



Policy Title:	Shared Parental Leave Policy
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## **1. Introduction**

Shared Parental Leave (SPL) is a new right that will enable eligible mothers, fathers, partners and adopters to choose how to share time off work where a baby is due to be born or placed on or after 5<sup>th</sup> April 2015. This means that the mother or adopter could choose to share some of the leave with her partner, perhaps returning to work for part of the time and then resuming leave at a later date. Shared Parental Leave and Statutory Shared Parental Pay (ShPP) must be taken between the baby's birth and first birthday (or within 1 year of adoption).

Until 4 April 2015 fathers may get Additional Paternity Leave and Pay instead (see Paternity Policy).

## **2. Eligibility for Shared Parental Leave**

Sometimes only one parent in a couple is eligible to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). This means that they can't share the leave between them.

To qualify for Shared Parental Leave (SPL), you must share care of the child with either;

- your husband, wife, civil partner or joint adopter
- the child's other parent
- your partner (if they live with you and the child)

You or your partner must be eligible for maternity pay or leave or Maternity Allowance or adoption pay or leave.

You must also:

- have been employed continuously for at least 26 weeks by the end of the 15th week before the due date (or by the date you are matched with your adopted child)
- be employed by the same employer while you take SPL

## **3. Your Partner's Eligibility**

During the 66 weeks before the baby is due your partner must:

- have been working for at least 26 weeks (which can be discontinuous) - they can be employed, self-employed or an agency worker
- have earned at least £30 a week on average in 13 of the 66 weeks

#### **4. Number of weeks' leave available**

52 weeks of shared parental leave will be available for parents to share between them, less any statutory maternity leave taken.

Shared parental leave must be taken between the date of birth or adoption placement and 52 weeks after that date.

It must be taken in multiples of complete weeks. If both partners are eligible for SPL, it can be taken at different times or both at the same time.

#### **5. Eligibility for Statutory Shared Parental Pay**

To qualify for Shared Parental Pay the parent must have earned an average salary of the lower earnings limit or more for the 8 weeks' prior to the 15th week before the Expected Week of Confinement (EWC).

You will also qualify for ShPP if one of the following applies:

- you qualify for Statutory Maternity Pay
- you qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay

#### **6. Rate and number of weeks' pay**

ShPP is paid at the same rate as Statutory Maternity Pay (SMP) or 90% of your average weekly earnings, whichever is lower. Unlike SMP, there is no provision for employees to be paid 90% of their earnings for the first six weeks of their statutory shared parental pay period where this is higher than the statutory rate. Therefore, if an employee who is receiving SMP at the higher rate of 90% of her earnings switches to statutory shared parental pay within the first six weeks of her SMP period, she will move to the lower rate immediately.

The amount of statutory shared parental pay that is available for the parents to share is 39 weeks, minus the amount of SMP or maternity allowance taken by the mother.

The mother cannot curtail her maternity leave and pay until the end of the two week compulsory maternity leave period, so the maximum amount of shared parental pay available for parents to share between them is 37 weeks.

Similar provisions apply for parents taking shared parental leave in an adoption situation. The mother of a child can choose to curtail her maternity leave and statutory

maternity pay (SMP) and take shared parental leave and statutory shared parental pay with her partner, or the child's father.

## **7. Notification of Shared Parental Leave**

An employee opting for Shared Parental Leave must notify the organisation of their entitlement to Shared Parental Leave and must book the leave they wish to take, providing at least 8 weeks' notice. If the child is born more than 8 weeks early, this notice period can be shorter.

Employees are entitled to give up to 3 separate notices. Each notice can be for a block of leave, or the notice may be for a pattern of "discontinuous" leave involving different periods of leave. Where the notice is for "discontinuous" leave, this won't necessarily be agreed and will be subject to management discretion based on operational requirements.

## **8. Procedure**

1. RHSU encourages any eligible employee wishing to take Shared Parental Leave to speak to their line manager early on to enable the individual and the organisation to plan ahead effectively.
2. Eligible employees have a duty to provide their line manager with a 'notice of entitlement' to take Shared Parental Leave at least eight weeks before the start of a period of Shared Parental Leave. The notice will include:
  - i. your partner's name
  - ii. start and end dates for maternity or adoption leave and pay
  - iii. the total amount of SPL and ShPP available and how much you and your partner intend to take
  - iv. confirmation that you're sharing childcare responsibility with your partner

You must also include a signed declaration from your partner stating:

- v. their name, address and National Insurance number
  - vi. that they satisfy the qualifying requirements for SPL and ShPP
  - vii. that they agree to you taking SPL and ShPP
3. After receiving this notice, RHSU has 14 days in which it may decide to ask for the following information:
  - i. a copy of the child's birth certificate
  - ii. the name and address of your partner's employer

4. The employee must provide this information within 14 days.
5. Either parent can give written notice to vary the notice of parental leave, or vary how much leave they each intend to take. This must be at least eight weeks before either parent is planning on returning to work.

## **9. Duties incumbent on the mother or adopter**

The mother or adopter must give at least 8 weeks' notice to the organisation if they wish to end their maternity or adoption leave and/or pay. The notice is usually 'binding' and cannot usually be changed, except in the following circumstances:

- the planned end date hasn't passed
- the individual hasn't already returned to work

One of the following must also apply:

- you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
- the mother or adopter's partner has died
- the mother tells her employer less than 6 weeks after the birth (and she gave notice before the birth)

A mother / or adopter's partner can start SPL while their partner is still on maternity or adoption leave as long as they have given binding notice to end it.

## **10. Shared Parental Leave In Touch (SPLIT) days**

You and your partner can both work up to 20 days during SPL. These are called 'shared parental leave in touch' (or SPLIT) days.

These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave.

Keeping in touch days are optional and should be agreed between individuals and their line managers. The HR & Central Services Manager should be informed for payroll purposes.

## **11. Terms and Conditions**

Employed mothers will continue to be entitled to 52 weeks of Maternity Leave and 39 weeks of statutory maternity pay or maternity allowance (see Maternity Policy).

Paternity leave will continue to be available for fathers and partners. This will be a period of two weeks paid which must be used in a single block of leave and taken within 56 days of the birth.

Employees will accrue contractual annual leave during a period of shared parental leave.

Intended parents in surrogacy who meet certain criteria will be eligible for statutory adoption leave and pay and Shared Parental Leave and Pay

Ends