

Shared Parental Leave Policy



Shared Parental Leave Policy

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Shared Parental Leave Policy

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Shared Parental Leave Policy

1. Purpose and Scope

- 1.1. This policy sets out your rights and responsibilities when wishing to undertake shared parental leave and the process that should be followed.
- 1.2. Your rights and benefits with regards to Shared Parental Leave (SPL) are complex and we have tried to make this policy as comprehensive and easy to follow as possible, however for further information and support on individual circumstances please speak to the HR team.

2. Principles

This policy applies to all employees. All references to “we” refers to the Park Authority, all references to “you” refers to all employees of the Park Authority.

3. What is Shared Parental Leave?

- 3.1. The introduction of SPL is designed to allow parents to take leave flexibly in the first year of a child's life to create a new, more equal system which allows both parents to assist with childcare and keep a strong, supportive link with their workplace.
- 3.2. Its purpose is to give parents more flexibility in considering how to best care for their child. It applies to children expected to be born or adopted on or after 5 April 2015.
- 3.3. The intended parents in a surrogacy arrangement are also entitled to make use of shared parental leave.
- 3.4. These rights also apply to partnerships of the same sex so references in these guidance notes should be taken as including women and men in same sex partnerships. It replaces the current additional paternity leave arrangements.
- 3.5. Everyone who is eligible has a statutory right to take SPL. There may also be an entitlement to some Shared Parental Pay (SPP) which does not replace the established maternity leave and pay arrangements.

4. Core Entitlement

- 4.1. Mothers can take SPL after you have taken the legally required two weeks of maternity leave immediately following the birth of your child and the adopter can take SPL after taking at least two weeks of adoption leave.
- 4.2. The father/partner/spouse can take SPL immediately following the birth/adoption placement but may choose to use paternity leave entitlements first as you cannot take paternity leave or pay once you have taken any SPL or SPP.
- 4.3. The available SPL and SPP can then be allocated between parents if you agree.
- 4.4. SPL is calculated by deducting the number of weeks' maternity leave the mother/adopter has taken on her return to work or the leave curtailment date from 52 weeks.

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- 4.5. In practice this means that up to 50 weeks' leave and 37 weeks' pay can be shared between parents if the mother brings her maternity leave and pay to an end early.
- 4.6. The available SPP is calculated using the balance of maternity pay entitlement on the mother's return to work. One parent can take the full amount of SPL and SPP if you choose to allocate it in this way.
- 4.7. If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP) Statutory Adoption Pay (SAP) or Maternity Allowance (MA) you must reduce your entitlement to less than 39 weeks. Therefore your partner may be entitled up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks SMP, SAP or MA taken by the mother/adopter.
- 4.8. SPL will generally commence on your chosen start date. It can only be taken in complete weeks but may begin on any day of the week.

5. Eligibility

- 5.1. SPL and SPP can only be used by two people and must be taken by the child's first birthday. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost. Both parents must share the main responsibility for the care of the child at the time of birth/placement for adoption.
- 5.2. The partner of the employee who wants to take SPL must meet minimum work and earnings criteria of 26 weeks of employment or self-employment in the 66 weeks before the child's estimated due/matching date and have average weekly earnings of at least £30 during 13 of those weeks, to be eligible for leave.
- 5.3. If your partner meets these criteria you must have 26 weeks service at the 15th week before the child's estimated due date/matching date to qualify for SPP and remain in employment until the week before any period of SPL is taken.
- 5.4. You must have average earnings at or above the lower earnings limit (currently £111 a week) in the 8 weeks before the 15th week before the expected week of childbirth (EWC) to qualify for statutory SPP.
- 5.5. SPP must be requested in accordance with the notification requirements set out in these guidance notes and include the following:
 - a leave curtailment notice (where the mother works here)
 - a notice of entitlement and intention to take SPL
 - a request for SPL

6. Bringing maternity leave to an end early (where the employee is the mother)

- 6.1. The first stage of opting into SPL is for the mother to bring her maternity leave to an end by completing the 'return from maternity leave form' stating when the maternity leave is to end.

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- 6.2. A minimum 8 weeks' notice has to be given to bring maternity leave to an end. Maternity leave cannot be brought to an end until after the two week compulsory maternity leave period and must come to an end at least one week before the end of the additional maternity leave period.
- 6.3. The return from maternity leave form must be submitted to HR and notice of the intention to take SPL; or
- 6.4. A declaration that the other parent has given notice of entitlement and intention to take SPL to their employer and that the mother has consented to the amount that the other parent will take.
- 6.5. Maternity leave will come to an end on the date set out in the return from maternity leave form; this cannot normally be revoked once it has been given.
- 6.6. The employee will receive confirmation in writing of their entitlement to SPL.

7. Notification to us of your entitlement to and intention to take Shared Parental Leave

- 7.1. Where you are entitled and intending to take SPL you must provide both your line manager and HR with notification at least 8 weeks before any period of SPL begins.
- 7.2. As outlined in section four, part of the eligibility criteria requires you to provide correct notification in writing which includes:
 - the name of the employee
 - the name of the other parent
 - the start and end dates of any maternity/adoption 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/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 and SPP the employee and their partner each intend to take
 - a non-binding indication of when the employee is intending to take SPL and pay, including the dates on which it is intended the leave will be taken
- 7.3. The notice must be accompanied by written declarations from both parents (template can be found on Park Central) confirming:
 - name, address and NI number
 - eligibility for leave and pay
 - that the information provided is accurate
 - that you are the mother/adopter of the child or that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter
 - you satisfy the 'employment and earnings test'
 - you consent to the leave that the other parent wants to take
 - you consent to us processing the information contained in the declaration form and that should you cease to be eligible you will immediately inform us

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- 7.4. Taking SPL or SPP when not entitled to will be a disciplinary offence. Where there is suspicion that fraudulent information has been provided or where we have been informed by HMRC that a fraudulent claim has been made, an investigation will be undertaken in accordance with the disciplinary policy without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.
- 7.5. Within 14 days of the SPL entitlement notification we may request further evidence of eligibility including:
- the name and business address of your partner's employer, where they are no longer employed their contact details must be given instead
 - in the case of biological parents, a copy of the child's birth certificate
 - in the case of an adopted child, documentary evidence of the adoption agency, the date on which they were notified of having been matched with a child and the date on which the agency expects to place the child for adoption
- 7.6. You must produce this information within 14 days of the request.

8. Booking Shared Parental Leave

- 8.1. In addition to notifying us of entitlement to SPL/SPP you must also give notice to take the leave. In most cases, notice to take leave will be given at the same time as the notice of entitlement to SPL. Each notification may contain either:
- a single period of weeks of leave, or
 - more weeks of discontinuous leave, where you intend to return to work between periods of leave.
- 8.2. If you would like to request more than one period of leave in a single notice, the notice must be given at least 8 weeks before the first period of leave you wish to take.
- 8.3. You may submit up to 3 separate notifications in total. Special rules apply if leave is requested before a child's birth. In this case the notice can ask for leave to start on or after a specified number of days after the child's birth and finish on a date or a specified number of days after the child's birth.

9. Continuous Leave Notifications

- 9.1. A notification can be given for a period of continuous leave. This means a notification of a number of weeks taken in a single unbroken period of leave.
- 9.2. You have 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 of SPL available to them (specified in the notice of entitlement) and you have provided at least 8 weeks' notice.
- 9.3. You may submit up to 3 separate notifications for continuous periods of leave.

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10. Discontinuous Leave Notifications

- 10.1. A single notification may also contain a request for 2 or more periods of discontinuous leave.
- 10.2. This means you can ask for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work. An example of this would be where you take 6 weeks of SPL and work every other week for a period of three months.

11. Responding to Requests for Shared Parental Leave

- 11.1. Good communication is key at each stage of the process to ensure effective implementation. Therefore you must discuss your leave requirements as early as possible with your line manager.
- 11.2. If a single period of leave is requested you are entitled to take the leave as requested.
- 11.3. If more than one period of leave is requested in the same notice your line manager will confirm within 14 days whether they can:
 - agree to the pattern of leave requested
 - refuse or
 - negotiate alternative dates
- 11.4. If we cannot accommodate a pattern of leave due to operational reasons and alternate dates cannot be agreed, you can take leave from the start date to the end date of the pattern as one continuous period providing you give at least 8 weeks' notice.
- 11.5. If periods of leave have not been agreed, you can withdraw the notice to take leave within 15 days of the date the notice was originally given or you can take leave in a single continuous block. Requests that have been withdrawn in these circumstances do not count towards the limit on the number of requests you can make.
- 11.6. If you choose to take the leave in a single continuous block, you have from the 19th day from the date the original notification was given to choose if you want your leave period to begin. The leave cannot start sooner than 8 weeks from the date the original notification was submitted. If you do not choose a start date then it will begin on the first leave date requested in the original notification.
- 11.7. Each request for discontinuous leave will be considered on a case by case basis. Agreeing to a request will not create the right for anyone else to be granted a similar pattern of SPL.

12. Changing Shared Parental Leave arrangements

- 12.1. You are entitled to cancel or request a variation of leave that has already been submitted, provided you give at least 8 weeks' notice of the change e.g. you may want to:

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- change the start date of leave
- return to work earlier than originally envisaged or
- extend your period of leave by changing the end date

12.2. Requests for cancellation or variation generally count towards the total number of leave requests you can make. However, if you want to start SPL a certain amount of time after birth and the child arrives earlier than the EWC, the variation notice would not count towards your request limit.

12.3. If you provide less than 8 weeks' notice of any change you may be required to take some or all of the leave that was originally requested if it is not reasonably practicable to accommodate the change.

12.4. Any variation will be confirmed in writing.

13. Statutory Shared Parental Pay (SPP)

13.1. You may be entitled to take up to 37 weeks' SPP while taking SPL. The amount of weeks available will depend on the amount the mother/adoption reduces their maternity/adoption pay period or maternity allowance period.

13.2. SPP may be payable during some or all of SPL, depending on the length and timing of the leave.

13.3. As well as meeting the eligibility requirements of SPL, if you are seeking to claim SPP you must also meet the following criteria:

- the mother/adoption must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay/maternity allowance pay period
- you must intend to care for the child during the week in which SPP is payable
- you must have average earnings at or above the lower earnings limit (currently £111 a week) in the 8 weeks before the 15th week before the EWC
- you must give proper notification to your line manager/HR to receive SPP at least 8 weeks before receiving any SPP and to avoid duplication this should be included as part of your notice of entitlement to take SPL.

13.4. In addition to what must be included in the notice entitlement to take SPL your notice of entitlement for SSP must also include:

- the start and end dates of any maternity/adoption pay or maternity allowance
- the total amount of SPP available
- the amount of SPP you and your partner intend to claim
- a non-binding indication of when you expect to claim SPP
- a signed declaration confirming that the information you have given is correct
- you meet the criteria for SPP and will notify immediately if that changes

13.5. This must be accompanied by a signed declaration from your partner confirming:

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- Their agreement to you claiming SPP and for us to process any SPP payments
- If your partner is the mother/adopter that they have reduced their maternity/adoption pay or maternity allowance
- If your partner is the mother/adopter that they will immediately inform you should they cease to be eligible

14. Terms and Conditions during Leave

- 14.1. Terms and conditions during SPL reflect those that apply during maternity leave i.e. continue in force except in relation to pay.
- 14.2. Any weeks of SPL in which you have claimed statutory SPP will be paid at the lower rate of maternity pay, as at [date] this is £138.18 per week.
- 14.3. You can agree to work or attend training for up to 20 Shared Parental Leave Keeping in Touch (SPLIT) days are available between you and your partner. These are in addition to 10 maternity Keeping in Touch (KIT) days without bringing your period of SPL to an end or affecting your right to claim SPP for that week.
- 14.4. Any work undertaken is a matter of agreement between you and your line manager, however there is no obligation for you to do so.
- 14.5. If you undertake a SPLIT day which occurs during a week when you are receiving SPP this will in effect be 'topped up' to a standard's day pay.
- 14.6. Any SPLIT days worked do not extend the period of SPL.

15. Annual Leave

SPL is granted in addition to your normal annual holiday entitlement. Annual leave should wherever possible be taken in the year that it is accrued.

16. Contact during Shared Parental Leave

- 16.1. Before an SPL begins your line manager will discuss with you the arrangements to facilitate keeping in touch.
- 16.2. We reserve the right to maintain reasonable contact with you during SPL e.g. to discuss any plans to return to work, ensure that you are kept up to date with any organisational changes or anything else relevant.

17. Returning to Work after Shared Parental Leave

- 17.1. You are expected to return to work on the next working day after your SPL has come to an end.
- 17.2. If you are unable to attend work due to sickness the normal sick absence procedures will apply.
- 17.3. Late return without prior authorisation will be treated as unauthorised absence.

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- 17.4. If you wish to return to work earlier than the expected return date, you must provide written notice to vary the leave and must give us at least 8 weeks' notice of the date you wish to return. This will count as one of your notifications.
- 17.5. If you have already used all three notifications to book/vary leave, we do not have to accept the notice to return early but may do so if it is considered to be reasonably practicable to do so.
- 17.6. If returning to work after total family leave (e.g. maternity leave, adoption leave, SPL) of 26 weeks or less you have the right to return to the same job.
- 17.7. If returning to work after total family leave of more than 26 weeks, you have the right to return to the same job unless not reasonably practicable, in which case you are entitled to return to a suitable and appropriate alternative role.

18. Facilitating the Application Process for Shared Parental Leave

To facilitate the Shared Parental Leave application process there are a number of standard templates and forms available on Park Central.

19. Employment Legislation relating to Shared Parental Leave

In certain situations your rights and requirements regarding SPL and SPP may change. In these circumstances we will abide by any statutory obligations and you should refer to the documents listed below and/or clarify any issues with your line manager and/or HR:-

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

20. Equality and Diversity Impact Assessment

An equality and diversity impact assessment was carried out and no discriminatory effects were identified for any particular group within the workforce. This will be monitored on an ongoing basis.

21. Best Value

Following review of this policy I am content that it fulfils the best value guidance provided, this policy ensures best value, the particular area covered is use of resources.

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22. Monitoring and Review

This policy will be reviewed to ensure it is fit for purpose and is up to date with any legislative changes or within three years, whichever is the earliest.

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Document Control Sheet

Appendix A

Prepared By	Claire Ferguson, HR Adviser
Date Effective From	30 th October 2017
Review Frequency	Regularly
Contact	Claire Ferguson, HR Adviser

Revision History:

Version:	Date:	Summary of Changes:	Name:
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Approvals: This document requires the following signed approvals.

Name/Title	Date	Version
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