



ETC International College

ETC Shared Parental Leave & Pay Policy

June 2024

Introduction

Shared Parental Leave (ShPL) is a statutory right available to employees who have a new baby or a newly adopted child on. It gives them the option of sharing up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

Eligibility Criteria

To be eligible for shared parental leave, you (or your partner) must be entitled to maternity / adoption leave, or statutory maternity / adoption pay (or maternity allowance) and you must share the main responsibility for caring for the child with your partner.

You must also meet the following eligibility criteria:

Continuity test: if you are seeking to take shared parental **leave**, one parent / adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the baby is due (or matched in the case of an adoption) and they should still be employed in the first week that shared parental leave is to be taken.

The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks.

Individual eligibility for pay: To qualify for shared parental **pay** the parent / main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth / adoption. This is **£116** for tax year 2018 / 2019.

If you and your partner meet the eligibility criteria:

- You can effectively “convert” a period of maternity / adoption leave and pay into shared parental leave and pay that can be taken by either parent.
- Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
- Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks of as little as a week with our agreement.
- When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.
- Shared parental leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date.

Procedure for Requesting Shared Parental Leave and Pay

Here is how you and your partner should go about opting in to shared parental leave:

1. The mother / main adopter must bring their period of maternity / adoption leave to an end by letting their employer know at least 8 weeks before the date she intends to curtail the leave. NB maternity leave cannot be brought to an end before the end of the two week (4 if you work in a factory) compulsory maternity leave period. The balance of maternity leave at that point becomes available for the partner to share as shared parental leave.
2. Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when. As you are one of our employees, please complete the form at Appendix 1.
3. If requested within 14 days of letting us know about your intention to take shared parental leave, you should provide us with a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.
4. The information about how and when you and your partner are intending to take shared parental leave is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete the form at Appendix 2. We will need at least 8 weeks' notice of each period of leave, and you can submit a total of three requests. That is you can take up to three periods of shared parental leave.
5. If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.
6. If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we may need to discuss with you whether our business can support such a work pattern. If it cannot we will try to agree an alternative arrangement with you, or we may need to refuse the request.
7. We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business. **You can work for up to 20 days without bringing your period of shared parental leave to an end.** Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and we are under no obligation to offer you any work. These 20 days are in addition to the 10 days available during maternity or adoption leave.
8. While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

Returning to Work from Shared Parental Leave

If you wish to alter your return date from shared parental leave, please ensure you give us notice as follows using the **Notice to Take or Vary a Period of Shared Parental Leave** form at appendix 2:

- If you wish to extend your SPL, at least 8 weeks' notice from the originally agreed return date.
- If you wish to shorten your SPL, at least 8 weeks' notice from the new return date.

You have the right to return to the original job or a suitable alternative.

Protection from Redundancy

Employees on maternity leave, adoption leave and shared parental leave must be given priority over other employees in being offered any suitable alternative employment available when their existing role is being made redundant.

The current protections are extended as follows:

- From the point the employer is made aware of the pregnancy up to 18 months after the birth of the child.
- For employees on adoption leave, the protection is extended to 18 months from the date of placement.
- For employees taking less than 6 weeks shared parental leave, they are protected during their period of leave. Employees taking more than 6 continuous weeks of shared parental leave are protected for 18 months from the birth of the child.

These rules do not prevent an employee being selected for redundancy, but give them priority where their role is redundant and suitable alternative roles are available.

Updated: June 2024 Board of Governors

Next update due June 2027

Appendix 1

Notice of Entitlement and Intention to Take Shared Parental Leave

(Please read the **ETC International College Policy on Shared Parental Leave**)

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Basic Details

Employee Name:	
Are you the mother / main adopter of the child or the partner of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave:	

Notice of curtailment of maternity / adoption leave

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby (4 weeks for factory workers).

I wish my maternity / adoption leave to end on the following date:	
Signed:	Date:

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	
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Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates)	
Number of weeks of shared parental leave / pay you intend to take	
Number of weeks of shared parental leave / pay the other parent intends to take	

Shared Parental Leave and Pay Dates

Please detail the start and end dates of the shared parental leave/ pay that you intend to take. This should tally with the number of weeks you have indicated above that you will take.	
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The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please indicate "Yes": **Yes / No**

If you indicate "No", then please complete appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

Declarations**By the Employee**

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- ☐ I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- ☐ I meet the eligibility criteria for shared parental leave

If appropriate:

- ☐ I meet the eligibility criteria for shared parental pay
- ☐ I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy
- ☐ I consent to you retaining and processing the information contained in this form

Signed: _____

Date: _____

By the Employee's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- ☐ I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- ☐ I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks
- ☐ I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

- ☐ I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)
- ☐ I consent to you retaining and processing the information contained in this form

Signed: _____

Date: _____

Appendix 2**Notice to Take or Vary a Period of Shared Parental Leave**

(Please read the **ETC Policy on Maternity Leave**)

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (appendix 1) and have had your eligibility for shared parental leave confirmed.

Name of Employee	
Name of Partner	

Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request

We confirm that we agree to the request / variation outlined above.

Signed: (Employee)_____

Date:_____

Signed: (Employee's Partner)_____

Date:_____