen in the two weeks following the date on the 'period of leave' notice. These two weeks are known as the 'discussion period'.
- 5.3 If agreement cannot be reached, the employee can either take the leave in a single block starting on a date of their choice, or withdraw their request for leave completely. If the employee withdraws their request

within 15 days of the date on the original period of leave notice this will not count towards their 3 permitted period of leave notices (see 4.3.2)

- 5.4 If the employee's partner has their requested pattern of leave declined, the employee must submit a notice to vary their original period of leave notice as long as this does not exceed the cap of three notifications in total (see 4.3.2).
- 5.5 If the employee feels that they have had a discontinuous block of leave unfairly refused they can appeal via the Resolution & Grievance Procedure.

6. Shared Parental Leave in Touch (SPLIT) Days

- 6.1 Employees and their partner can work up to 20 days each during the SPL period (known as SPLIT days). These must be agreed with the line manager/ headteacher and are in addition to any keeping-in-touch (KIT) days taken by the mother/adopter (see Maternity Policy)
- 6.2 SPLIT days will be paid (in addition to any ShPP); however if it is agreed the employee uses a SPLIT day to help transition back to work, attend training or meetings, for example, the employee will only be paid for the actual hours they work.

7. Return to Work

- 7.1 Employees must provide their line manager with 8 weeks notice of their expected return to work date (even if they intend to take the full 50 weeks SPL). If the employee wishes to return early but have used their 3 period of leave notices, the school does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 7.2 If the employee wishes to vary their working pattern (including job share) on their return to work they must submit a Right to Flexible Working Request at least 3 months prior to their expected return to work date.
- 7.3 If the employee returns to work having been absent for no more than 26 weeks in total (either as one block or in aggregate including any time on maternity, paternity or adoption leave) they are entitled to return to the job in which they were originally employed.
- 7.4 If the employee takes more than 26 weeks leave in total, they have the right to return to the same role unless there is a genuine reason why this is not possible. Where it is not reasonably practicable for them to return to the same job, they are entitled to return to another job which is both suitable and appropriate and on terms and conditions no less favourable. (See *Guidance Notes 8, 9, and 10*).

- 7.5 If the employee is unable to return to work due to sickness or injury they will be considered to have returned to work; however normal arrangements for sickness absence reporting will apply.
- 7.6 If the employee is the mother or primary adopter, then all normal notices for return from maternity/adoption leave still apply. See the Maternity Leave Policy for detail.

8. Shared Parental Leave and Annual Leave/Public Holidays – All Year Round Support Staff Only

- 8.1 Support Staff who are on all year round contracts annual holidays continue to accrue during SPL. (*See Guidance Note 8*)
- 8.2 In circumstances where it would be difficult for the employee to take their annual leave entitlement outside of the SPL period (for example if they take SPL in one continuous block covering several months) then additional carry over of contractual annual leave can be considered on a case-by-case basis and approved by the headteacher.
- 8.3 Public holidays that fall during a period of SPL will be accrued and added to employee's public holiday entitlement when they return to work.
- 8.4 Before starting SPL, employees should discuss how they intend to use their annual holidays with their line manager.

9. Reasonable contact during SPL

- 9.1 Employees and their line manager are allowed to make reasonable contact during SPL to discuss matters such as return to work, job opportunities/vacancies, training opportunities, organisational change etc. Such contact does not constitute work and would not count towards their SPLIT day allowance.

10. Providing false information

- 10.1 It is the employee's responsibility to ensure that the information provided as part of this process is accurate. Deliberately providing false information in relation to any shared parental leave notice will be dealt with under the Disciplinary Procedure.

11. Pension Contributions

11.1 Local Government Pension Scheme (LGPS – Support Staff)

- 11.1.1 Periods of unpaid shared parental leave of fewer than 15 days are automatically pensionable under the Local Government Pension Scheme (LGPS). Pension will continue to accrue on the basis of Assumed Pensionable Pay (APP) during these periods.
- 11.1.2 Employees are not required to elect or contribute to a buy-back in order to maintain pension accrual during child-related unpaid leave. Pension

accrual during unpaid child-related leave uses Assumed Pensionable Pay (APP), and the school will meet the full cost of contributions for these periods to ensure pension continues to build.

- 11.1.3 Periods of unpaid additional maternity and adoption or shared parental leave lasting 15 days or more are not automatically pensionable. Employees may choose to buy back the lost pension through a Qualified Additional Pension Contributions Agreement (QAPA), with the cost calculated using normal member and employer contribution rates. Employees have up to one year after returning to work to elect to buy back these periods.
- 11.1.4 Further information and guidance can be obtained by contacting Nottingham City Council's Pensions Team.
- 11.2 Teachers' Pension Scheme (TPS) – Teaching staff
 - 11.2.1 Periods of paid Shared Parental Leave (SPL), including where Statutory Shared Parental Pay (ShPP) is received, are pensionable under the Teachers' Pension Scheme (TPS). During these periods, pension contributions will continue to be deducted based on the pay received, and the school will also continue to make contributions in line with TPS regulations.
 - 11.2.2 Periods of unpaid Shared Parental Leave are treated as pensionable service under TPS for up to 39 weeks where the employee is entitled to statutory pay (i.e. during the statutory shared parental pay period). During this period, pension benefits continue to accrue based on the salary the member would have received had they not been on leave.
 - 11.2.3 Where unpaid Shared Parental Leave extends beyond the period covered by statutory pay (i.e. after the 39-week statutory pay period), those additional periods are not automatically pensionable. Employees may choose to elect to treat these periods as pensionable by making additional contributions in accordance with TPS rules.
 - 11.2.4 Employees are responsible for contacting Teachers' Pensions directly or seeking advice if they wish to understand the impact of unpaid leave on their pension or to explore options for buying back pensionable service. Nottingham City Council Pensions team can provide supporting information where required.

Document history

Revision date	Version number	Summary of changes
April 2015	1	
July 2026	2	Updated language. Clarified in para 3.3 discontinuous blocks of leave cannot extend the overall SPL period beyond the child's first birthday or the first anniversary of their placement for adoption. Incorporates legislative changes introduced by the Employment Rights Act 2025. The previous rule requiring Paternity Leave to be taken before SPL has been removed and confirms that SPL is now automatically pensionable under the LGPS and TPS, attracting employer-funded contributions during unpaid child-related leave, with no requirement for employees to elect or fund a buy-back.