

SHARED PARENTAL LEAVE POLICY

INTRODUCTION

This policy details the arrangements for shared parental leave and pay in relation to the birth or adoption of a child. This policy covers employees and does not apply to agency staff or self employed contractors.

Shared parental leave (SPL) allows working parents to share periods of leave or pay entitlement during the first year of birth or adoption of a child. It can be taken if you are the mother of a child, the father of a child or the partner of the mother and share the main caring responsibilities for the child with the mother.

Up to 50 weeks shared parental leave and up to 37 weeks shared parental pay (SPP) may be available to be shared between the mother and father/partner. How much leave can be shared will depend upon how much maternity/adoption leave and pay has been used by the mother. It is only the untaken balance that can be taken.

The leave can be shared so that it is taken at the same time as the father/partner or at different times.

In order for SPL to be taken the child's mother must bring her entitlement to maternity leave/pay or maternity allowance to an end. Please note that Occupational maternity/adoption pay is not payable under the SPL provisions and will therefore cease when the mother ends her maternity entitlement (if it is still payable at that time). The child's mother must take the compulsory 2 weeks maternity leave following birth. In cases of adoption, the main carer must bring their entitlement to adoption leave and pay to an end in order to opt into SPL.

If you are the child's father, any entitlement to SPL is on top of any entitlement to statutory paternity leave and pay. Shared Parental Leave provisions replace the right to take additional paternity leave.

DEFINITIONS

This policy uses the following key terms and abbreviations:

Mother - the woman who gives birth to a child or the primary adopter (the primary adopted can be male or female).

Partner - the child's biological father or the partner of the mother/primary adopter. This can be a spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling i.e. grandparent, aunt, uncle etc.

SPL – Shared Parental Leave

ShPP – Statutory Shared Parental Pay

Continuous Leave – a period of leave that is taken in one block i.e. 4 weeks

Discontinuous Leave – a period of leave that is taken intermittently (can only be taken as weeks not part weeks)

SPLIT day – Shared Parental Leave in Touch Day

ELIGIBILITY FOR SHARED PARENTAL LEAVE AND PAY

Provided the mother and the father/partner comply with the eligibility requirements and the conditions in relation to giving notice, then SPL may be taken. In each case you must share the main responsibility for the care of the child. The provisions allow for the mother's partner to opt in to SPL where the child's father does not share main responsibility for the care of the child.

To qualify for SPL, the mother must:

- Have a partner;
- Be entitled to either maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance;
- Have worked for the same employer (continuous service is not taken into account for the purpose of SPL) at least 26 weeks at the end of the 15th week before the child's expected due date/matching and is still working for the employer at the start of each SPL period (known as the Continuity of Employment Test);
- Have ended, or given notice to end, their maternity/adoption entitlement

To qualify for SPL, the father/partner must:

- Be an employee;
- Share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption;
- In the 66 weeks leading up to the child's expected due date/matching date, the person has worked for at least 26 weeks and earned the required average weekly salary in any 13 weeks (known as the Employment and Earnings Test). Please speak to HR for the required average weekly salary.
- Have properly notified their employer of their entitlement and have provided the necessary declarations and evidence (please see 'Notification of an Entitlement to Shared Parental Leave section).

A mother, subject to certain criteria (please see Maternity/Adoption policy), will be entitled to statutory maternity pay/adoption pay/maternity allowance for up to 39 weeks. If the mother gives notice to end her maternity/adoption entitlement before the end of the 39 weeks, then the remaining weeks could become available for Shared Parental Pay (ShPP).

Parents who qualify for ShPP must decide who will receive the pay, how it will be divided and they must inform their employer of their entitlement and their intentions (please see the declaration form).

To qualify for ShPP an employee needs to have met the 'continuity of employment' test and their partner must have met the 'employment and earnings test'. In addition, the employee must have earned the 'Lower Earnings Limit' in the eight weeks leading up to and including the 15th week

before the child's due date or matching date and still be employed with the same employer at the start of the ShPP.

For current rates for ShPP and the lower earnings limit and details regarding the Employment and Earnings test, please visit www.acas.org.uk/spl.

HOW TO TAKE SHARED PARENTAL LEAVE AND PAY

SPL can be taken by the mother or partner separately or at the same time. The leave can be taken as a continuous block or as multiple discontinuous blocks up to a maximum of three separate blocks over the 52 week period after the child is born.

A continuous block means taking an unbroken period of leave. Eligible employees have a statutory right to take SPL in this way and a manager cannot refuse it.

Requesting a discontinuous block means asking for leave over a period of time, with breaks between the leave where the employee returns to work. For example, four weeks SPL leave followed by four weeks at work followed by a further four weeks SPL. Discontinuous leave can only be taken with the manager's agreement. Once a request for discontinuous leave is made the employee and the manager will have a discussion period of fourteen calendar days to talk about the request.

If the request for discontinuous leave is not agreed or the manager makes no response to the request, then the total amount of leave in the request will become one continuous block unless the employee withdraws the notice and submits a new request.

NOTIFICATION OF AN ENTITLEMENT TO SHARED PARENTAL LEAVE

An employee entitled and intending to take SPL must give their Line Manager notification of their entitlement and intention to take SPL, at least eight weeks before they can take any period of SPL. Part of the eligibility criteria requires the employee to provide the Line Manager with correct notification. Notification must be in writing and requires the following:

- The name of the employee and the name of the partner;
- The start and end dates of the maternity leave, or where there is no entitlement to maternity leave, the start and end dates of any Statutory Maternity Pay (SMP) or Maternity Allowance (MA);
- The date on which the child is expected to be born and 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 total SPL available (52 weeks less the number of weeks' maternity/adoption leave, SMP or MA taken by the mother);
- How much SPL will be allocated to the mother and how much to the partner (you are able to change the allocation up to three times provided that 8 weeks' notice is given);
- If you are claiming statutory shared parental pay (ShPP), the total ShPP available, (39 weeks less the number of weeks of the SMP or MA period taken or to be taken by the mother);
- How much of that you will take and how much will be used by your partner (you are able to change the allocation up to three times provided that 8 weeks' notice is given);
- Suggested start and end dates for each period of leave;

The employee must provide the Line Manager with a signed declaration stating:

- That they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- That the information that they have given is accurate;
- If they are not the mother/adopter they must confirm that they are either the father of the child or the mother's partner;
- That should they or their partner cease to be eligible they will immediately inform the Line Manager.

The employee must provide the Line Manager with a signed declaration from their partner confirming:

- Their name, address and national insurance number;
- That they are the mother/adopter of the child or they are the father/partner of the mother;
- That they satisfy the 'Employment Continuity Test' or 'Employment and Earnings test' (please see section on eligibility) and had at the date of the child's birth of placement the main responsibility for the child along with the employee;
- That they consent to the amount of SPL that the employee intends to take;
- That they consent to Arun DC processing the information contained within the declaration; and
- That they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Please ensure that the declaration is signed by both parties before submitting it to the Line Manager.

REQUESTING FURTHER EVIDENCE OF ELIGIBILITY

The Line Manager may, within 14 days of the SPL entitlement notification being given, request:

- The name and business address of the partner's employer;
- 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 order to be entitled to SPL, the employee must produce this information within 14 days of the employers' request.

OTHER TERMS AND CONDITIONS DURING SHARED PARENTAL LEAVE

Your terms and conditions remain in force during SPL, except for terms relating to pay.

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting SPL can be carried over.

If you are a member of the Local Government Pension Scheme, we will make employer pension contributions during any period of paid SPL, based on your annual salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any ShPP you are receiving. Please contact WSCC for more information.

SHARED PARENTAL LEAVE IN TOUCH DAYS (SPLIT)

Before taking SPL, employees should agree with their Line Manager what contact can be made during the SPL period. This may include contacting you with job vacancies, changes in departmental structures or arrangements for your return to work.

You may ask or be asked to work up to 20 SPLIT days during your SPL. This is in addition to any 'Keeping in Touch' (KIT) days that may have been taken during the maternity leave period. SPLIT days are not compulsory and must be discussed and agreed with your Line Manager.

You will be paid at your normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any ShPP entitlement.

RETURNING TO WORK

It is possible for the employee to end a period of SPL early if notice is provided, in writing, eight weeks' prior to the return date.

SPL can also be extended if the following conditions are met:

- A new declaration is submitted at least eight weeks prior to the date the employee was originally going to return to work;
- The employee still has SPL entitlement remaining;
- The employee has not already submitted three requests for SPL.

If the employee is unable satisfy the conditions above and submit a further request for SPL, the employee may be able to request annual leave or ordinary parental leave, subject to business needs.

Employees are normally entitled to return to work in the position they held before starting SPL, and on the same terms and conditions of employment. However, if it is not reasonably practicable for the employee to return to the same position, they should be offered another suitable alternative role. Please speak to Human Resources for more information.