Introduction

The policy summarises your main statutory rights for shared parental leave. It applies to Colleagues of ours who wish to take shared parental leave in respect of babies due on or after 5 April 2015.

What is Shared Parental Leave?

A woman who is having a baby is entitled to take up to 52 weeks’ maternity leave. If she wishes, she can share that leave with her partner. Shared leave is called ‘Shared Parental Leave’ and statutory pay for taking this leave is called ‘Shared Parental Pay’:

- If you have had a baby and wish to share time off work with your partner (or, if different, the baby’s father), you may be entitled to do so. It can be taken even if the person who shares child care does not work with us.

- If your partner has had or is having a baby and wishes to share her leave, you may also be eligible for Shared Parental Leave. This applies even if the baby’s mother works for us.

To take Shared Parental Leave, the mother takes whatever period remains of her maternity leave into Shared Parental Leave and shares it with her partner. The mother and her partner can take Shared Parental Leave at the same time or take it in turns. Shared Parental Leave applies to babies due on or after 5 April 2015.

To take Shared Parental Leave, you need to be eligible and meet various conditions. How this works is explained below. If you are a mother and do not want to take Shared Parental Leave, you do not need to do anything. If you are on maternity leave, that will continue in the normal way.

In this policy we focus on circumstances in which:

- You are the mother and you can take statutory maternity leave and pay and your partner is also in employment.

- You are the partner of the baby’s mother and she is in employment and can take statutory maternity leave.

When we use “mother”, this includes expectant mothers.

When we use the word “partner”, we mean the baby’s father or, if different, the mother’s partner (as a spouse, civil partner or partner in an enduring relationship). In a context in which your partner has had or is having a baby, it also includes that partner. The term applies to same sex partners.

Parents can also refer to www.gov.uk/shared-parental-leave-and-pay/eligibility which provides an interactive calculator for Colleagues seeking to assess their entitlement to shared parental and shared parternity pay.

This policy should be read alongside our policies on maternity leave, paternity leave and parental leave.

Although this policy does not deal with adoption and adoption leave, similar rules apply. If you would like to know more you can speak to the People Team.
What criteria is required for Shared Parental Leave?

Rights to Shared Parental Leave and their timing are linked to the expected week of childbirth or ‘EWC’. This is the week beginning with midnight between Saturday and Sunday in which it is expected that the baby will be born. To find the start of the EWC, take the date on which the baby is due, check what day it is on a calendar and then find the date of the previous Sunday.

1. To take the leave you must have been employed by us for at least 26 weeks by the end of the 15th week before the EWC and be entitled to statutory maternity leave.

   In addition, you must also:
   
   • still be employed by us until the week before Shared Parental Leave starts
   • as at the date of birth have or expect to have main responsibility for caring for the child
   • told us to end maternity leave (or have returned to work)
   • have a partner (with whom you intend to share Shared Parental Leave) who has been employed for at least 26 weeks in the 66 weeks before the EWC with average weekly earnings above the “lower earnings limit” during 13 of those weeks
   • provide information that you can take the leave and when you want to take Shared Parental Leave. We may need to you to provide us with some additional details
   • provide a period of leave notice

2. We may ask you to provide us with the following within 2 weeks of your request:

   (a) A copy of your child’s birth certificate; and
   (b) The name and address of your partner’s employer.

   We may ask the name and address of your partner’s employer to check the details you have provided.

How much Shared Parental Leave may be taken?

Maternity leave is up to 52 weeks. You may stop your maternity leave at any time after the birth of the child and change the remaining balance of your leave into Shared Parental Leave (except for the two weeks immediately following the birth which are compulsory maternity leave). The maximum period of leave that can be converted to Shared Parental Leave is 50 weeks. If you have take maternity leave before the birth, the available balance will be less than 50 weeks. Because you are sharing leave, your Shared Parental Pay entitlement will be reduced by any period of Shared Parental Pay taken by your partner.

How can Shared Parental Leave be taken?

Shared Parental Leave can be shared in a number of ways. For example, you and your partner may choose to take a period of Shared Parental Leave at the same time. Alternatively, you may choose to take it in turns to spend time at home with your baby. Provided that you inform us to end maternity leave and confirm the future date on which you wish your maternity leave to end, it may also be possible for your partner to start Shared Parental Leave whilst you are still on maternity leave.

If you want to take Shared Parental Leave, you need to give us a number of formal notices which are described in detail below. We would encourage you to discuss your plans with us informally at an early stage before giving the notices so we can talk to you about the options and confirm your eligibility.

What documentation is needed to take Shared Parental Leave?
You need to give us three notices in order to take Shared Parental Leave:

- The first is to inform us to end maternity leave (also known as a "curtailment notice"). This must be given at least 8 weeks before you want your maternity leave to end.

- Then you should inform us of entitlement and intention to take Shared Parental Pay. This must confirm your eligibility to take Shared Parental Leave, set out how much leave will be available to take (i.e. 52 weeks less any maternity leave taken or intended to be taken by you), how much leave you and your partner each intend to take and when you both intend to take it.

  The purpose of the notice is to give us an indication of your plans – though these dates are not fixed until you give us the time you will be off (see below) and to inform us of your entitlement and intention to take Shared Parental Leave. You will be asked to declare that you and your partner are eligible. You should inform us at least 8 weeks before you intend the first period of leave to start, but it is best to give it at the same time as you give notice to end your maternity leave. You must give a similar notice about entitlement to Shared Parental Pay.

- The third notice is known as a period of leave notice. This confirms the specific period you wish to take as Shared Parental Leave and must be given to us at least 8 weeks before the start of the period you are requesting. You can inform us at the same time as you inform us of entitlement and intention to take Shared Parental Leave or later. If the period of leave notice is given before your child has been born you may wish to define the requested leave period by reference to a certain number of days or weeks after the actual birth (rather than fixed calendar dates).

ACAS has produced forms to enable Colleagues to give their notice to end maternity leave, notice of entitlement and intention to take Shared Parental Leave and a period of leave notice. The forms can be found on the [www.acas.org.uk](http://www.acas.org.uk) website. These forms also deal with the notifications required in relation to Shared Parental Pay.

Please complete the forms to give us all the right information and return them to the People Team. If you do not have access to the forms, please contact the People Team who can provide you with copies.

If you have any questions about what notices you need to provide and when please contact the People Team for guidance.

**What happens if I change my mind?**

Once you have given us the notice to end maternity leave, you are only entitled to stop that notice and return to (or remain on) maternity leave in very limited circumstances. This is most likely to happen if you give notice to end maternity leave before your baby is born, in which case you can change your mind and remain on maternity leave within 6 weeks after the birth.

**My partner is having a baby – am I eligible to take Shared Parental Leave?**

To be eligible for Shared Parental Leave you must have been employed by us for at least 26 weeks by the end of the 15th week before the EWC.

In addition, you must also:

- still be employed by us until the week before Shared Parental Leave starts
- have or expect to have main responsibility for caring for the child
- have declared that you have a partner who is entitled to statutory maternity leave and has ‘curtailed’ her maternity leave (or returned to work)
• have a partner (with whom you intend to share parental leave) who has been employed for at least 26 weeks in the 66 weeks before the EWC with average weekly earnings above the "lower earnings limit" during 13 of those weeks

• inform us of your entitlement and intention to take shared parental leave (together with any evidence we request – see below)

• provide a period of leave notice

We may ask you to provide us with the following evidence of your entitlement to Shared Parental Leave:

• A copy of your child’s birth certificate; and

• The name and address of your partner’s employer.

If we ask for the name and address of your partner’s employer we may contact them to check the information provided and you must give it to us within 14 days. Failure to do so may prevent or delay you from being able to take Shared Parental Leave.

If I take Shared Parental Leave, how much Shared Parental Pay am I entitled to?

Maternity leave is up to 52 weeks. Your partner may stop her maternity leave at any time after the birth of the child and change the remaining balance of that leave into shared parental leave (other than the first two weeks after birth – see above). The maximum period of leave that can be changed to shared parental leave is 50 weeks (less any maternity leave taken by your partner before the birth). Your shared parental leave will be less than the period of shared parental leave your partner has taken.

You may take shared parental leave at any time in the 52 weeks after your baby is born, provided your partner has given a notice to end maternity leave to her employer.

How can we share Shared Parental Leave?

Shared Parental Leave can be shared in a number of ways. For example, you and your partner may choose to take a period of shared parental leave at the same time. Alternatively, you may choose to take it in turns to spend time at home with your baby. Provided your partner has given her employer her notice to end maternity leave form and given us the date on which she wishes her maternity leave to end, you may be able to start your shared leave whilst she is still on maternity leave.

What documentation is needed to take Shared Parental Leave?

If you want to take Shared Parental Leave, you need to give a number of formal notices to us which are described in detail below. We would encourage you to discuss your plans with us informally at an early stage before giving the notices so we can talk to you about the options and confirm your eligibility.

You need to give us two notices in order to take shared parental leave:

1. The first is a notice of entitlement and intention to take Shared Parental Leave. This must confirm your eligibility to take Shared Parental Leave, set out how much Shared Parental Leave will be available to take (i.e. 52 weeks less any maternity leave taken or intended to be taken by your partner), how much Shared Parental Leave you and your partner each intend to take and when you both intend to take it.

   The purpose of this notice is to give us an indication of your plans. These do not become fixed until you give the period of leave notice (see below). The notice of entitlement and intention to take shared parental leave includes a declaration in relation to your eligibility and that of your
partner. This notice has to be given at least 8 weeks before you intend the first period of leave to start. You must give similar notices about entitlement to Shared Parental Pay.

2. The second notice is known as a period of leave notice. This sets out the specific period you wish to take as Shared Parental Leave and must be given to us at least 8 weeks before the start of the period you are requesting. You can give this notice at the same time as you tell us of your entitlement and intention to take Shared Parental Leave or later. If the period of leave notice is given before your child has been born you may wish to define the requested leave period by reference to a certain number of days or weeks after the actual birth (rather than fixed calendar dates).

You may give up to three separate period of leave notices, but we encourage you to work out how you plan to share the availables shared parental leave with your partner at the outset and list all of the proposed periods of leave in one single period of leave notice. That will help us to plan how we cover your absence and to identify any potential difficulties.

ACAS has produced forms to enable Colleagues to give their notice to end maternity leave, notice of entitlement and intention to take shared parental leave and a period of leave notice. The forms can be found on the www.acas.org.uk website. These forms also deal with the notifications required in relation to Shared Parental Pay.

Please use these forms as they capture the information you need to provide. We suggest you complete the form and return it to the People Team. If you do not have access to the forms, please contact the People Team who can provide you with copies.

If you have any questions about what notices you need to provide and when please contact the People Team for guidance.

**What about paternity leave?**

Shared Parental Leave is separate from ordinary paternity leave. You can still take paternity leave, however, if you start a period of Shared Parental Leave you will lose any untaken paternity leave days and. You might want to take two weeks’ paternity leave before taking any Shared Parental Leave. Please see the paternity policy for further details.

**Other considerations**

**Discussing arrangements for leave**

So that we can plan your leave it is best to discuss how you wish to take Shared Parental Leave in advance and preferably before sending a period of leave notice form. There may be times which it would be helpful to speak with your partner or your partner’s employer.

On receiving a period of leave notice from we may schedule a meeting to talk about your plans.

When giving a period of leave notice, you have to take Shared Parental Leave in a single continuous block. If you wish to split the leave with periods of work in between, we will need to approve this. If we do not approve what you propose and cannot agree other arrangements with split leave within two weeks, we can still take leave in a single block. In some circumstances, you may choose to withdraw your request to take Shared Parental Leave if split periods of leave cannot be agreed.

**Making changes to leave dates**

After giving us a notice of entitlement and intention to take Shared Parental Leave form you can change your mind about how much leave you want to take by telling us in writing. You can change your mind as many times as you like before giving us a period of leave notice form.

After giving us a period of leave notice you can only change the agreed leave by giving a further period of leave notice. You may submit a total of three period of leave notices in relation to your overall Shared Parental
Leave entitlement. If you have used up all your period of leave notices we are under may not be able to approve any further requests to vary your leave.

If you want to make a change to agreed leave dates, you must send us another period of leave notice at least 8 weeks before the agreed leave is due to start to request a change. This should tell us the details of the change that you want to make.

We will try, to accommodate late requests to vary agreed leave where there has been a change in your circumstances. However it may not be possible for us to do this, for example, where we have arranged for your role to be covered during the period of agreed absence on Shared Parental Leave.

**Pay during Shared Parental Leave**

Provided you have given us the relevant notifications of your entitlement to Shared Parental Pay forms and you and your partner meet the conditions below, you will be entitled to share Shared Parental Pay with your partner. The total period over which statutory pay is available is 39 weeks. However two weeks of this is reserved to the mother to cover the two weeks’ compulsory maternity leave period. The remaining 37 weeks of pay can be shared.

Shared Parental Pay is paid at a set rate which is determined by the Government each year. It is paid in the same way as normal salary and is payable whether or not you intend to return to work.

To qualify for Shared Parental Pay you and your partner must satisfy a number of conditions, including service and earnings requirements. In brief, you must have been employed by us for at least 26 weeks by the end of the 15th week before the EWC and still be employed by us until the week before Shared Parental Leave starts. Your partner must have been employed for at least 26 weeks. Both of you must have earned above the lower earnings limit set by the government for prescribed periods.

The number of weeks Shared Parental Pay available is reduced by the corresponding number of weeks that the child’s mother has been in receipt of statutory maternity pay (SMP). For example, if the mother has received 10 weeks of SMP, including covering her compulsory maternity leave period, the total Shared Parental Pay available to be shared between the mother and partner is 29 weeks.

**Benefits, holiday entitlement and other terms during Shared Parental Leave**

During Shared Parental Leave your contract of employment, except those relating to wages or salary (because these are replaced by the special shared parental payments).

You will continue to receive benefits such as unless provided exclusively for business use and you will continue to accrue holiday entitlement as normal.

**Your Pension**

For as long as you are receiving Shared Parental Pay we will continue to make pension contributions based on the salary you received before you went on Shared Parental Leave if eligible. You need to contribute only on the basis of the pay you are actually receiving at the time.

**Keeping in touch**

We may get in touch with you whilst you are on Shared Parental Leave, for example, to let you know about things that are happening at work.

While you are on Shared Parental Leave, there may be occasions when you would like to come to work: for example, to go on a training course, to update yourself on a particular project, to attend a colleague away-day or to work part of a week to help you return to your role in a gradual way. If so, we will agree at the time how much pay you will receive for coming into work (which will include any Shared Parental Pay that you are entitled to for that week). Before you start your leave, we can discuss arrangements for keeping in touch and whether there are any particular circumstances in which you would want to come to work. The days that you come into work in such circumstances are known as SPLIT days (and are in essence the same as KIT days for maternity leave). You are entitled to 20 SPLIT days during Shared Parental Leave, whether you are the mother or the mother’s partner. Entitlement to SPLIT days is in addition to any KIT days that may have been taken by the mother while on statutory maternity leave.
If you come into work for more than 20 days during Shared Parental Leave, you may lose your entitlement to Shared Parental Pay and/or Shared Parental Leave. If you are the mother, you must not come to work during the 2 weeks after your child is born or 4 weeks if you are a factory worker.

**How to end Shared Parental Leave**

When we confirm all the agreed arrangements for your Shared Parental Leave, we will let you know the day on which your Shared Parental Leave ends. Unless you want to change it, there is no need to do anything. If you want to return to work sooner than the end of any period of Shared Parental Leave, you must give us 8 weeks’ notice. If you do not, we are entitled to delay your return to a date which will ensure that we have had 8 weeks’ notice, or until the end of that period of Shared Parental Leave, if that is sooner.

**Terms and conditions on your return**

When you return to work, the basic right is to return to the job in which you were employed before you went on Shared Parental Leave, with terms and conditions of employment no less favourable than they would have been had you not been absent from work. If no such job is available, we will arrange a meeting to discuss the available options.

**Appraisals and pay reviews**

If a systematic group pay review takes place while you are on Shared Parental Leave, which impacts your role, you will be included in the review as normal.

We shall ensure that any appraisal that would have taken place but for your Shared Parental Leave will be postponed until your return, unless you tell us that you would like it to take place while on leave.

**Impact of Shared Parental Leave on bonus**

If you are on or have been on Shared Parental Leave for any part of a year to which any bonus relates, we would normally take the approach set out below.

Any element of the bonus related to company and/or individual performance will be pro-rated so that you receive whatever proportion of the full bonus is equal to the proportion of the bonus year that you were at work (and on compulsory maternity leave if you are the mother). For this purpose, the full bonus means the bonus you would have received had you not taken Shared Parental Leave, and compulsory maternity leave means the two-week period immediately after the birth when you must not work or four week period if you are a factory worker.

The policy set out above does not limit in any way our general policy on bonuses (for example, our policy on paying bonuses during any period of notice).

**If you are unable to return because of illness**

If you cannot return on the date you are due back because you are ill, you must follow the Absence Procedure.

**Choosing not to return to work**

If you do not wish to return from Shared Parental Leave, you must give us notice of resignation in the normal way.

**Asking to work part-time or job-share**

If you would like to return to work part-time or to job-share, you should tell us as soon as you can. Please see our Flexible Working Policy for more detail.

**Status of this policy**

This policy summarises statutory rights. It is not intended to be a statement of the law. If you have any questions or need further information, please speak to the People Team.
The policy is not part of your contract of employment and does not create contractual rights or obligations. It may be amended by us at any time.

<table>
<thead>
<tr>
<th>Version 1 issued:</th>
<th>21st March 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review frequency:</td>
<td>Annually</td>
</tr>
<tr>
<td>Creator:</td>
<td>Employee Relations Team</td>
</tr>
<tr>
<td>Owner:</td>
<td>Chief People Officer</td>
</tr>
</tbody>
</table>