

TEACHERS' SHARED PARENTAL LEAVE SCHEME

1. This Scheme is the result of an agreement reached between Management and Teachers' Sides of the Teachers' Salaries and Conditions of Service Committee (Schools). It reflects rules concerning statutory parental leave/shared parental leave as a consequence of the Work and Families Act (Northern Ireland) 2015 and further subsequent Regulations.
2. This scheme applies to all eligible teachers to provide leave to care for their child or support the mother/adopter following the birth or placement for adoption for the first 12 months the child is with the family.

Further Advice

3. Further information concerning shared parental leave rights is available from the NI Direct website: www.nidirect.gov.uk/employment.
4. Any enquiries regarding these arrangements should be made to the relevant employing authority.

Pension Position

5. Any enquiries regarding a teacher's pension position should be made to Teachers' Pensions Branch (Tel: 028 7131 9000).
6. Where a teacher's contributable salary is reduced due to shared parental leave, the teacher's contributions are based on the reduced rate of salary paid. Employer contributions during such a period of leave are paid on the rate of pensionable pay as if no reduction has been made.
7. From 1 April 2007 the facility to purchase additional service (current added years) to cover periods of unpaid leave for pension purposes was withdrawn. However, teachers may purchase additional pension benefits in blocks of £250 up to a maximum of £5,500.

CONDITIONS OF SERVICE FOR SCHOOL TEACHERS IN NORTHERN IRELAND

TEACHERS' SHARED PARENTAL LEAVE SCHEME

Shared Parental Leave (SPL) enables eligible teachers to choose how to share the care of their child during the first 12 months of birth or adoption. The purpose of SPL is to allow parents a greater degree of flexibility in planning how best to care for their child. All eligible teachers have a right to take Shared Parental Leave and in addition, may be entitled to Shared Parental Pay (ShPP). This scheme sets out the statutory rights and responsibilities of eligible teachers wishing to take Shared Parental Leave and Shared Parental Pay.

Shared Parental Leave Entitlement

1. Following the birth of a child or the placement of a child for adoption, teachers who are eligible under paragraph 2 have the right to take up to 50 weeks SPL during the child's first 12 months in their family.

Eligibility

2. Shared Parental Leave can only be used by two people:-
 - the mother/adopter; **and either**
 - the father of the child (in the case of birth); or
 - the spouse, civil partner or partner of the child's mother/adopter.

The Teacher must share the main responsibility for the care of the child at the time of the birth/placement for adoption. Additionally, a teacher wishing to take SPL must satisfy **each** of the following conditions:

- the child's mother/adopter must be/have been entitled to statutory maternity/adoption leave and/or statutory maternity pay (SMP) or statutory adoption pay (SAP) or maternity allowance (MA) **and** must have ended or given notice to reduce any maternity/adoption entitlements (referred to as 'curtailment');
- the teacher must be in employment at the start of each period of SPL;
- the teacher must have a minimum of 26 weeks service by the end of the 15th week before the child's expected due date/matching date (this is referred to as the 'continuity test');

- the teacher's partner is required to have, in the 66 weeks prior to the child's expected due date/matching date have worked for a minimum of 26 weeks and in addition, earned an average of at least £30 (this may rise annually) a week in any 13 of those weeks (referred to as the 'employment and earnings test');
 - the teacher must correctly notify the school of their entitlement and provide the required evidence (see below for further details).
3. Schools can ask teachers to provide evidence that they meet these eligibility conditions.

Availing of Shared Parental Leave

4. Eligible teachers may be entitled to take up to 50 weeks SPL during the child's first 12 months in their family.
5. The number of weeks available as SPL will be calculated using the mother/adopter's entitlement to maternity/adoption leave (up to 52 weeks). If the mother/adopter reduces their maternity/adoption leave in accordance with paragraph 6, then they **and/or** their partner may opt in to the SPL Scheme and take the remaining leave as SPL.
6. A mother/adopter reduces their entitlement to maternity/adoption leave by returning to work in advance of taking the full entitlement of 52 weeks, or they may give notice to curtail their leave at a specified date in the future.
7. SPL can commence as follows:
- the mother/adopter can take SPL after taking two weeks of maternity/adoption leave following the birth/placement of the child;
 - the father/partner/spouse can take SPL immediately following the birth/placement of the child. There is no requirement to exhaust paternity leave entitlements before commencing SPL however, once SPL or ShPP is commenced, paternity pay or leave may not be taken.
8. SPL will commence on the Teacher's chosen start date specified in their booking notice, or in any subsequent variation notice. See below:
9. If the teacher is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period. **ShPP will be paid in accordance with the statutory minimum.**

10. SPL ends no later than one year after the birth/placement of the child. Any SPL not taken in advance of this date will be lost.

Notice of Intention to Take Shared Parental Leave

11. Teachers will be required to give notification to their Principal/school of their eligibility and intention to take shared parental leave at least 8 weeks before they can take any period of shared parental leave.
12. In accordance with Paragraph 2 above, an element of the eligibility conditions requires the teacher to provide the school with the correct notification. This must be in writing and each of the following must be provided:
 - the teacher's full name;
 - the name of the other parent;
 - the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
 - the date on which the child is expected to be born or the actual date of birth or the date the teacher was notified of having been matched with the child or the date of placement for adoption;
 - the amount of SPL the teacher and their partner intend to take;
 - an indication of when the teacher expects to take the leave (this is non-binding on the teacher).
13. The Teacher must further provide the school with a signed declaration stating the following:
 - that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
 - all the information provided to the school in connection to SPL is accurate
 - if the teacher is not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
 - in the event that they cease to be eligible they will immediately inform the school.

14. In addition to the above, the teacher must furnish the school and the Employing Authority with a declaration signed by their partner confirming the following:
- their name, address and national insurance number (or a declaration that they do not have a National Insurance number);
 - that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or the partner of the mother/adopter;
 - that they satisfy the ‘employment and earnings’ test referred to in paragraph 2 above, and had at the date of the child’s birth or placement for adoption the main responsibility for the child, along with the teacher;
 - that they consent to the amount of SPL the teacher intends to take;
 - that they consent to the school processing the information contained in the declaration form;
 - that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Evidence of Eligibility for Shared Parental Leave

15. The school may, within 14 days of receiving the teacher’s SPL entitlement notification, request the following:
- the name and business address of the partner’s employer (in the event the teacher’s partner is no longer employed or is self-employed their contact details must be provided);
 - in the case of biological parents, a copy of the child’s birth certificate (or, where one has not been issued, a declaration as to the date and place of the birth);
 - in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.
16. If requested to do so and to be eligible for SPL, the teacher must furnish the above information within 14 days.

Applicants who avail of this Procedure should be aware of the consequences of fraudulent or illegal claims which may result in action against them by HMRC and could lead to the Teachers' Disciplinary Procedure being invoked.

Requesting Shared Parental Leave

17. In addition to notifying the school of their entitlement to SPL/ShPP, the teacher must give notice to take the leave.
18. The teacher has the right to submit **three** notifications outlining the leave periods they intend to take. **Each** notification may contain either:
 - a single period of continuous weeks of leave; or
 - two or more weeks of discontinuous leave, where the teacher intends to return to work between periods of leave.
19. SPL can only be taken in complete weeks but may begin on any day of the week. Where the teacher returns to work between period of SPL the next period of SPL can start on any day of the week.
20. The teacher must book SPL by giving notification at least 8 weeks before the date on which they wish to start the leave and receive ShPP (if eligible).

Continuous Leave Notifications

21. A teacher's notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a **single unbroken period**. For example 8 weeks in a row.
22. The teacher has the right to take a continuous block of leave notified in a single notification as long as it does not exceed the total number of weeks SPL available to them and the teacher has provided at least 8 weeks' notice.
23. A teacher may submit up to 3 separate notifications of continuous periods of leave.

Discontinuous Leave Notifications

24. A teacher can make a single notification containing a request for two or more period of discontinuous leave. This is a request seeking a set number of weeks of leave over a period of time, with breaks between the leave where the teacher returns to work.
25. The School/Principal will consider the teacher's discontinuous leave notification however has the right to refuse it. If the leave pattern requested is refused, the teacher

will be able to withdraw the notification within 15 days of giving it, or can take the leave in a single continuous block.

Responding to Shared Parental Leave Notification

26. The Principal/School will deal with all requests for SPL no later than 14 days after the leave request is submitted by the teacher.
27. All notices for continuous leave will be confirmed by the Principal/School in writing.
28. All requests for discontinuous leave will be fully considered in light of the potential benefits to the teacher and to the school and against any adverse impact to the school.
29. All requests for discontinuous leave shall be considered on a case by case basis. Agreeing to a request is entirely discretionary and will in no way set a precedent or create the right for another teacher to be granted a similar pattern of SPL.
30. The teacher will be informed in writing of the decision within 14 days of the notification being made. The request may be refused, granted in full or granted in part.
31. In the case of a refusal for a discontinuous leave pattern the teacher may withdraw the request on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the Teacher chooses to take the leave in a single continuous block, the teacher has until the 19th day from the date of the original notification was given to choose when they want the leave period to commence. The leave cannot start sooner than 8 weeks from the date the original notification was submitted. If the teacher does not choose a start date then the leave will begin on the first leave date requested in the original notification.

Variations to arranged Shared Parental Leave

32. A teacher can vary or cancel an agreed period of SPL on condition that they inform the Principal/School in writing at least 8 weeks in advance of the date of any proposed variation. A new start date cannot be sooner than 8 weeks from the date of the variation request.
33. Any variation notification made by the teacher, including notice to return to work early will usually be deemed as a new notification and accordingly will reduce the teacher's right to book/vary leave by one. This will not apply when the change is as a result of a child being born early, or as a result of the Principal/School requesting it be changed (and the teacher being agreeable to the change).
34. Any variation request will be confirmed in writing by the Principal/School.

Statutory Shared Parental Pay (ShPP)

35. Eligible teachers may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
36. In addition to meeting the eligibility requirements for SPL, a teacher wishing to claim ShPP must also satisfy each of the following conditions:
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
 - the teacher must intend to care for the child during the week in which ShPP is payable;
 - the teacher must have an average weekly earnings for the period of 8 weeks leading up to and including the 15th week before the child's expected due date/matching date, and are not less than the lower earnings limit in force for national insurance contributions;
 - the teacher must remain in continuous employment until the 1st week of ShPP has begun;
 - the teacher must give correct notification in accordance with the rules set out below.
37. Where a teacher is entitled to receive ShPP they must, at least 8 weeks prior to receiving any ShPP, give the Principal/School written notice advising of their entitlement to ShPP.
38. In addition to the information that must be included in the notice of entitlement to take SPL, a notice advising of an entitlement for ShPP must include the following:
- The start and end dates of any maternity/adoption pay or maternity allowance;
 - The total amount of ShPP available, the amount of ShPP the teacher or their partner each intend to claim, and a non-binding indication of when the teacher expects to claim ShPP;
 - A signed declaration from the teacher confirming that the information that they have given is correct, that they meet, or will meet, the conditions for ShPP and

that they will immediately inform the Principal/School should they cease to be eligible.

39. The notice above must be accompanied by a signed declaration from the teachers' partner confirming the following:
- Their agreement to the teacher claiming ShPP and for the school to process any ShPP to the teacher;
 - In the case whether the partner is the mother/adopter, that they have reduced their maternity/adoption pay or maternity allowance;
 - In the case whether the partner is the mother/adopter that they will immediately inform the partner should they cease to meet the eligibility conditions.

Any ShPP due will be paid at the rate set by legislation for the relevant tax year.

Other Rights and Obligations Relating to Shared Parental Leave

Return to Work

40. When a teacher returns to work following a period of Shared Parental Leave they are entitled to return to the same if their combined leave period, (comprising of maternity/paternity/adoption and shared parental leave) totalled 26 weeks or less. This is unaffected by unpaid parental leave of up to 4 weeks being taken as well.
41. In cases where the number of weeks of maternity/paternity/adoption and Shared Parental Leave exceeds 26 in aggregate, or the total number of unpaid parental weeks exceed 4 weeks, the teacher will return to the same job unless it is not reasonably practicable, in which case the teacher will be offered a suitable alternative job on terms on conditions that are no less favourable. "Job", for this purpose, means the nature of the work which he/she is employed to do and the capacity and place in which he/she is so employed.
42. Where it is not practicable by reason of redundancy to permit him/her to return to continue to be employed under the existing contract of employment, the teacher may have the opportunity to be considered for a suitable alternative vacancy where one exists.

Contact During Shared Parental Leave

43. The school may make reasonable contact with the teacher from time to time whilst he/she is on SPL in order to discuss, for example, arrangements for his/her return to work or to keep him/her informed of developments at the workplace.

Shared Parental Leave in Touch Days ('SPLIT' Days)

44. A teacher may agree with the school to work for up to **20** days during SPL without losing ShPP entitlements or bringing his/her SPL to an end as a result. Normal full pay, abated by any ShPP payments that may be available, is payable for any days worked. Although working for part of a day will count as one of the 20 SPLIT days, any entitlement to payment will be calculated using the net hours actually worked.
45. This provision is intended to help to ease the teacher's return to work. It is different to contact during parental leave described in paragraph 42. For the purposes of this arrangement "work" means any work done for the employer under his/her normal contract of employment and may include training or any activity undertaken by the teacher for the purposes of keeping in touch with the workplace. Any SPLIT days worked under this provision must be by agreement between the teacher who is on parental leave and his/her employer. The employer has no right to demand that any such SPLIT work is undertaken and the teacher has no right to undertake such work.
46. Any days work carried out as specified above shall not have the effect of extending the total duration of the paternity leave.

Continuous Service

47. Continuous service is not broken by school holidays provided that the teacher continues to be employed up to the start of a holiday period and resumes work immediately after.
48. A period of shared parental leave shall count for the purposes of the award of any points awarded for the experience to which the teacher may be entitled.

Contractual Benefits

49. Teachers are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to salary, throughout shared parental leave.

Protection from Detriment and Dismissal

50. Teachers are protected from suffering unfair treatment or dismissal for taking, or seeking to take shared parental leave. Teachers who believe they have been treated unfairly may invoke the Grievance Procedure.