
Shared Parental Leave Policy

Purpose

This policy sets out the statutory rights and responsibilities of employees who wish to take Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

Scope

This policy applies to all employees. This policy does not form part of any employee's contract of employment and may be amended at any time.

What is Shared Parental Leave?

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. All eligible employees have a statutory right to take Shared Parental Leave.

Eligibility

To get Shared Parental Leave (SPL), there must be 2 parents sharing responsibility for a child.

For either parent to get SPL, the birth parent or primary adopter has to:

- end their maternity or adoption leave and return to work
- give their employer notice to end ('curtail') their maternity or adoption leave early

To qualify for Shared Parental Leave:

- The employee must be the child's mother or primary adopter; or
- The employee must be the biological father of the child; or
- The employee must be the mother's husband, or partner (including same sex relationships) or civil partner, or be the husband or partner (including same sex relationships) of the primary adopter;

Employees must satisfy the minimum employment criteria:

- The employee must still be working for the Company at the start of each period of SPL;
- The employee must satisfy the 'Continuity of Employment Test,' meaning they must have 26 weeks continuous service with the Company, 15 weeks before:
 - the expected week of childbirth; or
 - being notified of being matched with an adoptive child.
- The employee's partner must satisfy the 'Employment and Earnings Test', meaning in the 66 weeks leading up to the baby's expected due date or matching date, must have worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks.
- The employee must correctly notify the organisation of their entitlement and provide evidence as required

Entitlement to SPL is the same regardless of how many children are born as a result of the same pregnancy and leave can be shared with only one other person.

Entitlement

Eligible parents will be able to share a maximum of 50 weeks SPL and up to 37 weeks of ShPP to care for a child within the first year of the child's life or in the year after the child is placed for adoption. This is derived from the mother's 52 weeks of maternity leave, less the two weeks that must be taken by her. However, the aggregate amount available in any case will be the amount by which the mother curtails her entitlement to maternity leave.

Employees and workers can claim statutory Shared Parental Pay (ShPP) for any remaining weeks after the birth parent or primary adopter stops their:

- maternity pay
- adoption pay
- Maternity Allowance

How much SPL or ShPP eligible parents get depends on how much:

- maternity entitlement the birth parent has taken
- adoption entitlement the primary adopter has taken

Shared parental leave cannot be taken until after the birth/placing of the child.

Shared Parental Leave Policy

How periods of leave can be taken

Shared Parental Leave could be used by eligible parents in the following ways:

- the birth parent or primary adopter returns to work early from maternity or adoption leave and takes SPL at a later date
- the birth parent or primary adopter returns to work and their partner takes SPL
- both parents are off at the same time
- the parents share SPL evenly and are off at different times

Shared Parental Leave must be taken in complete weeks. The minimum shared parental leave that can be taken is one week. It can be taken in 2 ways:

- a) Continuous leave
- b) Discontinuous leave (blocks of SPL on and off throughout the year)

Providing notice

The birth parent or primary adopter must give their employer notice to end their maternity or adoption leave ('notice of curtailment') to create an entitlement to SPL. This could be for a date in the future, which will allow the other parent to take SPL while the birth parent or primary adopter is on maternity or adoption leave.

Curtailment notice: Eligible employees intending to take share parental leave must submit a maternity/adoption leave curtailment notice, giving at least 8 weeks' notice stating that they wish to end their maternity or adoption leave early.

Once an employee has ended their maternity/adoption leave and have returned to work they will only be entitled to statutory pay during periods of shared parental leave and cannot revert back onto maternity leave.

Entitlement notice: Before taking shared parental leave, a notice of entitlement and intention to take shared parental leave must be submitted. You may submit this at the same time as the curtailment notice or at a later date, but can be no later than 8 weeks before the date of the first period of shared parental leave.

Requesting periods of leave

You may take one or more periods of Shared Parental Leave per pregnancy or adoption. Each eligible parent has up to 3 times to either:

- a) book a block of SPL (notice to take leave)
- b) change the dates of booked SPL (notice to vary leave)

Requests for shared parental leave must be approved by your Line Manager and HR.

Shared Parental Leave Policy

Redundancy Protection for Pregnancy and New Parents

Pregnant employees and some new parents have special protection in a redundancy situation. By law (Employment Rights Act 1996), the Company must offer a suitable alternative vacancy if there is one. The law applies to anyone who's legally classed as an employee and is either:

- Pregnant
- taking maternity leave
- taking adoption leave
- taking shared parental leave

The law does not apply to other types of leave, for example paternity leave.

The Redundancy Protected Period

The 'redundancy protected period' is the length of time an employee has redundancy protection. The length of the protected period depends on either:

- the type of leave an employee is taking
- when an employee tells the Company they are pregnant

The redundancy protected period for shared parental leave:

- starts on the day a period of the employee's shared parental leave begins

If an employee takes:

- less than 6 weeks leave – the protected period ends on the last day of the block of leave
- 6 weeks or more of continuous leave – the protected period ends 18 months from the date of the child's birth

If an employee takes discontinuous leave, the redundancy protected period finishes at the end of each period of shared parental leave. An employee who has already taken adoption or maternity leave will have the redundancy protected period of that specific type of leave.

Shared Parental Leave Policy

Self-Certificate and Declaration

A self-certificate form must be provided (see below) as evidence of entitlement to shared parental leave. This form acts as a declaration stating that you:

- Meet all the criteria eligible for shared paternity leave and pay
- Have met the notification requirements

Each parent must submit a signed declaration to HR with the notice of entitlement and intention, stating:

- 1) Their full name
- 2) Their partner's full name
- 3) The name and address of their partner's employer
- 4) Confirmation that their partner is eligible for shared parental leave
- 5) A statement that the information provided within the declaration is accurate
- 6) Details of the amount of leave each partner is to take
- 7) The consent of their partner, that they agree to the amount of shared parental leave each partner is to take

Monitoring this policy

The company reserves the right to require documentation or other evidence to support the request for time off. The company also reserves the right to refuse time off if it believes that the policy is being abused.

It is important to note that the Company may vary or amend this policy from time to time particularly to take account of changes in the law, best practice or business requirements. This document shall be revised by the appropriate person, the HR Manager or nominated deputy. You will be notified of any changes.

Shared Parental Leave Policy

Self-Certificate and Declaration Form

Employee Name:
Employee Number:
Department:
Line Manager:

I declare that I meet all the criteria eligible for shared paternity leave and pay outlined in the Shared Parental Leave Policy.

Notice of entitlement and intention:

My partners full name	
The name and address of my partners employer	
Confirmation that they are eligible for shared parental leave	
I confirm that the information provided in this declaration is accurate	
The amount of leave my partner and I wish to take are	
Signed declaration from their partner, that they agree to the amount of shared parental leave each partner is to take	Signature of partner:

Employee Signature:
Date:

Please submit this form completed to a member of the HR department. We will respond to your declaration and request within 14 days.