

Shared Parental Leave Policy

Key to abbreviations and definitions

EWC	Expected Week of Childbirth - the week, beginning on a Sunday, in which the baby is likely to be born.
Parent(s)	One of two people who will share the main responsibility for the child's upbringing (either the mother, father or mother's Partner).
Partner	Your spouse, civil partner or someone living with you in an enduring family relationship but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
Qualifying Week	In relation to the birth of a child, this is the fifteenth week before the EWC. In relation to the adoption of a child, this is the week the adoption agency notifies you that you have been matched with a child for adoption.
SPL	Shared Parental Leave

Introduction

This Policy outlines the arrangements for SPL in relation to both the birth and adoption of a child. This Policy is intended to reflect the statutory SPL provisions and provides guidelines only. If there is any conflict between this Policy and the statutory provisions, the latter will prevail. This Policy applies to employees only it does not apply to agency workers or self-employed contractors. This policy does not form part of any employee's contract of employment and may be amended at any time.

Current Government advice and guidance is available at: <https://www.gov.uk/shared-parental-leave-and-pay/overview>

Please note that reference given below to a 'week' are reference to a seven day period beginning with a Sunday (unless the context otherwise requires).

These notes are for guidance purposes only. They include a summary of complex law which may change from time to time. This note deals with issues which commonly affect employees but may not be applicable to all personal circumstances. Guidance notes are not a substitute for individual advice and we are available to assist with individual queries. If you have any queries concerning your entitlement to SPL, please contact your Manager/Supervisor.

Purpose of Shared Paternity Leave (SPL)

The purpose of SPL is to provide working Parents with greater flexibility in how to share the care of their child in the first year after birth or placement for adoption. The mother or primary adopter must bring their maternity/adoption leave to an end early and the balance of the leave can then be converted to SPL. Assuming that both parents are eligible, you will be able to choose how to split the available leave between you and can decide to be off work at the same time or at different times. You may also be able to take more than one block of leave.

Where only one Parent is eligible for SPL then they may still be able to take this where the other Parent is economically active (see below).

Entitlement to Shared Parental Leave

In relation to the birth of a child, you will be entitled to SPL if you are the mother, the father of the child, or the mother's Partner and you share the main responsibility for the care of the child. Either you or your Partner must qualify for statutory maternity leave, maternity pay or maternity allowance. If you are the mother of the child, you cannot start SPL until after the compulsory maternity leave period which lasts for two weeks after the birth or four weeks for factory workers.

In relation to the adoption of a child, you will be entitled to SPL if an adoption agency has placed a child with you and/or your Partner and you intend to share the main responsibility for the care of the child. Either you or your Partner must qualify for statutory adoption leave and/or statutory adoption pay and must take at least two weeks of adoption leave and/or pay.

In relation to both the birth/adoption of a child, the following conditions must also be satisfied:

- (a) you must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
- (b) the other Parent must have worked in at least 26 of the 66 weeks before the EWC in relation the birth of a child or the Qualifying Week in relation to an adoption and have had average weekly earnings of at least £30 during 13 of those weeks (**this is the requirement to be economically active**); and
- (c) you and the other Parent must give the necessary statutory notices and declarations as summarised below.

The total amount of SPL available is 52 weeks, less the weeks of maternity leave or adoption leave which either Parent has taken. However, any time spent on paternity leave is a separate entitlement and will not be deducted from the 52 weeks available.

All SPL must be taken in the first 12 months following birth or the first 12 months following placement for adoption.

Evidence of entitlement

You may be required to provide to us, on request, evidence of your entitlement to SPL. Examples of evidence which we may request are as follows:

- (a) a copy of the birth certificate or a signed declaration of the child's date and place of birth;
- (b) one or more of the documents from the adoption agency identifying the agency's name and address and the expected placement date;
- (c) the name and address of the other Parent's employer.

Taking Shared Parental Leave

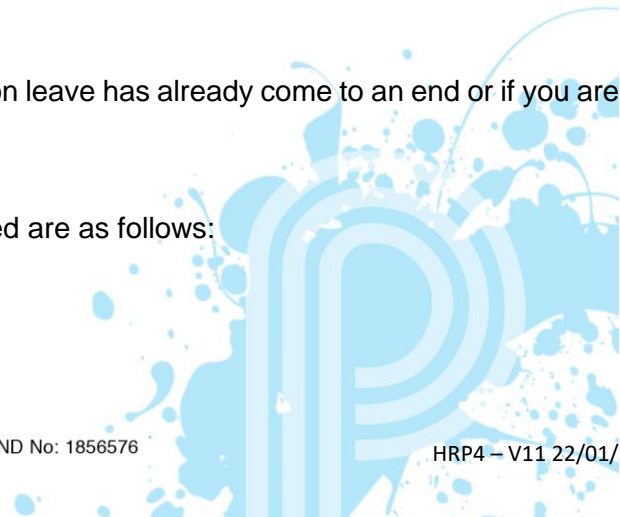
There is no obligation to take SPL. If you wish to exercise your right to take SPL then you will need to comply with certain notification requirements. As an employee your obligations are to us as your employer, if the other Parent also intends to take SPL they will need to meet certain obligations to their own employer and they should seek further advice from that employer.

Notification Requirements

No less than **eight weeks** before the date you intend your SPL to start, you must provide us with certain written notices, as follows:

- Notice of Entitlement and Intention to take SPL;
- Curtailment notice (unless your maternity/adoption leave has already come to an end or if you are the Partner of the person who took that leave);
- Period of leave notice

Guidance on which particular notices need to be provided are as follows:



Where you are the Parent taking maternity/adoption leave:

i) Notice of Entitlement and Intention to take SPL

This notice effectively sets out your entitlement to and intention to take SPL.

This notice must include:

- a) your name and the name of the other Parent;
- b) the start and end dates of the maternity/adoption leave or any period of statutory maternity pay (SMP) or maternity allowance (MA) or statutory adoption pay (SAP);
- c) the total SPL available (i.e. 52 weeks minus the maternity leave/adoption leave, SMP or MA period already taken);
- d) how many weeks of the available SPL will be allocated to you and how many will be allocated to the other Parent (please note that there is no requirement for you to take your full allocation);
- e) if you are claiming statutory shared parental pay (ShPP), the total ShPP available (i.e. 39 weeks minus the SMP or MA or SAP already received or planned to be received);
- f) how many weeks of ShPP will be allocated to you and how many will be allocated to the other Parent;
- g) an indication of the pattern of leave which you are thinking of taking, including the estimated start and end dates of that leave;
- h) declarations by you and the other Parent that you both meet the statutory conditions to enable you to take SPL and ShPP as follows:

The declaration from you (the employee) should confirm that:

- 1. you satisfy the conditions for taking SPL;
- 2. the information contained in the notice is accurate;
- 3. that the other party meets the requirements of being a Parent for the purposes of taking SPL;
- 4. that you will immediately inform the employer if or the other Parent ceases to care for the child, or if the curtailment notice is revoked.

The declaration from the other Parent should confirm:

- 1. their name, address and national insurance number;
- 2. that they meet the requirements of being economically active, that they are the other Parent (as defined), that they/the other parent is entitled to statutory maternity/adoption leave or pay or MA and that they have brought that leave to an end by returning to work or issuing a curtailment notice;
- 3. that they consent to the amount of SPL which you intend to take;
- 4. that they will immediately inform you if they revoke their curtailment notice (where they are the parent taking maternity/adoption leave);
- 5. that they consent to your employer processing the information in their declaration.

ii) Curtailment notice

At the same time as providing us with your Notice of Entitlement and Intention to take SPL you must also provide us with a curtailment notice.

Prior to commencing SPL you must give notice for your maternity/adoption leave to be brought to an end. You must give us at least eight weeks' written notice to end your maternity/adoption leave (a curtailment notice). This notice must detail the date on which you intend your maternity/adoption leave to end.

If the other Parent is eligible for SPL from their employer, they will not be able to start this until you have given us your curtailment notice. At the time you provide your curtailment notice to us you must also provide us with a written declaration that your Partner has given their employer a Notice of Entitlement and Intention to take SPL and that you have given the necessary declarations in that notice. However, it is not necessary for your maternity/adoption leave to have ended prior to the other Parent commencing SPL.

The curtailment notice is binding on you and cannot usually be revoked. There are however limited circumstances in which a curtailment notice can be revoked. If you have any queries in respect of this, please raise this with your Manager/Supervisor.

Where you are the other Parent and your Partner is taking maternity/adoption leave:

i) Notice of Entitlement and Intention to take SPL

You are required to provide us with a Notice of Entitlement and Intention to take SPL, as above.

ii) Curtailment notice?

There is no obligation to provide a curtailment notice. However, you will only be able to take SPL once your Partner has either:

- (a) returned to work;
- (b) given their employer a curtailment notice to end their maternity/adoption leave;
- (c) given their employer a curtailment notice to end their SMP/SAP (if relevant); or
- (d) given the benefits office a curtailment notice to end their MA (if relevant).

The declaration that your Partner is required to provide for your Notice of Entitlement and Intention to take SPL (see above) will include confirmation that they have complied with one of a) - d) above.

Where you are either Parent intending to take SPL

Eight weeks prior to commencing SPL, you must also provide:

iii) Period of Leave Notice

This period of leave notice sets out in writing the start and end dates of your leave. You must also identify in your period of leave notice the dates on which you intend to claim ShPP.

The period of leave notice can be provided at the same time as the Notice of Entitlement and Intention to take SPL, but there is no obligation to do so. You cannot submit a period of leave notice without having first submitted a Notice of Entitlement and Intention to take SPL. The Notice of Entitlement and Intention to take SPL informs us of your intention to take SPL and the period of leave notice lets us know when you will take this.

If your period of leave notice identifies dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

If you wish to take separate blocks of SPL, with periods of work in between then you should specify this in your period of leave notice. However, as an employer, we are under no obligation to agree to you taking leave in a number of separate blocks in this way. We would encourage you to discuss this with your Manager/Supervisor prior to submitting your period of leave notice.

If we are unable to agree to your request set out in your period of leave notice straight away then there will be a two week discussion period. At the end of this period we will contact you in writing to confirm any agreed arrangements. If we have been unable to reach an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, commencing on the start date given in your period of leave notice. Alternatively, you may:

- (a) within five days of the end of the two week discussion period, choose a new start date (which must be at least eight weeks after your original period of leave notice was given); or

(b) within two days of the end of the two week discussion period, withdraw your period of leave notice.

Changing or cancelling SPL

If you would like to cancel, change the start date or the length of a period of leave, you may do so by notifying us in writing at least eight weeks before the start date in the period of leave notice.

In order to change your SPL end date you should notify us in writing at least eight weeks before the original end date and the new end date.

A notice to change or cancel a period of leave will count as one of your **maximum of three period of leave notices**, unless:

- a) the variation is as a result of your child being born or placed for adoption with you earlier or later than the EWC or expected placement date;
- b) the variation is at our request; or
- c) we agree otherwise.

You are able to submit up to three period of leave notices or variations.

You do not need to give confirmation of your intention to return to work at the end of your period of SPL. This will be assumed, unless you exercise your right to change this, as set out above.

Shared Parental Pay (ShPP)

You may be able to claim ShPP for up to 39 weeks (less any weeks of statutory maternity/adoption pay or maternity allowance) if you meet the eligibility requirements.

If you have been employed for at least 26 weeks by the end of the Qualifying Week and your average earnings exceed the lower earnings limit, you will be entitled to be paid ShPP at the current statutory rate, provided you comply with the requirements above for taking SPL.

ShPP is subject to Income Tax and National Insurance deductions in the same way as your normal pay. If your Partner is entitled to receive ShPP this will be paid by their own employer.

Further information on this can be found at the following link:

<https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>

If you require further clarification on this point, please contact your Manager/Supervisor.

Annual Leave Entitlement

Annual leave entitlement will continue to accrue during SPL. For the avoidance of doubt, please note that you will not be able to take annual leave whilst you are on SPL.

Pension Scheme

Your pension contributions will continue during SPL. Employee contributions will be based on any ShPP received. Employer contributions will be based on the salary you would have received had you not gone on SPL.

Alternatively, you can request that your employee contributions are maintained at the existing level of contribution paid prior to your period of SPL commencing, subject to you complying with the relevant Pension Scheme and HMRC rules relating to maximum contributions allowed under such arrangements.

After any period of paid SPL has ended, your contributions will cease. Upon returning to work you will have the option of paying the pension contributions you would have paid had you been working; in this case, the period for which you pay contributions will count as pensionable service.

Other Benefits

All contractual benefits (except for salary) will continue to be provided during SPL.

Contact During SPL

Shortly before your SPL starts, your Manager/Supervisor will discuss the arrangements for you to keep in touch during your SPL, should you wish to do so.

We reserve the right in any event to maintain reasonable contact with you from time to time during your SPL. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Keeping in Touch Days

During your SPL, you may agree to work for the Company for up to a maximum of twenty days without that work bringing your SPL to an end and without loss of a week's ShPP. These are known as 'keeping in touch' days. Any work that you agree to carry out on a keeping in touch day constitutes a day's work for these purposes.

We have no right to require you to carry out any work, and you have no right to undertake any work, during your SPL. Any work undertaken, including the amount of salary paid for any work done on keeping in touch days, is entirely a matter for agreement between the Company and you. Any keeping in touch days that you do work do not extend the total period of your SPL. Once the twenty keeping in touch days have been used up, you would lose a week's ShPP for any week in which you agree to work for the Company during your SPL.

Rights After Return to Work

If you resume work after SPL and the total amount of maternity/adoption/paternity leave and SPL taken by you does not amount to more than 26 weeks, you are entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen.

If you return to work after SPL and your total period of leave has been longer than 26 weeks, you are entitled to return to the same job on the same terms and conditions as if you had not been absent, unless it is not reasonably practicable for you to be taken back in your original job. In those circumstances, you are entitled to be offered suitable alternative work, on no less favourable terms and conditions.

Failure to Return to Work

Except where you are ill and have followed the normal procedures in relation to sickness absence, should you fail to return to work at the end of your SPL, you will be treated in the same way as any other employee who has failed to return to work after a period of authorised absence and consequently may be subject to disciplinary proceedings which could result in your summary dismissal.

Request for Flexible Working

It may be possible to return to work from SPL to either a part time position or a full time position that is shared with someone else, or some other flexible working arrangement. Please refer to the Flexible Working Policy for further details on how to apply for a flexible working arrangement.



Should we agree to you returning to a flexible working arrangement, then we will set out the terms in a letter to you.

Termination of Employment

If you do not wish to return to work following the end of your SPL (or indeed wish your employment to terminate during your SPL), please note that you are still required to give us notice of your intention to resign from your position, in line with your contractual notice period.

