

SHARED PARENTAL LEAVE (BIRTH) POLICY

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1. ABOUT THIS POLICY

- 1.1 Within this policy 'we' and 'us' means the Federation.
- 1.2 This policy outlines the arrangements for shared parental leave and pay in relation to the birth of a child. If the employee is adopting a child please see the Shared Parental Leave (Adoption) Policy instead.
- 1.3 This policy applies to employees. It does not apply to agency workers or self-employed contractors.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. FREQUENTLY USED TERMS

2.1 The definitions in this paragraph apply in this policy:

- Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.
- Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- Partner: The child's biological father or the employee's spouse, civil partner or someone living with them in an enduring family relationship, but not their sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- Qualifying Week: the fifteenth week before the EWC.

3. WHAT IS SHARED PARENTAL LEAVE (SPL)?

3.1 It gives the employee and their partner more flexibility in how to share the care of their child in the first year after birth, rather than simply taking maternity and paternity leave. Assuming both the employee and their partner are both eligible, they will be able to choose how to split the available leave between them, and can decide to be off work at the same time or at different times. They may be able to take leave in more than one block.

4. ENTITLEMENT TO SPL

4.1 To trigger the right to SPL for one or both parents, the mother must:

- Have a partner;
- Be entitled to maternity/adoption leave; or to statutory maternity/ adoption pay or maternity allowance (if not eligible for maternity/adoption leave);
- Have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).

4.2 An employee is entitled to SPL in relation to the birth of a child if:

- (a) the employee is the child's mother, and shares the main responsibility for the care of the child with the child's father (or their partner, if the father is not their partner);
- (b) the employee is the child's father and shares the main responsibility for the care of the child with the child's mother; or

- (c) the employee is the mother's partner and shares the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

4.3 The following conditions must also be fulfilled:

- (a) if both parents want to share SPL, they both must have at least 26 weeks' continuous employment by the same employer by the end of the Qualifying Week, and must still be employed by the same employer while SPL is taken; they must be 'employees' not 'workers' and have sufficient earnings to qualify.
- (b) if the mother's partner wants to take the SPL, the mother must have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the baby's due; have earned sufficient to meet the threshold across any 13 of the 66 weeks; the mother's partner must have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date (this is around the time the mother got pregnant); stay with the same employer while they take SPL; be an 'employee' (not a 'worker'); earn on average not less than the average qualifying earnings.
- (c) if the mother wants to take the SPL and statutory shared parental pay (ShPP) the mother's partner must have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the baby's due; have earned sufficient to qualify in total in 13 of the 66 weeks (add up the highest paying weeks, they do not need to be in a row). The mother must have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date (this is around the time she got pregnant); stay with the same employer while they take SPL; be an 'employee' (not a 'worker'); earn on average not less than the qualifying earnings (lower earnings limit).
- (d) the employee and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

4.4 The total amount of SPL available is 50 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

4.5 If the employee is the mother they cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

- 4.6 Once the employee starts SPL they will lose any untaken paternity leave entitlement. SPL entitlement is additional to their paternity leave entitlement.

5. OPTING IN TO SHARED PARENTAL LEAVE AND PAY

- 5.1 Not less than eight weeks before the date the employee intends their SPL to start, they must give us a written opt-in notice giving:
- (a) their name and the name of the other parent;
 - (b) if they are the child's mother, the start and end dates of their maternity leave;
 - (c) if they are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
 - (d) the total SPL available, which is 50 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
 - (e) how many weeks of the available SPL will be allocated to the employee and how many to the other parent (the employee can change the allocation by giving us a further written notice, and the employee does not have to use their full allocation);
 - (f) if the employee is claiming statutory shared parental pay (ShPP), the total ShPP available, which is 37 weeks minus the number of weeks of the SMP or MA period taken or to be taken;
 - (g) how many weeks of available ShPP will be allocated to the employee and how much to the other parent. (The employee can change the allocation by giving us a further written notice, and the employee does not have to use their full allocation);
 - (h) an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave (see paragraph 9 and paragraph 10 for information on taking leave). This indication will not be binding at this stage, but the employee is asked to give as much information as they can about their future intentions; and
 - (i) declarations by the employee and the other parent that they both meet the statutory conditions to enable them to take SPL and ShPP.

6. ENDING MATERNITY LEAVE

- 6.1 If the employee is the child's mother and wants to opt in to the SPL scheme, they must give us at least eight weeks' written notice to end their maternity leave (a curtailment notice) before they can take SPL. The notice must state the date their

maternity leave will end. They can give the notice before or after they give birth, but they cannot end their maternity leave until at least two weeks after birth.

- 6.2 The employee must also give us, at the same time as the curtailment notice, a notice to opt in to the SPL scheme (see paragraph 5) or a written declaration that the other parent has given their employer an opt-in notice and that the employee has given the necessary declarations in that notice.
- 6.3 The other parent may be eligible to take SPL from their employer before their maternity leave ends, provided they have given the curtailment notice.
- 6.4 The curtailment notice is binding and cannot usually be revoked. The employee can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:
 - (a) if the employee realises that neither they nor the other parent are in fact eligible for SPL or ShPP, in which case they can revoke the curtailment notice in writing up to eight weeks after it was given;
 - (b) if the employee gave the curtailment notice before giving birth, they can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
 - (c) if the mother or their partner has died.
- 6.5 Once the employee has revoked a curtailment notice they will be unable to opt back in to the SPL scheme, unless they revoked it in the circumstances in paragraph 10.

7. ENDING A PARTNER'S MATERNITY LEAVE OR PAY

- 7.1 If the employee is not the mother, and she is still on maternity leave or claiming SMP or MA, they will only be able to take SPL once she has either:
 - (a) returned to work;
 - (b) given her employer a curtailment notice to end her maternity leave;
 - (c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
 - (d) given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

8. EVIDENCE OF ENTITLEMENT

- 8.1 The employee must also provide on request:
- (a) a copy of the birth certificate (or if the employee has not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
 - (b) the name and address of the other parent's employer (or a declaration that they have no employer);
 - (c) it is the employee's responsibility to check that they are eligible for SPL and ShPP and we should grant leave and pay based on the information and declarations provided by the employee;
 - (d) if it is subsequently discovered that ShPP was incorrectly paid, we will correct our records and may recover wrongly paid ShPP as an overpayment of wages, as applies to all statutory payments.

9. BOOKING SPL DATES

- 9.1 Having opted in to the SPL system, the employee will need to give a period of leave notice telling us the start and end dates of their leave. This can be given at the same time as their opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of their leave. The employee must also state in their period of leave notice the dates on which they intend to claim ShPP, if applicable.
- 9.2 If their period of leave notice gives dates for a single continuous block of SPL, the employee will be entitled to take the leave set out in the notice.
- 9.3 The employee can give up to three period of leave notices. This may enable the employee to take up to three separate blocks of SPL (although if the employee gives a notice to vary or cancel a period of leave, this will in most cases count as a further period of leave notice; see paragraph 11 'Changing the dates or cancelling SPL').

10. PROCEDURE FOR REQUESTING SPLIT PERIODS OF SPL

- 10.1 In general, a period of leave notice should set out a single continuous block of leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best for the employee to discuss this with their manager and the Executive Principal in good time before formally submitting their period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with the employee from the start.

- 10.2 The employee must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to the employee's request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in their notice (for example, if the employee requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, the employee may:
- (a) choose a new start date (which must be at least eight weeks after the original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
 - (b) withdraw the period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and the employee may submit a new one if they choose).

11. CHANGING THE DATES OR CANCELLING SPL

- 11.1 The employee can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.
- 11.2 The employee can change the start date for a period of leave, or the length of the leave, by notifying us in writing at least eight weeks before the original start date and the new start date.
- 11.3 The employee does not need to give eight weeks' notice if they are changing the dates of their SPL because their child has been born earlier than the EWC, where they wanted to start their SPL a certain length of time (but not more than eight weeks) after birth. In such cases, the employee is asked to please notify us in writing of the change as soon as they can.
- 11.4 The employee can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date and the new end date.
- 11.5 The employee can combine split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date of the first period.
- 11.6 The employee can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request as set out in paragraph 10.

- 11.7 A notice to change or cancel a period of leave will count as one of the employee's three period of leave notices, unless:
- (a) the variation is a result of the employee's child being born earlier or later than the EWC;
 - (b) the variation is at our request; or
 - (c) we and the employee agree otherwise.

12. SHARED PARENTAL PAY

- 12.1 The employee may be able to claim Statutory Shared Parental Pay (ShPP) of up to 37 weeks (less any weeks of SMP or MA claimed by the employee or the employee's partner) if the employee has at least 26 weeks' continuous employment with the Federation at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.

13. OTHER TERMS DURING SHARED PARENTAL LEAVE

- 13.1 An employee's terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

14. KEEPING IN TOUCH

- 14.1 We may make reasonable contact with the employee from time to time during their SPL although we will keep this to a minimum. This may include contacting the employee to discuss arrangements for their return to work.
- 14.2 The employee may ask or be asked to work (including attending training) on up to 20 "Shared Parental Leave in Touch" days (SPLIT days) during their SPL. This is in addition to any Keeping in Touch (KIT) days that they may have taken during maternity leave. SPLIT days are not compulsory and must be discussed and agreed with the employee's line manager or the Executive Principal.
- 14.3 The employee will be paid at their normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

15. RETURNING TO WORK

- 15.1 If the employee wants to end a period of SPL early, they must give us eight weeks' written notice of the new return date. If the employee has already given us three period of leave notices they will not be able to end their SPL early without our agreement.
- 15.2 If the employee wants to extend their SPL, assuming they still have unused SPL entitlement remaining, they must give us a written period of leave notice at least eight weeks before the date they were due to return to work. If they have already given us their period of leave notice, the employee will not be able to extend their SPL without our agreement. The employee may instead be able to request annual leave or ordinary parental leave, subject to the needs of the Federation.
- 15.3 The employee is normally entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow the employee to return into the same position, we may give the employee another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
- (a) if the SPL and any maternity or paternity leave they have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
 - (b) if they took SPL consecutively with more than four weeks of ordinary parental leave.
- 15.4 If the employee wants to change their hours or other working arrangements on return from SPL they should refer to the Federation Staff Maternity Policy or Paternity Policy for guidance on this. It is helpful if such requests are made as early as possible.
- 15.5 If the employee decides they do not want to return to work they should give notice of resignation in accordance with their contract.

SHARED PARENTAL LEAVE AND PAY OPT-IN FORM (BIRTH)



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Use this form to opt in to the shared parental leave scheme following the birth of a child. Please see our Shared Parental Leave (Birth) Policy for more information. A separate form is available for adoptive parents.

If you are the child's mother you must also submit a signed curtailment notice to bring your maternity leave and pay entitlement to an end.

Please discuss your proposed pattern of leave with your manager before completing the form.

Section A: Basic information		
Guidance notes. Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.		
A1	Employee's name	
A2	I am the child's mother*/child's father*/mother's partner* (*delete as appropriate)	
A3	Child's expected week of birth	
A4	Child's actual date of birth (if known)	
A5	Child's place of birth (if known)	
A6	Child's name (if known)	

Section B: Maternity leave, statutory maternity pay or maternity allowance		
<p>Guidance notes.</p> <p>If you are the mother, please give your maternity leave (ML) and statutory maternity pay (SMP) dates below. If you are still on ML you must also submit a maternity leave curtailment notice to bring your ML to an end.</p> <p>If you are the child's father or the mother's partner, please give the mother's ML dates. If she is not entitled to statutory ML (for example, because she is an agency worker, self-employed or unemployed), give the dates she started and ended (or will end) her statutory maternity pay (SMP) or maternity allowance (MA) period as applicable. She must give her employer notice to curtail her ML and/or SMP period, or give notice to the Department for Work and Pensions to curtail her MA period as appropriate.</p> <p>Maternity pay can only be curtailed after a whole number of weeks. For example, if the maternity pay period started on a Wednesday, it can only be curtailed on a Tuesday.</p> <p>These figures are needed in order to calculate your entitlement to shared parental leave and pay.</p>		
B1	<p>I am taking or will take maternity leave*</p> <p>My partner is taking or will take maternity leave*</p> <p>My partner is not entitled to statutory maternity leave but is receiving or will receive statutory maternity pay or maternity allowance*</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p>(*tick one only)</p>
B2	Maternity leave start date	
B3	Maternity leave end date	
B4	Total maternity leave (weeks)	
B5	Statutory maternity pay or maternity allowance start date	
B6	Statutory maternity pay or maternity allowance end date	
B7	Total period of statutory maternity pay or maternity allowance (weeks)	

Section C: Shared parental leave		
<p>Guidance notes.</p> <p>The total shared parental leave (SPL) available is 50 weeks minus the mother's ML period. If she is not entitled to ML, it is 50 weeks minus the SMP or MA period (see section B). SPL must be taken in whole numbers of weeks. If you need help working this out please speak to the Chief Finance Officer.</p> <p>You first period of shared parental leave cannot start until at least eight weeks after you submit this opt-in notice and a period of leave notice.</p>		
C1	Total SPL available (whole weeks).	
C2	Number of whole weeks' SPL intended to be taken by you.	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with.	
C4	Indication of dates you would like to take shared parental leave.	
C5	<p>The dates in C4 will be treated as non-binding until you give a period of leave notice.</p> <p>If you want to treat this notice as a period of leave notice to take SPL on the dates given in C4 tick here.</p>
Section D: Statutory shared parental pay		
<p>Guidance notes.</p> <p>The total statutory shared parental pay (ShPP) available is 37 weeks minus the number of weeks SMP or MA paid (or to be paid) to the mother (see section B).</p>		
D1	Total ShPP available (whole weeks).	
D2	Number of whole weeks ShPP intended to be taken by child's mother.	
D3	Number of whole weeks ShPP intended to be taken by child's father/mother's partner.	
D4	Indication of dates you would like to claim ShPP.	
D5	<p>The dates in D4 will be treated as non-binding until a notice to take ShPP is given.</p> <p>If you want to treat this notice as a notice to claim ShPP on the dates given in D4 tick here.</p>

Section E: Employee's declaration	
<p>Guidance notes.</p> <p>"Child" means the child referred to in Section A.</p> <p>"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
<p>I am the child's mother and I am entitled to statutory ML. I have submitted a curtailment of maternity leave notice (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).*</p> <p>or</p> <p>I am the child's father or the child's mother's partner.*</p> <p>(*delete one as applicable.)</p> <p>I had at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then.</p> <p>My normal weekly earnings in the eight-week period ending with the 15th week before the EWC were not less than the lower earnings limit. <i>(delete if not applicable)</i></p> <p>I expect to share the main responsibility for the care of the child with the person who has completed the declaration in Section F.</p> <p>I intend to care for the child during each week that I am on shared parental leave and receiving ShPP.</p> <p>I will immediately inform the Chief Finance Officer if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or ShPP.</p> <p>The information I have given in this notice is accurate.</p> <p>SignedDate.....</p>	
Section F: Declaration by person taking shared parental leave with employee	
<p>Guidance notes.</p> <p>"The employee" and "the child" are the employee and child referred to in Section A. If the employee is the child's mother, you must be the child's father or the mother's partner.</p> <p>If the employee is not the child's mother, you must be the child's mother.</p> <p>"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
Name	
Address	
National Insurance number	

You employer's name and address (if employed) or your business address if self-employed.	
<p>I am the mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your employee starts parental leave.*</p> <p><i>or</i></p> <p>I am the child's father.* <i>or</i> I am the partner of the child's mother.* (* delete as applicable)</p> <p>I expect to share the main responsibility for the care of the child with the employee. I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC.</p> <p>My average weekly earnings are at least £....., taking the 13 highest-earning weeks in the 66 weeks immediately before the EWC, they do not need to be consecutive.</p> <p>I consent to the employee taking shared parental leave and claiming ShPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.</p> <p>I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.</p> <p>Signed</p> <p>Date</p>	