

## **SHARED PARENTAL LEAVE**

### **AIM**

The aim of this policy is to set out the employee's and the Company's obligations which must be fulfilled where an employee wants to take Shared Parental Leave. The policy also provides details of statutory entitlements to which the employee may be eligible. This policy applies to all eligible employees in respect of children who are expected to be born or adopted on or after 5 April 2015.

### **PRINCIPLES**

- The Company wishes to detail the procedures that must be followed where an employee wishes to take Shared Parental Leave.
- Details of any benefits and statutory pay that eligible employees may be entitled to during Shared Parental Leave are provided, along with the length of leave entitlement and the notification requirements.
- Shared Parental Leave can be taken at the same time as the other parent or at different times.

### **DEFINITIONS**

The following definitions apply in this policy.

**Continuous Leave:** a period of leave that is taken in one block.

**Discontinuous Leave:** a period of leave that is arranged around weeks where the employee will return to work.

**Expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.

**Partner:** the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**SPL:** Shared Parental Leave

**ShPP:** Statutory Shared Parental Pay

**SMP:** Statutory Maternity Pay

**SAP:** Statutory Adoption Pay

**MA:** Maternity Allowance

### **ELIGIBILITY**

For an employee to be eligible for SPL a mother/adopter must:

- be entitled to maternity/adoption leave or SMP/SAP or MA
- have curtailed or given notice to reduce the maternity/adoption leave or pay/allowance, or have returned to work

If an employee intends to take SPL he/she must:

- be an employee;
- share the main responsibility for the care of the child with the other parent at the time of birth or placement of adoption;
- have properly notified the Company of his/her entitlement and have provided the necessary declarations and evidence;
- have at least 26 weeks continuous employment with the Company by the end of the fifteenth week before the expected week of childbirth/matching date (the qualifying week);
- still be employed for the Company in the week before the leave is to be taken.

In addition, the other parent must have worked (in an employed or self-employed capacity) for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 week (as at 2014) in 13 of the 66 weeks.

## **ENTITLEMENT**

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother/adoption on maternity/adoption leave or pay. As a minimum the first two weeks maternity/adoption leave has to be taken by the mother/adoption.

If the employee is the child's father or the mother/adoption's partner, he/she may consider using his/her two weeks' paternity leave before taking SPL. Once an employee starts SPL he/she will lose any untaken paternity leave entitlement. SPL entitlement is additional to the statutory two week paternity leave entitlement.

## **NOTICE OF SHARED PARENTAL LEAVE**

An employee entitled and intending to take SPL must give their manager eight weeks' notice of his/her intention to take SPL. He/she must provide the Company with a written opt-in notice giving:

- his/her name and the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay or MA, taken in respect of the child and the total SPL available;

- the date on which the child is expected to be born and the actual date of birth, or in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and his/her partner each intend to take
- a non-binding indication of when the employee expects to take the leave.

Employees must provide the Company with a signed declaration stating:

- that they meet, or will meet the eligibility conditions and are entitled to take SPL
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the Company.

Employees must provide the Company with a signed declaration from their partner confirming:

- his/her name, address and national insurance number (or a declaration that he/she does not have a national insurance number);
- that he/she is the mother/adopter of the child or they are the father of the child or partner of the mother/adopter
- that he/she satisfies the employment and earnings test and had at the date of the child's birth or placement for adoption, the main responsibility for the child, along with the employee;
- that he/she consents to the amount of SPL that the employee intends to take
- that he/she consents to the Company processing the information contained in the declaration form;
- (in the case whether the partner is the mother/adopter) that he/she will immediately inform his/her partner should he/she cease to satisfy the eligibility conditions.

### **REQUESTING FURTHER EVIDENCE OF ELIGIBILITY**

The Company may, within 14 days of the SPL entitlement notification being given, request:

- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed his/her contact details must be given)
- 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 time and place of 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.

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

### **ENDING MATERNITY/ ADOPTION LEAVE**

Where the mother/adopter is still on maternity/adoption leave, he/she must provide the Company with at least eight weeks' written notice to end his/her maternity/adoption leave (a curtailment notice) before the employee can take SPL. The notice must state the date that the maternity/adoption leave will end. Notice can be given before or after the mother/adopter gives birth or is matched for adoption.

The other parent may be eligible to take SPL from their employer before the maternity/adoption leave or pay ends, provided the mother/adopter has given the curtailment notice.

The curtailment notice is usually binding and cannot be revoked. An employee can only revoke a curtailment notice if maternity/adoption leave has not yet ended and one of the following applies:

- if the employee realises that neither parent is in fact eligible for SPL or ShPP, the employee can revoke the curtailment notice in writing up to eight weeks after it was given;
- if the employee gave the curtailment notice before giving birth, the employee can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- if the other parent has died.

The child's father, or mother/adopter's partner, will only be able to take SPL once the mother/adopter has:

- returned to work; or
- given his/her employer a curtailment notice to end his/her maternity/adoption leave or pay or MA; or
- given a curtailment notice to the benefits office to end his/her MA (if he/she is not entitled to maternity/adoption leave or pay).

### **NOTIFYING THE COMPANY OF THE SPL DATES**

Having opted into the SPL system the employee will need to give a period of leave notice informing the Company of the start and end dates of the leave. This can be given

at the same time as the opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of the leave.

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

Employees can give up to three periods of leave notices. This may enable the employee to take up to three separate blocks of shared parental leave.

## **PROCEDURE FOR REQUESTING SPLIT PERIODS OF SPL**

In general, a period of leave notice should set out a single continuous block of leave. The Company may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. Employees must discuss this with their manager in advance of submitting any formal period of leave notices. This will give the Company more time to consider the request and hopefully agree a pattern of leave from the start.

The employee must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If the Company is unable to agree to the employee's request straight away, there will be a two-week discussion period. At the end of that period, the Company will confirm any agreed arrangements in writing. If the Company has not reached an agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in his/her notice (for example, if the employee requested three separate periods of four weeks each, he/she will be entitled to one 12-week period of leave). Alternatively, the employee may:

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

## **CHANGING THE DATES OR CANCELLING THE SPL**

An employee can cancel a period of leave by notifying the Company in writing at least eight weeks before the start date in the period of leave notice.

The employee can change the dates for a period of leave by giving the Company at least eight weeks' notice before the original start date and the new start date.

The employee does not need to give eight weeks' notice if the employee is changing the dates of his/her SPL because his/her child has been born earlier than the EWC, where the employee wanted to start his/her SPL a certain length of time, but not more than eight weeks after birth. In such cases the employee must notify his/her manager in writing of the change as soon as possible.

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

- the variation is a result of the child being born earlier or later than the EWC;
- the variation is at the Company's request; or
- employee and Company agree otherwise.
- 

### **SHARED PARENTAL PAY**

ShPP of up to 39 weeks (less any weeks of statutory maternity/adoption pay claimed by the employee or the other parent) may be available provided the employee have at least 26 weeks' continuous employment with the Company at the end of the qualifying week and the employee's 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.

### **OTHER TERMS DURING SHARED PARENTAL LEAVE**

The employee's 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 the employee's contract. If SPL continues into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting the SPL can be carried over and must be taken immediately before returning to work unless the employee's manager agrees otherwise. All holiday dates are subject to approval by the employee's manager.

Where an employee is a member of the pension scheme, the Company will make employer pension contributions during any period of paid SPL. These contributions will be based on the employee's normal salary, in accordance with the pension scheme rules. Any employee contributions the employee makes will be based on the amount of any shared parental pay he/she is receiving, unless the employee advises his/her manager that he/she wishes to make up any shortfall.

### **KEEPING IN TOUCH**

The Company may make reasonable contact with the employee from time to time during his/her SPL although we will keep this to a minimum. This may include contacting the employee to discuss arrangements for his/her return to work.

The employee may ask or be asked to work (including attending training) on up to 20 "Shared Parental Leave in Touch" days (SPLIT days) during his/her SPL. SPLIT days are not compulsory and must be discussed and agreed with the employee's line manager.

Employees 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 shared parental pay entitlement.

## **RETURNING TO WORK**

Employees who want to end a period of SPL early must give the Company eight weeks' prior written notice of the return date.

Employees who want to extend their SPL must submit a new period of leave notice at least eight weeks before the date the employee was due to return to work, assuming the employee still has SPL entitlement remaining and has not already submitted three period of leave notices. If the employee is unable to request more SPL he/she may be able to request annual leave or ordinary parental leave, which will be subject to business need.

Employees are normally 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 Company to allow the employee to return into the same position, we may give the employee another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- if the employee's SPL and any maternity/adoption or paternity leave which has been taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- if the employee took SPL consecutively with more than four weeks of ordinary parental leave.

Employees who want to change their hours or other working arrangements on return from SPL should make a request under the Flexible Working Policy. It is helpful if such requests are made as early as possible.

Employees who decide that they do not want to return to work should give notice of resignation in accordance with their contract.

*Disclaimer: The information contained in this document is for general information purposes only. Whilst we endeavour to ensure that the information is correct, we make no representations or warranties of any kind about its completeness or accuracy; nor do we commit to ensuring that the material on the document is kept up-to-date. Any reliance you place on such information is therefore strictly at your own risk.*