



Shared Parental Leave Policy

1.0 Introduction

- 1.1 Shared parental leave (SPL) is a new kind of leave for working parents. This policy sets out the entitlements and provisions for parents who wish to share time away from work to care for their new child, in compliance with legal requirements and to support a more flexible approach for working parents.
- 1.2 SPL gives the employee and their partner more flexibility in how to share the care of their child in the first year after birth or placement for adoption. Assuming both are eligible, they will be able to choose how to split the amount of available leave between them. Both parents can be off work at the same time or at different times. Also, they may be able to take leave in more than one block.
- 1.3 Employees are protected in law against any detriment, disadvantage, unfair treatment or dismissal arising from their SPL.
- 1.4 The policy outlines the statutory rights and responsibilities of staff who wish to take SPL. It describes who is eligible for SPL and how the Union will manage the period of SPL and pay. It also sets out the arrangements for requesting and booking leave, including time limits, and for requesting changes.
- 1.5 SPL is relatively new, and the regulations and procedures around it can be quite complicated. We encourage staff to talk to us informally at first if they're thinking about SPL. The Finance and Resources Manager will help to clarify what is needed and provide the necessary forms and paperwork.

2.0 Definitions

- 2.1 There are a number of definitions and terms which are used throughout this policy. These are the terms used in UK legislation and across organisations in relation to SPL policy.
 - EWC – Expected week of childbirth the week, starting on a Sunday, in which the doctor or midwife expects the employee to give birth.
 - The 'Qualifying Week' – the 15th week before the EWC or, in the case of adoption, the week the adoption agency notifies you that you have been matched with a child for adoption.
 - ShPP – Statutory shared parental pay
 - SPLIT day - Shared parental leave in touch day.

- 2.2 'Parent' is defined as one of two people who will share the main responsibility for the child's upbringing (and who may be the mother/adopter, biological father, spouse, civil partner or partner of the child's mother).
- 2.3 'Partner' is defined as someone who lives with the mother of the baby (or adopter) in an enduring family relationship, but is not an immediate relative such as a grandparent or sibling.

3.0 Eligibility for SPL

3.1 SPL can only be used by two people. These are 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.

3.2 The following conditions apply to SPL:

- Employees 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.
- The other parent (your partner in the case of adoption) must have worked in at least 26 of the 66 weeks before the EWC, and have met the earning requirements of at least £30 per week during 13 of those weeks; and
- The employee and the other parent must give the necessary statutory notices and declarations. These are notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods or, alternatively, notice to end adoption leave or statutory adoption pay (SAP).

3.3 The eligibility rules for SPL are complex. It is the employee's responsibility to check they are entitled to SPL and to provide evidence of their eligibility to the Finance and Resources manager. Employees can visit www.gov.uk/pay-leave-for-parents and complete the online calculator to confirm their eligibility.

4.0 Key Points

- 4.1 Mothers will continue to be entitled to 52 weeks of maternity leave. However, if they choose to do so, an eligible mother can end her maternity leave early and, with her partner or the child's father, opt for SPL instead of maternity leave. If they both meet the qualifying requirements, they will need to decide how they want to divide their SPL and pay entitlement.
- 4.2 Paid paternity leave of two weeks will continue to be available to fathers and a mother's or adopter's partner. Additional paternity leave has been abolished and replaced by SPL.
- 4.3 Adopters will have the same rights as other parents to SPL and pay.
- 4.4 The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave or, in the case of adoption, the weeks of adoption leave taken by either you or your partner. If you are the mother, you cannot start SPL until after the compulsory maternity leave period which lasts until two weeks after birth.
- 4.5 SPL may be taken as a continuous period or employees may also apply for up to three discontinuous or split periods of leave.

- 4.6 The minimum ShPP is 39 weeks for eligible staff.
- 4.7 Employees normally have the right to return to the same job and the same terms and conditions after SPL, where the total leave taken is up to 26 weeks. After this time, if this is not reasonably practical, they are entitled to return to a suitable job with similar terms and conditions.
- 4.8 During SPL all contractual rights, except pay, will continue as if the employee were still at work. This includes employment benefits, annual leave entitlement and pension. The period of continuous employment is not affected by being on SPL.

5.0 Pay (ShPP)

- 5.1 Statutory shared parental pay (ShPP) of up to 39 weeks may be available, provided the employee has at least 26 weeks' continuous employment with the Union at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year.
- 5.2 This 39 weeks will be less any weeks of statutory maternity pay or allowance claimed by the mother or statutory adoption pay claimed by the employee or their partner.

6.0 Notification to Opt Into SPL

- 6.1 The rules around opting into SPL are quite specific and staff need to provide a number of key pieces of information to do so. This can be done using the forms provided by the Finance and Resources Manager
- 6.2 Not less than eight weeks before the date you intend your SPL to start, you must give us a written opt-in notice.
- 6.3 If you want to end your maternity or adoption leave to opt into SPL, you must give us at least eight weeks' written notice to end your maternity/adoption leave (a curtailment notice) before you can start to take it.
- 6.4 You must also give us, at the same time as the curtailment notice, a written declaration that the other Parent has given their employer an opt-in notice, and that you have given the necessary declarations in that notice.
- 6.5 The curtailment notice is binding and cannot usually be revoked unless there are special circumstances.

7.0 Ending your Partner's Maternity/Adoption Leave

- 7.1 In the case of the birth of a child where the employee is not the mother, and she is still on maternity leave or claiming maternity pay, or in the case of adoption if your partner is taking adoption leave or claiming adoption pay, the employee will only be able to take SPL once they have either:
- Returned to work
 - Given their employer a curtailment notice to end their maternity/adoption leave
 - Given their employer a curtailment notice to end their SMP/SAP (if they are entitled to SMP/SAP but not maternity/adoption leave) or

- In the case of the birth of a child, given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or pay).

8.0 Evidence of Entitlement

8.1 Employees must also, within 14 days of the SPL entitlement notification being given, provide the Union with:

- The name and business address of the partner's employer (if the partner is no longer employed or is self-employed, their contact details must be given instead)
- 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 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.

8.2 In order to be entitled to SPL, employees must produce this information within 14 days of us requesting it.

9.0 Booking your SPL Dates

9.1 Having opted into the SPL system, employees will need to give a 'period of leave' notice telling us the start and end dates of your leave. This can be given at the same time as your 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.

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

9.3 Employees can give up to three 'period of leave' notices. This may enable you to take up to three separate blocks of SPL. See below.

10.0 Spilt (discontinuous) Periods of SPL

10.1 We will also consider a 'period of leave' notice where the SPL is discontinuous or split into shorter periods with periods of work in between. Spilt periods of SPL must be of at least a week. We ask staff to discuss informally the split leave option with their manager and the Finance and Resources Manager in good time before formally submitting their 'period of leave' notice.

10.2 Requests for spilt periods of leave will be considered on a case-by-case basis.

11.0 Changing the Dates or Cancelling SPL

11.1 Staff can vary or cancel a period of leave by notifying us in writing at least eight weeks before the variation is due to take place.

11.2 In the case of the birth of a child, you do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. If this is the case, please notify the Finance and Resources Manager in writing of the change as soon as you can.

11.3 In most cases, a notice to change or cancel a period of leave will count as one of the three period of leave notices.

12.0 Contractual Rights during SPL

12.1 Whilst employees are on SPL all their contractual rights, except pay, will continue as if they were still at work. When they return to work following SPL, they will be considered to have been continuously employed for the purposes of seniority, pension, redundancy and other similar rights.

12.2 Pension rights and contributions will be dealt with in line with the rules of the scheme.

12.3 Annual leave entitlement, as set out in the contract of employment, accrues during maternity leave.

12.4 If it happens that an employee's post is affected by a redundancy situation during their SPL, we will write to inform them of any proposals inviting them to a meeting before any final decision is reached about their continued employment. Employees on SPL, like those on maternity, paternity and adoption leave, will be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

13.0 Keeping in Touch (SPLIT)

13.1 The regulations enable staff and the Union to keep in reasonable contact over the duration of SPL, and this can be done through so-called SPLIT days. These are typically to cover a range of issues such as joining training courses or meetings, keeping up to date with important developments at work or discussing plans for return to work.

13.2 SPLIT days are by mutual agreement. Note that the Union cannot require staff to come into work for a SPLIT day, and neither are staff entitled to SPLIT days. However, the Union will encourage and support them where possible, as a way of keeping staff involved in what's happening at the workplace and for facilitating a smooth return to work.

13.3 Employees may do up to 20 SPLIT days under their contract of employment, without breaking the period of SPL or affecting the entitlement to ShPP. These can be at any time during the SPL, apart from the 2 week period immediately after childbirth.

13.4 Each full or part day SPLIT worked will be counted as one of the 20 occasions. However, claims can only be made for the actual number of hours worked and this will be paid at the employee's normal hourly rate of pay. In order to generate a payment for any SPLIT days used, the employee's line manager will need to notify the Finance & Resources Manager of the day(s) attended and number of hours worked within 7 working days. Due to payroll cut off dates, notification received after the 5th of the month may not be paid until the following month.

14.0 Returning to Work

14.1 Employees are requested to confirm their intention to return to work at the agreed date.

14.2 If you wish to return to work before this date, you must give us eight weeks' written notice of the new return date. If have already given us three period of leave notices you will not be able to end your SPL early without our agreement.

- 14.3 If you wish to return to work later than this date (extend SPL), assuming you still have unused SPL entitlement remaining, you must give us a written notice at least eight weeks before the date you were due to return to work. If you have already given us three period of leave notices you will not be able to extend your SPL without our agreement.
- 14.4 If you decide not to return to work after SPL, you must give us notice in line with the resignation period in your contract of employment. The amount of maternity leave you have left must be at least equal to your contractual notice period, or we may require you to work the difference.
- 14.5 Employees may be considering returning to work part-time. Requests to change working patterns (such as working part-time) after SPL will be considered on a case-by-case basis. The Union encourages any requests to be made as early as possible to help us to plan things. The Union will always try to accommodate the employee's wishes, but there is no absolute right to insist on working part-time. Employees do have a statutory right to ask for flexible working, but we may need to refuse if there is a justifiable reason based on operational needs. The procedure for dealing with such requests is set out in our Flexible Working Policy.

15.0 Your Rights on Return to Work

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

Approved by Board of Trustees: March 2017

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