



West Norfolk
Academies Trust

SHARED PARENTAL LEAVE (ADOPTION) PROCEDURE

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1. Introduction

- 1.1** This procedure outlines the arrangements for Shared Parental Leave and pay in relation to the adoption of a child. If adoption is not applicable, please refer to the Shared Parental Leave (Birth) Procedure.
- 1.2** This procedure applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.3** This procedure does not form part of any employee's contract of employment and we may amend it at any time.

2. Terms of Reference

- 2.1** The definitions in this paragraph apply in this procedure.

Adopter: A child's adopter is either the person who has been matched with the child for adoption or, where two people have been matched jointly, the person who has elected (at the time they are notified that they have been matched) to be the child's adopter for statutory adoption leave and pay purposes.

Prospective adopter: A prospective adopter is someone who has been approved as suitable to adopt a child and has been notified of that decision.

Partner: An employee's spouse, civil partner or someone living with them in an enduring family relationship at the time the child is placed for adoption, but not their 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 Shared Parental Leave

- 3.1** Shared Parental Leave (SPL) is a form of leave that may be available where an adoption agency places a child with an employee and/or their partner on or after 5 April 2015.
- 3.2** It gives the employee and their partner more flexibility in how to share the care of their child in the first year after the child is placed with them for adoption than simply taking adoption and paternity leave. Assuming they 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. SPL must end no later than one year after the birth of the child or when the child was placed for adoption and any SPL not taken by the child's first birthday is lost.

4. Entitlement to Shared Parental Leave

- 4.1** An employee may be entitled to SPL if an adoption agency has placed a child with them and/or their partner and they intend to share the main responsibility for the care of the child.

4.2 The following conditions must also be fulfilled:

- a. an employee must have at least 26 weeks' continuous employment with the Trust by the end of the Qualifying Week, and still be employed by the Trust in the week before the leave is to be taken;
- b. the employee's partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
- c. the employee and their partner must provide the respective employers with the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).

4.3 The total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either the employee or the employee's partner (or the weeks in which the employee's partner has been in receipt of SAP if they were not entitled to adoption leave).

- Either the employee or the employee's partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.

5. Opting in to Shared Parental Leave and Pay

5.1 Not less than eight weeks before the date an employee intends their SPL to start, they must give a written 'Notice to Opt-In to Shared Parental Leave (Adoption)' form (Appendix A) which includes:

- a. the employee's full name and the full name of the other parent;
- b. if the employee is taking adoption leave, the adoption leave start and end dates;
- c. if the employee is not taking adoption leave, the employee's partner's adoption leave start and end dates, or if the employee's partner is not entitled to adoption leave, the start and end dates of their SAP;
- d. the total SPL available, which is 52 weeks minus the number of weeks' adoption leave or SAP taken by the employee or the employee's partner;
- e. how many weeks of the available SPL will be allocated to the employee and how many to the employee's partner (an employee can change the allocation by giving us a further written notice, and an employee does not have to use their full allocation);
- f. if an employee is claiming Statutory Shared Parental Pay (ShPP), the total ShPP available, which is 39 weeks (minus the number of weeks of the SAP taken or to be taken), payable during the 52 weeks following the date of adoption; How many weeks of the available ShPP will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- g. an indication of the desired pattern of leave, including suggested start and end dates for each period of leave (see sections 9, 10, 11 and 12 for information on taking leave). This indication will not be binding at this stage, but employees are requested to give as much information as possible about their future intentions; and
- h. declarations by the employee and the employee's partner that they both meet the statutory conditions to enable them to take SPL and ShPP (see Appendix A)

6. Ending Adoption Leave

- 6.1** If an employee is taking, or intending to take, adoption leave and wishes to opt-in to the SPL scheme, they must give at least eight weeks' written notice to end their adoption leave early (a curtailment notice) (Appendix B). Notice can be given before or after adoption leave starts, but the employee must take at least two weeks' adoption leave.
- 6.2** At the same time as the curtailment notice is given, an employee must give a 'Notice to Opt-in to Shared Parental Leave (Adoption)' form (Appendix A) (see paragraph 5) or a written declaration that the employee's partner has given their employer an opt-in notice and that the necessary declarations have been given 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 their curtailment notice.
- 6.4** The curtailment notice is usually binding and cannot be revoked. A curtailment notice can only be revoked if adoption leave has not yet ended and one of the following applies:
- a. if it becomes apparent to the employee that neither they nor their partner are eligible for SPL or ShPP 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 an employee has revoked a curtailment notice, they will be unable to opt back into 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;
 - 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** An employee must provide on request:
- a. One of 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 the employee's partner's employer (or a declaration that they are self-employed)

9. Discussions Regarding Shared Parental Leave

- 9.1** An employee who is considering taking SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and the support available from the Trust .
- 9.2** A line manager may, upon receiving a notification of entitlement to take SPL, seek to arrange an informal discussion with the employee to discuss their intentions and how they expect to use their SPL entitlement.
- 9.3** Upon receiving a 'Notice to Opt-In to the Shared Parental Leave (Adoption)' form (Appendix A), a meeting will usually be arranged to discuss it. Where a notice is for a single period of continuous leave (a period of a number of weeks taken in a single unbroken period of leave), or for discontinuous leave (where the employee intends to return to work between periods of leave) and it can be approved without further discussion, a meeting may not be necessary.
- 9.4** Where a meeting is arranged it will take place in private and be arranged in advance. If the initial date is problematic, then another date will be arranged if possible. If an alternative date cannot be arranged, then a discussion may take place over the telephone.
- 9.5** At the meeting the employee may be accompanied by a workplace colleague or a trade union representative.
- 9.6** The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a different arrangement would be agreeable to the employee and us and what the outcome may be if no agreement is reached.

10. Booking Shared Parental Leave dates

- 10.1** Having opted into the SPL scheme an employee will need to give 'Notice of Dates for Shared Parental Leave (Adoption)' form (Appendix C) informing us the start and end dates of their leave. This can be given at the same time as their 'Notice to Opt-In to Shared Parental Leave (Adoption)' form (Appendix A), or it can be given later, as long as it is given at least eight weeks before the start of the leave. The employee must also state in their 'Notice of Dates for Shared Parental Leave' the dates on which they intend to claim shared parental pay ('ShPP'), if applicable.
- 10.2** If the 'Notice of Dates for Shared Parental Leave (Adoption)' form (Appendix C) gives dates for a single period of continuous leave of SPL the employee will be entitled to take the leave set out in the notice.
- 10.3** An employee can submit up to three 'Notices of Dates for Shared Parental Leave (Adoption)' (Appendix C). This may enable the employee to take up to three separate blocks of SPL (although if an employee gives a notice to vary or cancel a period of leave this will in most cases count as a further 'Notice of Dates for Shared Parental Leave (Adoption)').

11. Procedure for Requesting Split Periods of Shared Parental Leave

- 11.1** In general, a 'Notice of Dates for Shared Parental Leave (Adoption)' (Appendix C) should set out a single continuous block of leave. The school may, in some cases, be willing to consider a Notice of Dates for SPL 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 line manager in advance of submitting any 'Notice of Dates for Shared Parental Leave (Adoption)' (Appendix C). This will give the school more time to consider the request and hopefully agree a pattern of leave with the employee from the start.
- 11.2** An employee must submit a 'Notice of Dates for Shared Parental Leave (Adoption)' (Appendix C) setting out the requested pattern of leave at least eight weeks before the requested start date. If the school is unable to agree to the request straight away, there will be a two-week discussion period. At the end of that period, the school will confirm any agreed arrangements in writing. If an agreement has not been reached, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in the notice (for example, if an employee requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, an employee may:
- a. choose a new start date (which must be at least eight weeks after the original 'Notice of Dates for Shared Parental Leave (Adoption)' (Appendix C) was given), and tell the school within five days of the end of the two-week discussion period; or
 - b. withdraw the 'Notice of Dates for Shared Parental Leave (Adoption)' (Appendix C) within fifteen days of the date of the Notice (in which case it will not be counted and the employee may submit a new one if required).

12. Changing the Dates or Cancelling Shared Parental Leave

- 12.1** An employee can cancel a period of leave by notifying the school in writing at least eight weeks before the start date in the 'Notice of Dates for Shared Parental Leave (Adoption)' (Appendix C)
- 12.2** An employee can change the start date for a period of leave, or the length of the period of leave, by notifying the school in writing at least eight weeks before the original start date or the new start date, whichever is earlier.
- 12.3** An employee can change the end date for a period of leave by notifying the school in writing at least eight weeks before the original end date or the new end date, whichever is earlier.
- 12.4** An employee can combine split periods of leave into a single continuous period of leave by notifying the school in writing at least eight weeks before the start date of the first period, or in writing at least eight weeks before the original end date if the leave has already commenced.
- 12.5** An employee can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. The school will consider any such request as set out in paragraph 11.

- 12.6** A notice to cancel or change a period of leave will count as one of the employees three 'Notice of Dates for Shared Parental Leave (Adoption)', unless:
- a. A 'Notice of Dates for Shared Parental Leave' (see Appendix C) requesting a discontinuous period of SPL is withdrawn by you on or before the fifteenth day after the notice was given
 - b. The variation is a result of the child being placed with the employee earlier or later than the expected placement date;
 - c. The variation is at the school's request; or
 - d. The school and employee agree otherwise.

13. Shared Parental Pay (ShPP)

- 13.1** ShPP is payable for a maximum of 37 during the 50 weeks following the date of adoption, as 2 weeks Statutory Adoption Pay (SAP) must be taken.
- 13.2** An employee may be able to claim ShPP if they have at least 26 weeks' continuous employment with the Trust at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year.
- 13.3** ShPP is paid at a rate set by the government each year.

14. Other Terms During Shared Parental Leave (SPL)

- 14.1** An employee's terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 14.2** If an employee is a member of the employer's pension scheme, the Trust will make employer pension contributions during any period of paid SPL, based on an employee's normal salary, in accordance with the pension scheme rules. Any employee contributions will be based on the amount of any shared parental pay the employee is receiving, unless they informs us that they wish to make up any shortfall.

15. Keeping in touch

- 15.1** The school may make reasonable contact with an employee from time to time during their SPL although this will be kept to a minimum. This may include contacting the employee to discuss arrangements for their return to work.
- 15.2** An 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 "keeping in touch" days (KIT days) that may have been taken during adoption leave. KIT/SPLIT days are not compulsory and must be discussed and agreed. Any SPLIT days worked do not extend the period of SPL.
- 15.3** An employee will be paid at their normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any ShPP entitlement.

16. Returning to work

- 16.1** If an employee wishes to end a period of SPL early, they must give the school eight weeks written notice of the new return date. This should be addressed to their Line Manager. If the employee has already given us three 'Notices of Dates for Shared Parental Leave (Adoption)' (Appendix C), requesting that a discontinuous period of SPL is withdrawn by them on or before the fifteenth day after the notice was given, they will not be able to end their SPL early without our agreement.
- 16.2** If an employee wishes to extend their SPL, assuming they still have unused SPL entitlement remaining, they must submit a new 'Notice of Dates for Shared Parental Leave (Adoption)' (Appendix C) at least eight weeks before the date they were due to return to work. If the employee has already submitted notices they will not be able to extend their SPL without the school's agreement. If an employee is unable to request more SPL they may be able to request annual leave or ordinary parental leave, which will be subject to consideration of the needs of the school.
- 16.3** An employee will normally be 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 the school to allow the employee to return into the same position, another suitable and appropriate position may be given on terms and conditions that are not less favourable, but only in the following circumstances:
- a. if the SPL and any adoption or paternity leave the employee has taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
 - b. if SPL was taken consecutively with more than four weeks of ordinary parental leave.
- 16.4** If an employee wishes to change their hours or other working arrangements on return from SPL they should make a request under the Trust's Flexible Working Policy. It is helpful if such requests are made as early as possible.
- 16.5** If an employee decides that they do not wish to return to work they should give notice of resignation in accordance with their contract of employment.

Appendix A: Notice to Opt-In to Shared Parental Leave (Adoption)

Use this form to opt in to the shared parental leave scheme following the placement of a child for adoption. A separate form is available for birth parents. Please see our Shared Parental Leave Procedure for more information.

If you are the child's adopter, you must also submit a signed **'Ending Adoption Leave Early (Curtailed Notice)'** (Appendix B) to bring your adoption leave entitlement to an end. Please discuss this form, in particular the dates in sections B and C, with your line manager before completing it.

Section A: Basic Information		
<p>Guidance notes. Shared parental leave may be shared between a child's adopter and their Partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the adopter's spouse, civil partner, or other person living with the adopter in an enduring family relationship, but who is not the adopter's sibling, parent, child, grandparent, grandchild, aunt, uncle, niece, or nephew.</p>		
A1	Employee's name:	
A2	I am the child's adopter or the Partner of the child's adopter. (*delete as appropriate):	
A3	Child's expected placement date for adoption:	
A4	Date on which the adopter was notified that they had been matched with a child:	
A5	Child's place of birth (if known):	
Section B: Adoption Leave, Statutory Adoption Pay		
<p>Guidance notes. If you are the adopter, please give your adoption leave (AL) dates below. If you are still on AL, you must also submit an 'Ending Adoption Leave Early (Curtailed Notice)' (Appendix B) to bring your AL to an end.</p> <p>If you are the adopter's Partner, please give the adopter's AL dates. If your Partner is not entitled to statutory AL, give the dates your Partner started and ended (or will end) their statutory adoption pay (SAP) period as applicable. The adopter must give the employer notice to curtail the AL period.</p>		
B1	AL/SAP start date:	
B2	AL/SAP end date:	
B3	Total AL/SAP (weeks):	

Section C: Shared Parental Leave

Guidance notes. The total shared parental leave (SPL) available is 52 weeks minus the adopter's compulsory AL period (see B3).

The first period of shared parental leave cannot start until at least two weeks after the child is placed and at least eight weeks after you submit this opt-in notice.

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 the person you will share SPL with:	
C4	Indication of dates you would like to take shared parental leave:	
C5	The dates in C4 will be treated as a non-binding until a period of leave notice is given:	

Section D: Statutory Shared Parental Pay (ShPP)

Guidance notes. The total statutory shared parental pay (ShPP) available is 39 weeks minus the adopter's AL period (see B3), over a period of 52 weeks following the Qualifying week.

D1	Total ShPP available (whole weeks):	
D2	Number of whole weeks' ShPP intended to be taken by child's adopter:	
D3	Number of whole weeks' ShPP intended to be taken by child's adopter's partner:	
D4	Indication of dates you would like to take ShPP:	
D5	The dates in D4 will be treated as non-binding until a notice to take ShPP is given (Appendix A). If you want to treat this notice as a notice to take ShPP on the dates given in D4 tick here.	

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.

Please tick as appropriate

	I am the child's adopter, and I am entitled to statutory AL. I have submitted an 'Ending Adoption Leave Early (Curtailed Notice)' (Appendix B) (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).
	Or I am the child's adopter's Partner.
	I had at least 26 weeks' continuous employment in the week in which I was notified of having been matched with a child for adoption and have remained continuously employed since then.
	My normal weekly earnings in the eight-week period ending with the 15th week before the week in which I was notified of being matched with a child is not less than the lower earnings limit as indicated in the regulations.
	I expect to share the main responsibility for the care of the child with the person who has completed 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 Trust if I cease to care for the child or to otherwise satisfy the conditions for entitlement to shared parental leave or ShPP.
The information I have given in this notice is accurate.	
Signed:	
Print name:	
Date:	

Section F: Declaration by Person Taking Shared Parental Leave with Employee

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

If the employee is the child's adopter, you must be the adopter's Partner.

"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:

Your employer's name and address (if employed) or your business address if self-employed:

Please tick as appropriate

I am the adopter of the child and I am (or was) entitled to AL. I have curtailed my AL and SAP or will have done so by the time your employee starts shared parental leave.

Or I am the Partner of the child's adopter.

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

I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the week I/your employee is notified of being matched with a child.

My average weekly earnings are at least the current regulatory amount, taking the 13 highest-earning weeks in the 66 weeks immediately before the week I/your employee is notified of being matched with a child.

I consent to your 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.

Signed:

Print name:

Date:

Appendix B: Ending Adoption Leave Early (Curtailement Notice)

I wish my adoption leave period to end early on:

Date: _____ ('the Adoption Leave Curtailement Date')

I confirm that the above date is (please tick):

At least 1 day after the end of the compulsory adoption leave period (2 weeks after the child was placed);	
At least 8 weeks after the date on which I signed and dated this Ending Adoption Leave Early (Curtailement Notice) and provided a copy to my employer;	
I understand that this Ending Adoption Leave Early (Curtailement Notice) is binding and cannot be revoked (subject to limited circumstances as outlined in paragraph 6.4 of the Shared Parental Leave policy).	

I confirm that a copy of this Ending Adoption Leave Early (Curtailement Notice) has been provided to my Line Manager:

Line Manager name:	
Signed:	
Print name:	
Date:	

Trust Use Only

Received by:	
Name:	
Job title:	
Date:	

Appendix C: Notice of Dates for Shared Parental Leave (Adoption)

1. I understand that I may not submit a period of leave notice unless this is accompanied by a notice of entitlement and intention to take SPL (Appendix A).
2. I understand that I may not request SPL with a start or end date which is outside the period in which SPL may be taken. This is within the period which begins on the date my child is placed for adoption and ends the day before the first anniversary or the date on which my child was placed for adoption.
3. I understand that SPL must be taken in multiples of complete weeks, as one continuous period or up to three discontinuous periods. The minimum period of SPL which may be taken is one week.
4. I understand that I may give a total of three periods of leave notices, (including variation notices). The following notices do not count towards the three permitted notices:
 - a. A period of leave notice requesting discontinuous period of SPL which is withdrawn by me on or before the fifteenth day after the notice was given.
 - b. A variation notice given as the result of my child being placed with me earlier or later than the expected placement date.
 - c. A variation notice given in response to a request from the school that I vary a period of leave.
 - d. Where we agree otherwise
5. I confirm that I would like to take shared parental leave (SPL) and the date/s requested are:

Start Date	End Date

Please tick A or B

- A: I intend to claim shared parental leave pay for these dates.
- B: I do not intend to claim shared parental leave pay for these dates.

Start Date	End Date

Please tick A or B

- A: I intend to claim shared parental leave pay for these dates.
- B: I do not intend to claim shared parental leave pay for these dates.

Start Date	End Date

Please tick A or B

- A: I intend to claim shared parental leave pay for these dates.
- B: I do not intend to claim shared parental leave pay for these dates.

Please tick A or B

- A: I confirm that **Notice to Opt-In to Shared Parental Leave (Adoption)** (Appendix A) accompanies this form.
- B: I confirm that I have already presented a **Notice to Opt-In to Shared Parental Leave (Adoption)** (Appendix A) to my line manager.

Line Manager name:	
Employee Signature:	
Print name:	
Date:	

Trust Use Only

Received by:	
Name:	
Job title:	
Date:	

Appendix D: Shared Parental Leave – The Process

