

ACTION>HR

HR EXPERTISE & SERVICES

Shared Parental Leave policy

To be read in conjunction with the following policies:
[Maternity Policy](#), [Paternity Policy](#), [Adoption Policy](#)

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1. What is Shared Parental Leave?

Shared Parental Leave is a new type of parental leave which enables eligible parents to share some of what would previously have been exclusively maternity or adoption leave, in order to jointly care for their child during the first year after birth or adoption.

It is different to unpaid Parental Leave, which entitles employees to take up to 18 weeks off work to look after a child up to their 5th birthday (or the end of the 5th year after their adoption) and which can be taken in addition to Shared Parental Leave.

This policy sets out the rights and responsibilities of employees who wish to take Shared Parental Leave (SPL) and summarises any related entitlements to Statutory Shared Parental Pay (ShPP), depending on qualifying requirements. It should be read in conjunction with the [Maternity, Paternity and Adoption policies](#).

2. Who is eligible for Shared Parental Leave?

Shared Parental Leave can only be taken by two people:

- The mother/main adopter **and**
- One of the following:
 - the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/main adopter.

Whether the employee wanting to take shared parental leave is the mother/adopter or the father/partner, the following conditions also apply:

- The mother/adopter of the child must be entitled to statutory maternity/adoption leave (or to statutory maternity/adoption pay or maternity allowance);
- The mother/adopter must have curtailed, or given notice to reduce, their maternity/adoption leave (or their pay/allowance);
- Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption;
- The employee must have a minimum of 26 weeks' continuous service at the end of the 15th week before the child's expected due date/matching date;
- The employee's partner must meet have worked for at least 26 weeks and earned an average of at least £30 per week (as 05/04/2015) in any 13 of the 66 weeks leading up to the child's expected due date/matching date;
- The employee must still be working for the organisation at the start of each period of SPL;
- The employee must correctly notify the organisation of their entitlement and provide evidence as required.

3. Shared Parental Leave entitlement

3.1. How many weeks leave?

Eligible employees are entitled to take up to 50 weeks SPL during the child's first year in their family. For this to become available, the mother/adopter must reduce their entitlement to maternity/ adoption leave so that they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL:

- By returning to work before the full entitlement of 52 weeks has been taken, or
- By giving notice to curtail their maternity/adoption leave at a specified future date.

Note: In some cases, the mother/adoption is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA). In such cases, they must reduce their entitlement to less than the 39 weeks, and their partner may still be entitled to up to 50 weeks of SPL. If unsure, please contact HR.

3.2. When can SPL start?

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child.
- The adopter can take SPL after taking at least two weeks of adoption leave.
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken SPL).

This means that where a mother/adoption gives notice to curtail their maternity/adoption entitlement, then the mother/adoption's partner can take leave while the mother/adoption is still using their maternity/adoption entitlements.

SPL will usually commence on the employee's start date specified in their leave booking notice (see [6.Booking Shared Parental Leave](#)) or in any subsequent variation notice (see [7.Variations to arranged Shared Parental Leave](#)). In all cases, SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

4. Statutory Shared Parental Pay

4.1. Period and amount

Employees taking SPL may be entitled to receive Shared Parental Pay (ShPP) during up to 37 weeks of their SPL. The amount of weeks available will depend on the amount by which the mother/adoption reduces their maternity/adoption pay period or maternity allowance period.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year (£145.18 per week at April 2018).

4.2. Qualifying conditions

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- the employee's average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date must be above the threshold for national insurance contributions (£111 at April 2018);
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification using the [Notice of Entitlement and Intention to Take Parental Leave form](#) at least 8 weeks before the intended start date of ShPP.

5. Notification process and supporting evidence

Before booking Shared Parental Leave, the employee must provide notification of their eligibility to take SPL and to receive ShPP, together with a signed declaration from their partner. To do so, please use RBK's [Notice of Entitlement and Intention to Take Parental Leave form](#) and return it to your manager.

5.1. Request for further evidence

Where the RBK employee is not the mother/main adopter, their manager or HR may, within 14 days of the SPL entitlement notification being given, request:

- 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

In turn, the employee must produce this information within 14 days of the manager's request.

5.2. Protection against fraudulent claims

Where there is a suspicion that fraudulent information may have been provided or where the manager/HR have been informed by the HMRC that a fraudulent claim was made, they may investigate the matter further in accordance with the Disciplinary Procedure.

6. Booking Shared Parental Leave

6.1. Employee's booking notification

An employee intending to take SPL must book each period of SPL by giving their line manager written notification, at least eight weeks before they can take any period of SPL, using RBK's [Shared Parental Leave Booking form](#) (this can be done immediately after having provided notification of their eligibility to SPL)

The employee can submit up to **three notifications** specifying leave periods they are intending to take. Each notification may be for continuous or discontinuous leave:

- **Continuous leave notification**
A notification can be for a period of continuous leave, which means a number of weeks taken in a single unbroken period of leave (eg, six weeks in a row). Employees may take all their entitlement to SPL in a continuous block, using a single notification, provided this does not exceed the total number of weeks of SPL available to them.
- **Discontinuous leave notification**
A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (eg where an employee may take six weeks of SPL and work every other week for a period of three months). Where there is concern over accommodating the notification, the manager may invite the employee to a meeting to discuss the notification (see below [Meeting to discuss the notification/booking](#)). The manager will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

6.2. Meeting to discuss the notification/booking

An employee considering/taking SPL is encouraged to contact their line manager as early as possible to arrange an informal discussion regarding their potential entitlement. Similarly, a line manager who has received an early notification of entitlement to take SPL may also arrange an informal discussion with the employee to discuss how they expect to use their SPL entitlement.

In all cases, upon receiving a leave booking notice the line manager will usually arrange a meeting to discuss it (**note**: where the notice is for a single period of continuous leave, the leave will be agreed and a meeting is therefore not required by law, but it is good practice for the manager and the employee to discuss practical arrangements). The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the organisation, and what the outcome may be if no agreement is reached.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

6.3. Employer's confirmation

In all cases, the employee will be informed in writing of the decision as soon as possible and within 14 days of the booking notification.

The request may be granted in full or in part (for example, the organisation may propose a modified version of the request). If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.

If the latter, the employee has until the 19th day from the original notification date to choose when they want the leave period to begin. It cannot start sooner than eight weeks from the date the original notification was submitted, and, if the employee does not choose an alternative start date, then the leave will begin on the first leave date requested in the original notification.

7. Variations to arranged Shared Parental Leave

The employee may vary or cancel an agreed and booked period of SPL, provided that they advise their manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request. Any variation will be confirmed in writing by HR.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification (ie reducing the employee's right to book/vary leave by one). However, a change as a result of a child being born early or at the manager's request (with the employee being agreeable to the change), will not count as further notification.

8. Terms and conditions during Shared Parental Leave

During Shared Parental Leave, terms and conditions apply in the same way as during maternity, adoption or paternity leave:

- **Contract of employment:** employees are entitled to receive all their contractual benefits (including childcare vouchers, etc), except for salary.
- **Pension contributions** will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL.
- **Annual leave:** SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should be taken in the year that it is earned, wherever possible, and where an SPL period overlaps two leave years, they should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

9. Contact and SPLIT days during Shared Parental Leave

9.1. Contact

The manager will maintain reasonable contact with the employee during their SPL, to discuss the employee's plans to return to work, to ensure they is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence).

9.2. Shared Parental Leave In Touch (SPLIT) days

SPLIT days are days on which an employee can agree to work for the organisation (or to attend training) without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. A parent may agree to up to 20 SPLIT days (any part day shall constitute a day's work for these purposes), which they must agree in advance with their line manager. An employee taking a SPLIT day will receive full pay, rather than ShPP, for any day worked. Any SPLIT days worked do not extend the period of SPL, but the line manager and the employee may use SPLIT days to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.

10. Returning to work after Shared Parental Leave

The employee is expected to return on the next working day after each period of SPL, unless they notify their line manager otherwise. If they are unable to attend work due to sickness or injury, normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give at least eight weeks notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave, then their manager does not have to accept the notice to return early.

On returning to work after SPL, the employee is entitled to:

- Return to the same job if their aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less.
- Return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable, if their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate.