

## Shared Parental Leave Policy

### 1. Introduction

This policy sets out the rights of staff to Shared Parental Leave (ShPL) and Shared Parental Pay (ShPP).

The right for individual staff to take Statutory Maternity Leave (SML), Statutory Paternity Leave (SPL) and Statutory Adoption Leave (SAL) remains and ShPL provides additional options to these.

ShPL enables eligible parents to choose how to share the care of their child during the first year (maximum of 50weeks ShPL) of birth or adoption. All eligible staff have a statutory right to take ShPL. There may also be an entitlement to ShPP with a maximum of 37weeks ShPP. This policy sets out the statutory rights and responsibilities of staffs considering ShPL and ShPP.

ShPL is available for parents of birth and adopted children. Throughout this document, any reference to “mother” may also be taken to refer to ‘primary adopter’ (i.e. the person who would take Statutory Adoption Leave) and any reference to “partner” may also be taken to refer to the father or civil partner of the “mother”.

This document forms part of a contract of employment and will be changed from time to time in line with current best practice and statutory requirements and to ensure business needs are met. Staff will be consulted in advance of any proposed changes with those required by law being implemented with or without staff consent.

### 2. Eligibility

In order for one or both parents to qualify for ShPL, both parents must meet the following eligibility criteria:

- The mother must be/have been entitled to SML or SAL and must be/have been entitled to Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) or Statutory Maternity Allowance (SMA) and must have ended or given notice to end or reduce entitlements.
- Staff must still be working for the organisation at the start of each period of ShPL.
- Staff must pass the ‘continuity test’ requiring them to have a minimum of 26weeks’ service at the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) or 26weeks’ service by the end of the week in which the adopter is notified of having been matched for adoption with the child.
- The partner must meet the ‘employment and earnings test’ requiring them in the 66weeks leading up to the EWC/matching notification date to have worked for at least 26weeks and meet the minimal earning requirements, set by the Government per week in any 13 of those weeks.
- Staff must correctly notify the organisation of their entitlement and provide evidence as required.

### **3. Available Shared Parental Leave (ShPL)**

The amount of ShPL available will depend on how much SML or SAL has been used or will be used. SML and SAL provide up to 52weeks leave. The first two weeks after birth are compulsory and reserved for the mother. The remaining 50weeks may be 'converted' into ShPL if the mother and the partner both meet the eligibility criteria.

Therefore, up to 50weeks is available to share during the child's first year.

Note – both parents can be off at the same time, sharing the maximum entitlement of 50weeks' leave.

In order to take ShPL, the mother must end (or given notice to end) the SML or SML early. The number of weeks available for ShPL will depend on when the mother ends SML or SMA (however many of the 50weeks remain).

ShPL must be taken in blocks of at least one week and may begin on any day of the week. Staffs can request to take shared parental leave-

- In one continuous block (e.g. 12 weeks) or
- As a number of discontinuous blocks of leave (e.g. 4weeks/4 weeks/4 weeks)

The partner can begin a period of ShPL at any time from the date of the child's birth.

All ShPL must be taken within 52weeks of birth.

### **4. Notification of Shared Parental Leave (ShPL)**

Notice is made up of three essential elements

- A "curtailment notice" from the mother setting out when the SML or SAL will end is submitted.
- A "notice of entitlement and intention" from staff giving an initial non-binding indication of each period of ShPL being requested.
- A "period of leave notice" (also known as 'booking' notice') from staff, setting out the start and end date of each period of ShPL being requested.

Please see Appendix A for a style document incorporating all of the above

#### **Curtailment Notice**

Before either parent can take ShPL, the mother must either

- Have returned to work before the end of the maternity/adoption leave, giving eight weeks' notice to do so or
- Have given the organisation a curtailment notice. This must be in writing, and specify the date on which the leave is to end.

The date must be

- After the compulsory leave period (the two weeks after birth)
- At least eight weeks after the date of the curtailment notice
- At least one week before what would have been the end date of the additional leave period

#### **Changing Curtailment**

If the curtailment notice is given after the birth/placement, it is binding. If the curtailment notice is given before the birth/placement, it can be withdrawn with the SML or SAL continuing. The withdrawal must be made within six weeks of the birth/placement date.

Otherwise withdrawal can only be requested if the partner passes away or neither the mother or partner were entitled to ShPL.

### **Notice of Entitlement and Intention**

Staff (whether the mother or partner) must provide the organisation with a non-binding notice of entitlement and intention. This must be given in writing at least eight weeks before the start date of the first period of ShPL.

The mother/primary adopter must complete all appropriate sections of the form at Appendix A. The partner must also complete all appropriate sections of the form at Appendix A.

Note – the requested dates in the Notice of Entitlement and Intention are not binding until ShPL is booked by indicating this in Appendix A by submitting Appendix B.

### **Period of Leave Notice – Booking ShPL**

To be entitled to take a period of ShPL, staff must ‘book’ it by providing written notice stating the start and end dates of each period of ShPL requested. This can be done by using Appendix A or Appendix B.

This must be given not less than eight weeks before the start date of the first period of ShPL. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

A maximum of three requests for ShPL can be made.

## **5. Shared Parental Pay (ShPP)**

To qualify for ShPP, the mother must, as well as passing the continuity test, also have earned an average salary of the National Insurance lower earnings limit for more than eight weeks prior to the 15<sup>th</sup> week before the expected week of childbirth/adoption.

The number of weeks of ShPP available will depend on how many weeks’ pay has already been used during maternity/adoption leave. A maximum of 37weeks’ ShPP is available as the first two weeks are compulsory for the mother.

ShPP is paid at a rate set by the Government or at 90% of the average weekly earnings, if this figure is lower than the Government's set weekly rate.

## **6. During Shared Parental Leave**

During ShPL the full terms and conditions of the contract of employment continue including accrual of annual leave and public holidays, with the exception of remuneration.

Pension contributions will continue to be made during any period of ShPP but not during any unpaid period. The organisation will make contributions based on normal contractual pay and staff contributions will be based on actual pay.

### **7. Shared Parental Leave Keep in Touch Days (SPLIT)**

The organisation has the right to make reasonable contact during ShPL for the purpose of discussing training, plans for return to work or workplace updates.

Staff may work up to 20 days during ShPL without affecting ShPL or ShPP. Any days of work and any work undertaken during ShPL must be mutually agreed by the organisation.

There is no obligation on the organisation to pay staff for any SPLIT days. Remuneration, if any, will be discussed and agreed in advance.

### **8. Returning to Work**

If the period of leave (including ShPL and maternity/adoption leave) is 26 weeks or less, staff have the right to return to the same job.

If the period of leave (including ShPL and maternity/adoption leave) more than 26 weeks, the organisation will aim to allow the member of staff to return to the same job. If this is not possible, they will be offered a suitable alternative job on no less favourable terms and conditions.

### **9. Checking Eligibility**

The organisation may, within two weeks of the ShPL entitlement notification being given, request certain information to check eligibility. This can include details of the partner's employer, a copy of a birth certificate or certain adoption details.

In order to be entitled to ShPL, the staff must produce this information within two weeks of the organisation's request.

Where there is a suspicion of fraudulent information being provided or where the organisation has been informed by the HMRC a fraudulent claim was made, the organisation will investigate the matter further in accordance with disciplinary procedures. This may result in action up to and including dismissal.

### **10. Data Protection Act 2018**

The organisation will treat all personal data in line with obligations under the current data protection regulations.

## Appendix A

### Notice to Request Shared Parental Leave

(Important: please read the **Policy on Shared Parental Leave**)

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

#### Basic Details

Staff Name:	
Address:	
National Insurance Number:	
Are you the mother/main adopter of the child <b>or</b> the partner of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity/adoption leave:	
Expected week of childbirth/actual date of birth OR date of notice of matching/placement for adoption	

#### 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 the baby

I wish my maternity / adoption leave to end on the following date:	
I wish my statutory maternity/adoption pay period (if applicable) to end on:	
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:	
Name of mother/main adopter:	

#### Shared Parental Leave Details

Number of weeks of shared parental leave / pay <b>you</b> intend to take	
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Number of weeks of shared parental leave / pay the <b>other parent</b> intends to take	

**Requested dates**

Detail start and end dates of the shared parental leave/pay <b>you</b> intend to take. This must match with the number of weeks indicated above.	<b>ShPL dates</b>	<b>ShPP dates</b>
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**Booking notice**

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 ShPL requested.



## Declaration by Staff

Please confirm eligibility by ticking the appropriate boxes below and signing the form. You must also submit the completed "Declaration by the Staff's Partner" form.

- I am the father of the child **or** the spouse / civil partner or partner of the mother / main adopter
- 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 am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand this is **binding** subject to certain conditions outlined in the policy
- I meet the eligibility criteria for shared parental leave
- I will immediately inform my employer in the event I cease to be eligible for Shared Parental Leave and/or Shared Parental Pay
- I consent to you retaining and processing the information contained in this form
- I meet the eligibility criteria for shared parental pay
- I confirm all of the information given in this form is correct

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Declaration by Staff's Partner**

Name	
Address	
National Insurance Number	
Name and Address of Employer	

I confirm 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 minimum maternity allowance threshold per week in 13 of the 66 weeks
- I consent to your staff taking shared parental leave and shared parental pay as detailed above
- I consent to you retaining and processing the information contained in this form

As appropriate:

- I am the father of the child **or** the spouse / civil partner or partner of the mother / main adopter
- 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 staff takes shared parental leave)
- I will immediately inform my partner should I cease to meet the eligibility criteria for Shared Parental Leave or Shared Parental Pay.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



Appendix B

**Period of Leave Notice to take or vary Shared Parental Leave (Booking form)**

**Note:** You **must** complete this form in order to be entitled to take ShPL if you have not used Appendix 1 as a Booking form. It must be submitted at least eight weeks before the date you wish to start ShPL.

You can also use it to request to vary a previously agreed period of leave.

NOTE: A maximum of three separate leave requests can be made.

Name of staff	
Job Title	
Name of partner	

I wish to take the following period(s) of shared parental leave [and pay].

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

Request to vary previously agreed ShPL/ShPL dates

Previously approved start date	Previously approved end date	Detail the change requested

We confirm agreement to the request/variation outlined above

Signed: (Staff)

Date:

Signed: (Partner)

Date: