



SHARED PARENTAL LEAVE POLICY

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.

SHARED PARENTAL LEAVE AND PAY

GUIDANCE FOR EMPLOYERS

From **1 December 2014** the new shared parental regime will have a significant impact on both employers and employees since it completely overhauls the existing system of maternity and paternity leave for those parents who wish to share leave with their partners. Features of the new regime of particular note are that:-

- Couples can take leave together or separately
- Leave can be taken in a continuous block of one week at a time
- An employee can vary the leave dates requested up to a maximum of three times.

1.0 WHAT IS SHARED PARENTAL LEAVE

SPL is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year.

The regulations give parents the right to take SPL and place a duty on employers to ensure that their employees are not penalised for using their entitlement or put under pressure to cancel/change a leave notification.

The amount of leave available is calculated using the mother's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL. This means their partner could begin to take SPL while the mother is still on maternity/adoption leave.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave (An employer may allow more).

Employers and employees will find that having early conversations regarding leave intentions will be beneficial. Enabling them both to be clear regarding the entitlement, what leave arrangements are being considered and how leave will be accommodated.

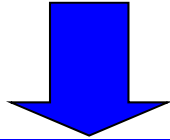
What happens to Maternity/Adoption/Paternity Leave?

Parents will remain entitled to take maternity, paternity and adoption leave. However, an eligible mother or adopter may now choose to reduce their maternity/adoption leave early and opt in to SPL.

A birth mother must take at least two weeks' maternity leave following the birth of the child (four weeks for manual work in a factory environment) but can otherwise choose to end her maternity leave at any stage. An adopter can end their adoption leave once they have taken it for two weeks.

2.0 THE SHARED PARENTAL LEAVE PROCESS AT A GLANCE

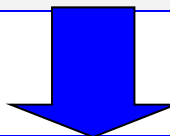
<p>Step 1</p> <p>Becoming aware of a Pregnancy or a match</p>	<p>Employee</p> <ul style="list-style-type: none"> ❖ Is SPL suitable ❖ Considering what leave arrangements work best 	<p>Employer</p> <p>(if aware)</p> <ul style="list-style-type: none"> ❖ Discussing intentions and other leave options
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<p>Step 2</p> <p>Choosing SPL and notification entitlement</p>	<p>Employee</p> <ul style="list-style-type: none"> ❖ Notifying the employer of eligibility 	<p>Employer</p> <ul style="list-style-type: none"> ❖ Discussing early intentions ❖ Marking early preparations and plans
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<p>Step 3</p> <p>Notification of a leave booking</p>	<p>Employee</p> <ul style="list-style-type: none"> ❖ Notifying the employer of a leave booking – 8 weeks in writing 	<p>Employer</p> <ul style="list-style-type: none"> ❖ Considering the impact of a leave booking ❖ Discussing a leave booking
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<p>Step 4</p> <p>Outcome</p>	<p>Employee</p> <ul style="list-style-type: none"> ❖ Leave begins or the request is withdrawn 	<p>Employer</p> <ul style="list-style-type: none"> ❖ Confirm and communicate outcome
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3.0 THE SHARED PARENTAL LEAVE ELIGIBILITY CRITERIA

To qualify for SPL a mother must:

- Have a partner
- Be entitled to either maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance
- Have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).

A parent intending to take SPL must:

- Be an employee
- Share the primary responsibility for the child with the other parent at the time of birth or placement for adoption
- Have properly notified their employer of their entitlement and have provided the necessary declarations and evidence.

In addition, a parent wanting to take SPL is required to satisfy the “continuity of employment test” and their partner must meet the “employment and earnings test”, as shown below.

Sometimes only one parent will be eligible. For example, a self-employed parent will not be entitled to SPL themselves but they may still pass the employment and earnings test, thus their partner, if an employee, may still qualify.

Continuity of employments test

The individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child’s expected due date/matching date and is still working for the employer at the start of each leave period.

Employment and earnings test

In the 66 weeks leading up to the baby’s expected due date, the person has worked for at least 26 weeks and earned an average of at least £30 (as at 2015) a week in any 13 weeks.

Note. If both parents are employees and both meet the qualifying requirements there will be a joint entitlement and the parents will have to determine how to divide the leave entitlement once the mother has decided to curtail their maternity/adoption leave.

It is important to note that the mother can share leave with only **one** other person.

4.0 SHARED PARENTAL PAY (ShPP)

A mother, subject to certain criteria, will be entitled to statutory maternity pay/adoption pay/Maternity Allowance for up to 39 weeks. If the mother gives notice to reduce the entitlement before receiving it for 39 weeks then any remaining weeks could become available at ShPP.

Information on the current rate for ShPP can be found at:-

www.acas.org.uk/spl

If both persons qualify for ShPP they must decide who will receive it, or how it will be divided, and they must each inform their employer of their entitlement.

To qualify for ShPP an employee needs to have met the “continuity of employment test” and their partner must meet the “employment and earnings test”, just like SPL. In addition, the employee must also have earned above the “Lower Earnings Limit” in the eight weeks leading up to and including the 15th week before the child’s due date/matching date and still be employed with the same employer at the start of the first period of ShPP.

Note The “Lower Earnings Limit” is the amount of gross weekly earnings that allow an employee to qualify for certain state benefits. These change each April. For the current rate go to www.acas.org.uk/spl.

If an employee’s employment comes to an end while they are still entitled to some ShPP then any remaining weeks will usually remain payable unless they start working for someone else.

5.0 RIGHTS DURING SHARED PARENTAL LEAVE

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. [Salary/wages] will be replaced by [statutory shared parental pay/pay under the organisation's enhanced shared parental pay scheme] if the employee is eligible for it.

This means that, while sums payable by way of [wages/salary] will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid. [The employee will remain in the life assurance and private medical insurance schemes.]

6.0 CONTACT DURING SHARED PARENTAL LEAVE

The organisation reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

An employee can agree to work for the organisation (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and the organisation.

If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you for each hour that you work during a SPLIT day at the rate basic hourly payment rate.

7.0 RETURNING TO WORK AFTER SHARED PATERNAL LEAVE

The employee has the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory maternity leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.

If the employee is returning to work from shared parental leave and the period of leave taken is:

- more than 26 weeks, when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or
- was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave,

the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the organisation to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for him/her.