

C28 Shared Parental Leave Policy

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1. Introduction

- 1.1 The Trust is committed to providing a positive work environment where employees are able to balance their work and personal lives.
- 1.2 The Trust wholeheartedly believes in equality of opportunity for all employees and is committed to eliminating discrimination of any kind, including that arising from parental responsibilities.
- 1.3 This policy reflects the above commitments as well as statutory rights and responsibilities.
- 1.4 Shared parental leave enables eligible parents to share the care of their child during the first year of birth or adoption. It should not be confused with ordinary parental leave, which is an unpaid statutory entitlement as detailed in the Leave of Absence Policy.
- 1.5 This policy applies to all staff. Eligibility for entitlements is stated where applicable.

2. Responsibilities

- 2.1 Employees and Managers are responsible for fully cooperating with this policy. They must ensure they provide information and/or documentation regarding their shared parental leave and pay as required.
- 2.2 Employees and Managers are also responsible for responding to matters relating to shared parental leave without undue delay and in accordance with the principles of this policy.

2.3 Human Resources are responsible for developing, reviewing and overseeing shared parental leave provisions and procedures. They are also responsible for advising both employees and managers of requirements in accordance with this policy.

3. Principles

- 3.1 The Trust understands that shared parental leave and pay provisions can be complex and may cause anxiety for new or expectant parents. The Trust encourages employees to engage in early discussion with their manager and/or HR to allow uncertainties to be addressed at the earliest possible opportunity.
- 3.2 Shared parental leave allows flexibility regarding which parent is absent from work, allowing both parents to share the care for their child. This includes an option for both parents to be absent from work alternately or at the same time.
- 3.3 Eligible employees are entitled to take continuous periods of leave. Discontinuous periods of leave are subject to consideration and authorisation by the Trust.
- 3.4 The Trust will maintain a reasonable level of contact with an employee during their period of shared parental leave regarding key information and updates. Managers and employees should agree the level and reasons for contact before the shared parental leave commences.
- 3.5 Employment rights are protected whilst an employee is on shared parental leave. An employee's contract and continuity of service will not be affected by shared parental leave whether paid or unpaid.
- 3.6 Employees will accrue their full contractual leave entitlement during the period of their absence. Depending on the shared parental leave arrangement, it may be appropriate to take the leave before or after the shared parental leave period. In some instances, it may be necessary to financially reimburse accrued annual leave, for example in the case of term-time workers.
- 3.7 Any salary amendments arising due to pay awards and increment dates will be applied at the contractual date and will take effect from the date the employee returns to work.
- 3.8 An employee who normally pays pension contributions is required to continue to do so whilst they are in receipt of shared parental pay, regardless of whether they intend to return to work or not.
- 3.9 An employee who takes 26 weeks or less statutory leave, including shared parental leave and/or maternity, adoption, or paternity leave is entitled to return to the same job that they occupied prior to commencing the period of leave on the same terms and conditions.
- 3.10 An employee who takes more than 26 weeks statutory leave, including shared parental leave and/or maternity, adoption, or paternity leave may be entitled to return to the same job. However, if it is not reasonably practicable for the Trust to allow the employee to return to the same job, the employee may be offered suitable alternative work on terms and conditions that are no less favorable.
- 3.11 A fixed term contract may end during the shared parental leave if there is a fair and justifiable reason for non-renewal. In these circumstances the shared parental leave will end on the expiry date of the fixed term contract. The right to shared parental pay will continue if the employee already qualifies for it.
- 3.12 The same redundancy rights apply to all employees including the requirement to consult. Those on shared parental leave have the right to be offered any suitable alternative job if they're selected for redundancy ahead of colleagues, regardless of whether they are the most suitable person for the role.
- 3.13 Employees are eligible to apply for vacant posts whilst they are on shared parental leave regardless of their intended return to work date. Details of vacancies can be found on the Trusts website.

- 3.14 Employees returning from shared parental leave may want to amend their working arrangements. Whilst there is no automatic right to agree amendments to working hours or pattern, the Trust encourages all cases to be considered and approved where this is viable. Where this cannot be informally agreed, employees are able exercise their right to submit a statutory flexible working request (see Flexible Working Policy).
- 3.15 Failure to return to work by the end of any period of shared parental leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.
- 3.16 If the employee decides during shared parental leave that they do not wish to return to work, they should give written notice of their resignation to the company as soon as possible and in accordance with the terms of their contract of employment.
- 3.17 The HR department will retain confidential records of adoption related matters in accordance with the requirement of GDPR.

4. Notification of Shared Parental Leave

- 4.1 Employees are encouraged to inform their manager that they intend to take shared parental leave as early as possible. This is particularly the case where this a request for discontinuous periods of absence where consideration will need to be given about how to accommodate a request.
- 4.2 As a minimum, employees should give 8 weeks' notice of any leave they would like to take. This notice period applies to each block of leave where this is discontinuous.
- 4.3 The employee should complete a Shared Parental Leave Application Form and submit it to the HR department in accordance with the above timescale. This will contain the following information:
- How many weeks maternity/adoption leave will be taken
 - How much leave both parents are entitled to take
 - How much leave both parents will take
 - The start date and duration of any period(s) of leave

The application form must be signed by both parents. It should be submitted to the HR department, accompanied by a declaration by the employees' partner that at the time of birth/adoption, they:

- Share the main responsibility of the child with the employee
 - Meet the eligibility criteria as shown in section 5
 - Consent to the employee taking the number of weeks of shared parental leave as stated on the application form
- 4.4 Within 14 days of receiving the application form, the Trust will write to acknowledge receipt and request the following information:

For birth parents:

- A copy of the birth certificate, or a declaration of the place and date of birth (if the birth has not been registered yet)
- The name and address of your partner's employer or a declaration that your partner has no employer

For adoptive parents:

- Name and address of the adoption agency
- Date you were matched with the child
- Date the child will start to live with you
- Name and address of your partner's employer or a declaration that your partner has no employer

The employee must provide this information within 14 days of it being requested.

- 4.5 Shared parental leave may be cancelled if the mother or primary adopter cancels their decision to end maternity or adoption leave. To do this, the planned end date can't have passed, and they must not have returned to work. Additionally, one of the following must apply:
- It's discovered during the 8-week notice period that neither partner is eligible for either shared parental leave or shared parental pay
 - The employee's partner has died
 - It's less than 6 weeks after the birth (and the mother gave notice before the birth)

5. Eligibility

- 5.1 For an employee to be eligible for shared parental leave and shared parental pay, both parents must:
- Share responsibility for the child at birth
 - Meet work and pay criteria as shown in 6.2 or 6.3, depending on whether one or both parents are intending to take the shared parental leave and pay
- 5.2 If both parents want to take the shared parental leave and Shared parental pay, they must:
- Be employees (not workers)
 - Have been employed continuously by the same employer for at least 26 weeks by the 15th week before the expected week of childbirth, or in the case of adoption the date that they were matched with a child
 - Remain with their employer during the period of shared parental leave
 - Receive average earnings of equal or above the National Insurance lower earnings limit (*£116 per week as at April 2018*).
- 5.3 If either the mother or their partner would like to take shared parental leave and shared parental pay, the individual taking the leave must:
- Have been working for at least 26 weeks during the 66 weeks before the expected week of childbirth, or in the case of adoption the date they were matched with a child
 - Have earned at least £390 in total across any 13 of the 66 weeks

Additionally, the other parent must meet the criteria of 5.2.

- 5.4 If the parent who wants to take the leave and pay is a worker (not employee), they are eligible for the shared parental pay but not shared parental leave
- 5.5 If the parent who wants to take the leave and pay is an employee who earns less than £116 per week, they can get shared parental leave but not shared parental pay

6. Shared Parental leave

- 6.1 Shared parental leave (SPL) can commence when a child has been born or placed for adoption. For SPL to begin, the mother/primary adopter must have:
- Returned to work, ending any maternity/adoption leave
 - Given their employer 'binding' notice of the date they plan to end their leave.

When binding notice has been given, the other parent may begin SPL whilst they are on maternity or adoption leave.

- 6.2 SPL is available for up to 50 weeks following the initial 2 weeks after a child is born or placed for adoption.

6.3 SPL can be taken continuously or discontinuously.

6.3.1 Continuous SPL this is a single period of absence. A request from eligible parents cannot be declined.

6.3.2 Discontinuous SPL is an arrangement where an employee can take up to 3 blocks of absence that are interspersed with work. Each period of absence must be a minimum of one week in duration. A request for a discontinuous arrangement is not automatically granted. This will be considered by the Trust and decision will be made as to whether this can be:

- Accepted
- Agreed with a modification, subject to agreement by the employee
- Declined

Whilst every effort will be made to accommodate a request for discontinuous leave, it may not be feasible due to the operational needs of the Trust.

7 Shared Parental Pay

7.1 Shared parental pay (ShPP) is a payment made by an employer on behalf of the Department for Work and Pensions to eligible employees during their shared parental leave.

7.2 For ShPP to begin, the mother or primary adopter must give their employer binding notice of the date when they plan to end any maternity or adoption pay. If they are in receipt of maternity allowance, notice must be given to Jobcentre plus instead.

7.3 ShPP is payable for up to 39 weeks. This is subject to the mother/primary adopter curtailing their statutory maternity/adoption pay and ShPP being claimed for the remaining weeks.

7.4 ShPP is paid at the rate of £145.18* per week or 90% of average weekly earnings (whichever is the lower)

**amount payable as at April 2018*

7.5 The above payments are subject to lawful PAYE deductions including tax, national insurance and pension contributions if applicable. Deductions arising from salary sacrifice arrangements cannot be applied to ShPP, including but not exclusively court orders, child support agency payments, child care vouchers. Employees should contact the Payroll department to discuss their individual queries.

8. Shared Parental Leave in Touch Days

8.1 Employees may carry out up to 20 days' paid work during the period of shared parental leave without affecting their shared parental payments. These are referred to as Shared Parental Leave in Touch (SPLIT) days and are available to both parents. Working for part of a day will count as one whole day in terms of entitlement.

8.2 SPLIT days can be used for any work activity undertaken for the purpose of keeping the employee in touch with the workplace.

8.3 SPLIT days are subject to agreement with both the employee and manager. Neither party can insist on these taking place without the others agreement.

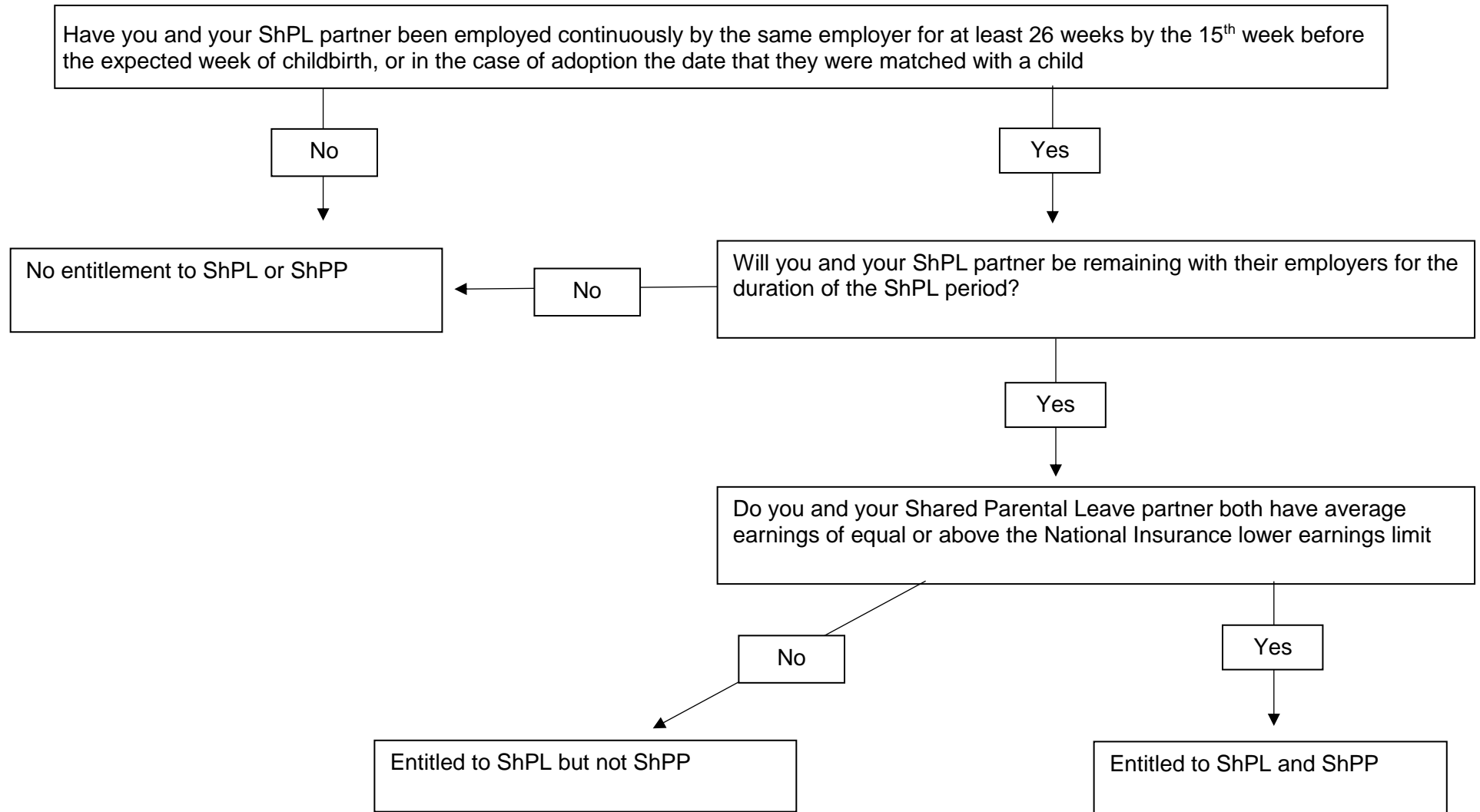
8.4 If the employee completes SPLIT days, they will receive any shared parental pay due plus payment for the hours worked.

8.5 SPLIT days are an additional entitlement to Keep in Touch (KIT) days that are available during a period of maternity/adoption leave.

9. Policy Status and Review

Written by	HR Manager		
Owner	HR Director		
Version	V1/2018	Status	Approved
Equality Impact Assessment	Initial Impact Assessment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Full Impact Assessment	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
JCC Consultation date	09/10/2018 – 31/10/2018		
Approval date	27/11/2018 (Executive Team)		
Review date	01/04/2019		
Comments	This is a new policy		

Appendix a: Shared Parental Leave Flowchart for cases where both parents want to take Shared Parental Leave



Appendix b: Shared Parental Leave Flowchart for cases where one parent wants to take Shared Parental Leave

