



MIDDLESEX  
LEARNING  
PARTNERSHIP

# SHARED PARENTAL LEAVE (ADOPTION AND SURROGACY) POLICY

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## SHARED PARENTAL LEAVE (ADOPTION & SURROGACY) POLICY

### Introduction

The **Trust** applies this policy to employees of the **Trust** only (which will be referred to as “you” in this policy) and does not apply to consultants or self-employed contractors.

This policy is for guidance only and does not form part of any employee’s contract of employment and is not intended to have contractual effect. Subject to minimum statutory requirements from time to time in force, we reserve the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

This policy covers the rights employees and others are given by law but is intended to be a summary only and not a complete statement of your rights. Please contact HR if you have any queries about your entitlement.

If you are giving birth to a child and interested in your shared parental leave rights, please refer instead to our **Shared Parental Leave (Birth) Policy**.

### Frequently used terms

The definitions in this paragraph apply in this policy:

- **Official Notification:** Written notification from a UK government body that you have been approved for overseas adoption.
- **Partner:** your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is born or placed with you for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece, or nephew.
- **Parental Order:** a court order under section 54 of the Human Fertilisation and Embryology Act 2008, giving you and your partner parental responsibility for a child born to a surrogate.

- **Qualifying Week:** in a UK adoption case, the week the adoption agency notifies you that you have been matched with a child for adoption; in an overseas adoption case, the week that you receive your Official Notification; in a surrogacy case, the 15th week before the expected week of childbirth (EWC).

### **What is Shared Parental Leave?**

Shared parental leave (SPL) is a form of leave that enables eligible employees, to choose how to share the care of a child during the first year.

SPL provides a more flexible alternative to the default system whereby one partner may qualify for up to 52 weeks' adoption leave and the other partner may qualify for up to two weeks' paternity leave.

SPL allows eligible employees to 52 weeks leave in total following the adoption of the child.

One or both eligible employees may be employed by the **Trust**.

### **Entitlement to SPL**

You may be entitled to SPL if:

- a UK adoption agency places a child with you and/or your partner for adoption, or
- a child in local authority care is placed with you and/or your partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme, or
- you adopt a child from overseas with UK government approval; or
- you have a child with a surrogate mother and the court has made or is expected to make a Parental Order.

The following conditions must also be fulfilled:

- you and your partner must intend to share the main responsibility for the care of the child.
- you must have at least 26 weeks continuous employment with the **Trust** by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
- your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week (or in a surrogacy case, the EWC) and had average weekly earnings of at least £30 during 13 of those weeks;
- either you or your partner must qualify for statutory adoption leave (SAL) and/or statutory adoption pay (SAP) and must take at least two weeks of adoption leave and/or SAP;
- you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or SAP.

If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see our **Paternity Leave Policy**). You should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.

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

### **Opting into SPL and Shared Parental Pay (ShPP)**

No less than 8 weeks before the date you intend SPL to start, you must give us a written opt-in notice giving:

- your name and your partner's name;
- in a UK adoption case, the date the adoption agency notified you of a match, the expected date of placement, and the actual date of placement. If the child has not yet been placed with you, give the actual date of placement as soon as you can, before you take SPL;
- in an overseas adoption case, the date you received Official Notification, and the date the child entered Great Britain for adoption purposes. If the child has not yet entered Great Britain, give the actual date of entry as soon as you can, before you take SPL;
- in a surrogacy case, the EWC, the actual date of birth, and the date of the Parental Order if has already been made. If the child is not yet born give the date of birth as soon as you can, before you take SPL;
- if you are taking SAL, your SAL start and end dates;
- if you are not taking SAL, your partner's SAL start and end dates, or if your partner is not entitled to SAL, the start and end dates of their SAP;
- the total SPL available, which is 52 weeks minus the number of weeks' SAL or SAP taken or to be taken by you or your partner;
- how many weeks of the available SPL will be allocated to you and how many to your partner (you can change the allocation by giving us further written notice, and you do not have to use your full allocation);
- if you are claiming ShPP, the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken;
- 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 further written notice, and you do not have to use your full allocation);
- an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but should include as much information as possible about your future intentions; and
- declarations by you and your partner that you both meet the statutory conditions to enable you both to take SPL and ShPP.

### **Evidence of Entitlement**

Once we have received notification of your intention to opt into SPL, within 14 days we may write to request the:

- in a UK adoption case, one or more documents from the adoption agency showing the agency's name and address and the expected placement date and date you were notified of being matched with the child;
- in on overseas adoption case, a copy of your Official Notification.

- in a surrogacy case, the Parental Order from the court (if it has been granted); and
- the name and address of your partner's employer (or a declaration that they have no employer).

### **Ending Adoption Leave**

If you are taking or intend to take adoption leave and want to opt into the SPL scheme, you must give us at least 8 weeks' written notice to end your adoption leave (a curtailment notice). This notice must state the date your adoption leave will end. You can give the notice before or after adoption leave starts, but you must take at least two weeks' adoption leave.

You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that your Partner has given their employer an opt-in notice and that they have given the necessary declarations in that notice.

If your partner is eligible to take SPL from their employer, they will be unable to start their SPL until you have given us the curtailment notice.

The curtailment notice is binding and cannot usually be revoked. A curtailment notice can only be revoked if one of the following applies:

- of you realise that neither you nor your partner are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to 8 weeks after it was given; or
- your partner has died.

Once you have revoked a curtailment notice, you cannot opt back into the SPL scheme.

### **Ending your partner's adoption leave or pay**

If your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:

- returned to work;
- given their employer a curtailment notice to end adoption leave; or
- given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

### **Booking periods of SPL**

Having opted into the SPL system, you must book your period of leave by giving us a period of leave notice. This notification can be given at the same time as the [Opt-in Form - Adoption](#), or it can be given later, as long as it is given at least 8 weeks before the start of the leave.

A period of leave notice can either give the dates you want to take SPL or, if the child has not yet been placed with you (or in a surrogacy case, if the child is not yet born), it can state the number of days after the placement or birth that you want the SPL to start and

end. This may be useful if you intend to take paternity leave or adoption leave starting on the date of placement or birth and wish to take SPL straight afterwards.

Leave must be taken in blocks of at least one week.

A period of leave notice may contain a request for just one or for more than one periods of leave.

If your period of leave notice gives dates for a single continuous block of SPL and you comply with all other requirements, you will be entitled to take the leave set out in the notice. You will be sent a letter confirming this.

If your period of leave notice requests split (also known as discontinuous) periods of SPL, with periods of work in between, we will consider your request as set out below in the section 'Booking split periods of SPL'.

You can give up to three period of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice).

### **Booking split period of SPL**

In general, a period of leave notice should set out a single continuous period of leave. However, where you have submitted a period of leave notice that requests two or more periods of SPL (between which it is proposed that you work), we are under no obligation to agree to your request.

It is best to discuss this with the **Headteacher** in advance of submitting any formal period of leave notices. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

If you want to request split periods of SPL, you must set out the requested pattern of leave in your period of leave notice. We will either agree to the request or start a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, you may:

- choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
- withdraw your 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 you may submit a new one if you choose).

### **Changing or cancelling booked SPL**

You 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.

You can change the start date for a period of leave by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.

You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date or the new end date, whichever is earlier.

You can combine discontinuous periods of leave into a single continuous period of leave. Since this will involve a change to the start date or end date of a period of leave, you will need to give the relevant notice set out earlier in this section.

You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, you will need to give the relevant notice set out earlier in this section. We do not have to grant your request but will consider it as set out in "Booking split period of SPL" above.

You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, you will need to give the relevant notice set out earlier in this section. We do not have to grant your request but will consider it as set out in "Booking split period of SPL" above.

A notice to change or cancel a period of leave will count as one of the three periods of leave notices, unless:

- the variation is a result of the child being placed earlier or later than the expected placement date;
- you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period as set out above;
- the variation is at our request; or
- we agree otherwise.

### **Eligibility for ShPP**

You may be able to claim ShPP of up to 39 weeks (less any weeks of SAP claimed by you or your partner) provided you have at least 26 weeks' continuous employment with the **Trust** at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.

You should tell us in your period of leave notice(s) whether you intend to claim ShPP during your leave (and if applicable, for what period). If it is not in your period of leave notice you can tell us in writing, at least eight weeks before you want ShPP to start.

Certain other conditions must be fulfilled, which includes:

- your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and

- both parents must give the necessary statutory notices and declarations, including notice to end any SAL and SAP.
- if you or your partner must be entitled to SAP in respect of the child, and have terminated/have a fixed date on which the SAP period will end;
- if you are entitled to take SPL, you must be taking SPL during any week in which you claim ShPP.

### **Terms and Conditions during SPL**

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual leave entitlement will continue to accrue at the rate provided under your contract. Further details are set out below.

### **Annual leave**

You will continue to accrue annual leave during any period of SPL in accordance with your contract of employment.

Annual leave entitlement cannot usually be carried over from one holiday year to the next and you will normally be required to take your holiday entitlement within the holiday year in which it accrues or forfeit any accrued but untaken holiday entitlement at the end of the holiday year.

However, if your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave may need to be carried over.

The **Headteacher** will usually hold an informal meeting to discuss the best way to manage your holiday entitlement during your proposed period of SPL as soon as possible after notification of the intended start date. The options we will consider may include:

- arrangement to take the period of holiday entitlement that you would have accrued but been unable to take during that holiday year by reason of proposed SPL prior to the commencement of SPL or SAL;
- arrangement to allow for an exceptional carry-over of such holiday entitlement to the following year to be taken at such time or times as the **Trust's** operational needs and requirements dictate;
- discussion regarding the possibility of changing the intended start date of the SPL or SAL voluntarily to enable you to take your holiday entitlement prior to commencing maternity leave. If you wish to choose this option, you will be required to submit notification of intention to delay the start of your SPL or SAL as above;
- discussion regarding the possibility of changing your intended SPL or SAL dates, voluntarily, by substituting days of additional adoption leave which are unremunerated for holiday days which will be paid at your normal rate of pay. If you wish to choose this option, you will be required to submit notification of intention to alter your intended return date.

We must, in considering the alternatives with you, have regard to the Trust's operational requirements, needs and demands throughout the academic term to ensure that a mutually satisfactory arrangement can be reached.

## **Pension**

If you are a member of the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS), during any period of paid SPL, we will continue to make any employer contributions, based on the terms of the scheme. You will continue to pay contributions at your normal rate but based on the actual reduced salary which you receive.

During any period where you are not receiving contractual or statutory pay, we will not make any payments into the TPS or the LGPS and the period shall not count as pensionable service. However, following your return to work, you may elect to pay additional contributions for additional pensionable service in the scheme (to make up for any pension lost during the period of unpaid leave). Further details can be found here:

- [TPS](#)
- [LGPS](#)

If you wish to pay additional contributions to make up any shortfall, then please contact your HR in the first instance.

## **Redundancy during Shared Parental Leave**

In the event of a redundancy situation during your shared parental leave, we shall write to you to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment.

Where a redundancy situation arises, you shall be given first refusal on any suitable alternative employment that is appropriate to your skills:

- whilst you are on shared parental leave, or
- where you have returned to work following at least 6 consecutive weeks of shared parental leave which began on or after 6th April 2024 and are within 18 months from the placement of adoption (or date the child enters Great Britain if adopting from overseas),

unless you are otherwise protected under Adoption Leave.

## **Keeping in touch**

Shortly before your first period of SPL starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact during your leave.

We may make reasonable contact with you from time to time during your SPL, although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may ask or be asked to work (including attending training) on up to 20 'Shared Parental Leave in touch days' or 'SPLIT days' during your SPL without bringing your SPL entitlement or ShPP entitlement to an end. This is in addition to any KIT days that you may have taken during SAL. SPLIT days are not compulsory and must be discussed and agreed with the **Headteacher**.

If you work on a day that would otherwise have been a day of SPL, this will count as one whole SPLIT day against your 20-day allowance, irrespective of how long you work for on that day.

You will be paid at your normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any ShPP entitlement. **Alternatively, you may agree with the Headteacher to receive the equivalent paid time off in lieu.**

### **Returning to Work**

If you want to end a period of SPL early, you must give us 8 weeks' prior written notice of the new return date. If you have already given us three period of leave notices you will not be able to end your SPL early without our agreement.

If you want to extend your SPL you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three period of leave notices. If you have already given us three period of leave notices you will not be able to extend your SPL without our agreement. You may instead be able to request annual leave or ordinary parental leave, subject to our needs.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, where it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances if:

- your SPL and any adoption or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- you took SPL consecutively with more than four weeks of parental leave.

Shortly before you are due to return to work from a period of SPL, we may invite you to discuss the arrangements for your return to work. This may include updating you on any changes that may have occurred, discussing any necessary training, and discussing any changes to working arrangements.

If you want to change your working hours or other working arrangements on return from SPL you should make a request under our **Flexible Working Policy**. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work, you should notify us as soon as possible. In such circumstances, you must give written notice of resignation in accordance with your contract of employment.

When giving notice of resignation, you should ensure that you have sufficient SPL left, otherwise you might be required to return to work for the remainder of the notice period.

### **Neonatal Care Leave and Pay**

If your baby is born on or after 6 April 2025 and receives neonatal care for at least one week starting within its first 28 days of birth, you may also be entitled to up to 12 weeks of paid leave if you meet certain qualifying criteria.

Please refer to our [Neonatal Care Leave and Pay Policy](#) for further details.