



October 2021

## Shared Parental Leave Policy

### Policy Statement

The organisation encourages employees to have a balance between their work and family commitments, believing that it ensures a more effective and efficient workforce.

This Shared Parental Leave Policy has been developed to provide employees with guidance as to their entitlements and the procedure to follow for shared parental leave.

Eligible employees can opt to take Shared Parental Leave (SPL) when they (or their partner) has ended, or given notice to end, Statutory Maternity or Adoption Leave.

SPL allows the mother/adopter and her partner to share the maternity/adoption leave.

The leave can be split in a “continuous” way. This means that one partner takes a period of leave, and then the other partner takes the remainder of the leave. Alternatively, the leave can be “discontinuous”. This means that one partner takes some leave, then the other, and then the first partner takes some more leave, etc. It could also mean that the two partners take some leave at the same time.

The leave taken by the two partners when added together, including any periods of Statutory Maternity or Adoption Leave must not total more than 52 weeks. Leave must be taken in minimum units of one week.

### Procedure

#### Eligibility

To be eligible to take SPL the employee must be eligible to take SAL or SML, or be entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA).

In addition, the mother or adopter must share responsibility for raising the child with the child’s father or her partner.

As well as these requirements there is a “continuity test” which is applied to determine eligibility:

- one parent of the two who are applying to take SPL must have worked for the same employer for at least 26 weeks by the end of the 15th week before the week in which the child is due to be born (referred to as the Expected Week of Childbirth — EWC) or the week in which the adopter is notified of having been matched with a child; the parent must still be employed in the first week that SPL is to be taken

- the other parent must have worked for 26 weeks in the 66 weeks leading up to the date that the baby is due/placed and must have earned above the Maternity Allowance threshold (currently £30 per week) in 13 of those 66 weeks.

## Entitlement to Pay

Shared Parental Pay (ShPP) is paid to whichever partner is taking the leave. As with SMP and SAP, it is only payable for 39 weeks, even though the total leave can be up to 52 weeks.

To be eligible for Shared Parental Pay (ShPP) the parent must pass the continuity test and have earned an average of the lower earnings limit (currently £120 per week) or more for the eight weeks prior to the 15th week before the EWC/week that the adopter is notified of the placement.

## Notification of taking leave

The employee is required to give the employer at least 8 weeks' notice that s/he intends to take SPL. As long as there is some outstanding SML or SAL the employee can opt to take SPL at any time.

If the request is to take a continuous period of SPL the employer cannot refuse. However, the employer can refuse a request to take a discontinuous period of SPL and ask for the leave to be taken as a continuous period of absence.

An employee cannot make more than three requests for a block of leave.

Each parent who is intending to take SPL must give the following information to their employer when giving notice of their intention:

- how much leave is available
- how much leave they are entitled to take
- how much leave their partner is taking
- how they expect to take the leave
- their partner's name, and confirmation that they are sharing childcare responsibility with this child
- a signed declaration from the partner stating their name, address and National Insurance number, that they satisfy the requirements for SPL and ShPP and that they agree to the employee taking SPL and ShPP.

Once this information has been given to the employer they can choose to ask for the following information (the request must be made within 14 days of receiving the notice):

- a copy of the child's birth certificate
- the name and address of the partner's employer.

If this information is requested the employee must supply it within 14 days.

## Withdrawing from Shared Parental Leave

The mother/adopter can withdraw from the decision to take SPL if both:

- the planned end date of SML/SAL has not yet arrived
- they have not returned to work.

In addition, one of the following must apply:

- the employee has discovered during the eight week notice period that neither of the couple is eligible for SPL or ShPP
- the mother/adopter’s partner has died
- the mother tells her employer that she is withdrawing from SPL less than six weeks after the birth (this presumes that she gave notice of her intention to take SPL prior to the birth).

## Changing intentions

A request for discontinuous leave can be refused. In addition, the employer can decide to give no response to a leave notification (although this is not recommended).

In either of these two situations the employee can withdraw the notification of their intention to take SPL on or before the 15th day after the notification was originally made. If they do this it will not count as one of their three notifications. If they do not do this then they must take the total amount of leave that they notified in one continuous block. The employee can choose when to start this leave period, as long as they do so within 19 days of the date and as long as the leave does not start within 19 days that the notification was given to the employer and as long as it does not start earlier than the date that the employee initially gave as the intended start date. If the employee does not give a new start date then it will begin on the starting date given in the original notification.

## Shared Parental Leave in Touch (SPLIT) Days

Those taking SML or SAL are entitled to take up to 10 “Keeping in Touch” days (referred to as KIT days). These days can be worked during SML or SAL with no effect on entitlement to SMP or SAP. It is not compulsory to work a KIT day, and an employee cannot insist that the employer allows her to work a KIT day. The law does not state that a KIT day must be paid, but an employer can opt to make a payment. These KIT days will remain.

In addition, each partner taking SPL will be entitled to take up to 20 ‘Shared parental leave in touch’ (SPLIT) days. The same rules apply as for KIT days — SPLIT days are optional. The guidance notes accompanying SPL confirm that at least the National Minimum Wage must be paid for each SPLIT day that is worked.

## Returning to Work

An employee returning from a total of 26 weeks or less of SPL has the right to return to their old job.

An employee returning from a total of more than 26 weeks of SPL has the right to return to their old job or, if this is not possible, to a job of the same status and with the same terms and conditions of employment as their old job.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Policy review date: \_\_\_\_\_