

Policy on Shared Parental Leave

Introduction

Shared Parental Leave (SPL) is a statutory right available to employees who have a new baby or a newly adopted child on or after 5th April 2015. It enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. SPL gives them the option of sharing up to 50 weeks of leave and 39 weeks of pay if they meet the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

Eligibility Criteria

SPL can only be used by two people:

- The mother/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/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows:

Step 1 - Continuity test: if you are seeking to take shared parental **leave**, one parent/adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child for adoption) and they should still be employed in the first week that shared parental leave is to be taken.

The other parent/adopter has to meet the **Employment and Earnings Test** requiring them to have worked for 26 weeks in the 66 weeks leading up to the due/matching date and to have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks.

Step 2 - Individual eligibility for pay: To qualify for shared parental **pay** the parent/main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth / adoption.

If you and your partner meet the eligibility criteria:

- You can effectively “convert” a period of maternity/adoption leave and pay into shared parental leave and pay that can be taken by either parent.
- Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
- Shared parental leave does not have to be taken in a single continuous block; it can be taken in chunks of as little as a week with your line manager's agreement.
- When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.
- Shared parental leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

Procedure for Requesting Shared Parental Leave and Pay

Here is how you and your partner should go about opting in to shared parental leave:

1. The mother/main adopter must bring their period of maternity/adoption leave to an end by letting their employer know *at least 8 weeks* before the date she intends to curtail the leave. NB. Maternity leave cannot be brought to an end before the end of the two week compulsory maternity leave period. The balance of maternity leave at that point becomes available for the partner to share as shared parental leave.
This notice of curtailment of maternity/adoption leave can be given before or after the birth/placement. If it is given afterwards, the notice is binding; but if given before, there is a six-week window after the child's birth/adoption, during which a mother/primary adopter who has previously stated she intends to share her leave can change her mind and decide to remain on leave.
2. Both you and your partner should let your respective employers know in writing that you are eligible for, and intend to take, shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take, and when. Homemaker employees should complete **the Notice of Entitlement and Intention to Take Shared Parental Leave** form at Appendix 1.
3. You should also provide us with a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information if requested within 14 days.
4. The information about how and when you and your partner are intending to take shared parental leave is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. See section on Variation to SPL below. To do this, please complete the form at Appendix 2. We will need *at least 8 weeks' notice* of each period of leave.
5. If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.
6. If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we may need to discuss with you whether Homemaker can support such a work pattern. If it cannot we will try to agree an alternative arrangement with you, or we may need to refuse the request. If the leave pattern is refused, you can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.
7. We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business. You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and we are under no obligation to offer you any work. These 20 days are in addition to the 10 days available during maternity or adoption leave.
8. While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

This all sounds complex, but it is really quite simple. Here are some **examples** to help clarify how shared parental leave works.

1. *The mother / main adopter ends her leave after 26 weeks, and the balance of the leave and pay - 26 weeks leave and 13 weeks statutory maternity / adoption pay is available*

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to be shared between the parents as they choose. The father takes 10 weeks leave and pay, while the mother returns to work. He then returns to work and the mother takes the remaining 16 weeks leave and 3 weeks' pay.

- 2. Baby is born prematurely and the mother immediately commits to taking 27 weeks maternity leave and pay leaving 25 weeks leave and 12 weeks' pay to be shared with the father. The father takes 2 weeks paternity leave when baby is born and then immediately takes the 25 weeks leave and 12 weeks' pay. Both parents return to work after 27 weeks having used all their shared parental leave.*
- 3. The main adopter takes the first 10 weeks adoption leave and pay, and then commits to returning to work at week 22. This then frees up 30 weeks shared parental leave and 17 weeks' pay. His partner takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the main adopter's adoption leave so she and the main adopter can look after the child together. She then takes a further 8 weeks' leave and last 5 weeks of pay while the main adopter returns to work. When the partner then goes back to work, the main adopter takes the last 10 week of shared parental leave.*

In total the main adopter has taken 32 weeks leave and 22 weeks' pay while the partner has taken 20 weeks leave and 17 weeks' pay.

On receipt of a Shared Parental Leave Request

Once Homemaker receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the business. 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.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. 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 employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification

Variations to arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise Homemaker in writing at least eight weeks before the date of any variation, using the **Notice to Take or Vary a Period of Shared Parental Leave** form at appendix 2:

Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the organisation

requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by Homemaker

Returning to Work from Shared Parental Leave

If you wish to alter your return date from shared parental leave, please ensure you give us notice as follows using the **Notice to Take or Vary a Period of Shared Parental Leave** form at appendix 2:

- If you wish to extend your SPL, at least 8 weeks' notice from the originally agreed return date.
- If you wish to shorten your SPL, at least 8 weeks' notice from the new return date.

If you return to work after a period of shared parental leave (including any maternity/adoption leave) which was **26 weeks or less**, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.

If you return to work from a period of shared parental leave (including any maternity/adoption leave) which was **greater than 26 weeks** we will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable than would have applied had you not been on leave.

Appendix 1

Notice of Entitlement and Intention to Take Shared Parental Leave

(Please read the **Policy on Shared Parental Leave**)

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Basic Details

Employee Name:	
Are you the mother/main adopter of the child or the partner of the mother/main adopter?	
Date on which mother/main adopter commenced (or will commence) maternity/adoption leave:	

Notice of curtailment of maternity / adoption leave

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby

I wish my maternity / adoption leave to end on the following date:	
Signed:	Date:

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	
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Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates)	
Number of weeks of shared parental leave / pay you intend to take	
Number of weeks of shared parental leave / pay the other parent intends to take	

Shared Parental Leave and Pay Dates

<p>Please detail the start and end dates of the shared parental leave/ pay that you intend to take. This should tally with the number of weeks you have indicated above that you will take.</p>	
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The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please indicate "Yes": **Yes / No**

If you indicate "No", then please complete appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

Declarations

By the Employee

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- ☐ I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- ☐ I meet the eligibility criteria for shared parental leave

If appropriate:

- ☐ I meet the eligibility criteria for shared parental pay
- ☐ I am the mother or main adopter and have completed the **notice of curtailment of maternity/adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy
- ☐ I consent to you retaining and processing the information contained in this form

Signed:_____ Date:_____

<Company Name>

By the Employee's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- ☐ I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- ☐ I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks
- ☐ I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

- ☐ I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)
- ☐ I consent to you retaining and processing the information contained in this form

Signed:_____ Date:_____

Appendix 2

Notice to Take or Vary a Period of Shared Parental Leave

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (appendix 1) and have had your eligibility for shared parental leave confirmed.

Name of Employee	
Name of Partner	

Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved date	Start	Previously Approved date	End	Detail the change you would like to request

We confirm that we agree to the request / variation outlined above.

Signed: (Employee)_____ Date:_____

Signed: (Employee's Partner)_____ Date:_____