

SHARED PARENTAL LEAVE (SPL)

What is SPL?

SPL is a legal entitlement for eligible parents of babies due, or children placed for adoption. It provides both parents with the opportunity to choose how to share the care of their child during the child's first year.

Our policy on shared parental leave and pay reflects the legislation.

The timescales and process for taking SPL are very complex. This policy does not attempt to cover all potential scenarios. Please speak to your line Manager if you have any queries or wish to discuss possible arrangements. Template letters can be provided if required to assist the process of applying for SPL.

Good communication during the planning for SPL is the key to finding a workable plan for both employee and the Company.

Key points

The amount of SPL available is calculated using the mother's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

The right to take 52 weeks Maternity or Adoption Leave remains and it is only if parents wish to share the traditional leave that this policy applies. Note also that the separate right to Ordinary Parental Leave (unpaid) remains unchanged. These other policies are described elsewhere in the handbook.

To take advantage of SPL the mother must commit, in writing, to ending their maternity/adoption leave and pay at a set date, and to share the untaken balance of leave and pay as Shared Parental Leave and pay with their partner, or to return to work early from maternity or adoption leave and opt in to Shared Parental Leave and pay at a later date.

Terms

To help understand this policy the meaning of the following terms is listed below:

Mother: the woman who gives birth to a child or the adopter. The adopter means the male or female who is eligible for adoption leave and or pay.

Partner: the child's biological father or the partner of the mother/adopter. This may be a spouse, civil partner or a partner who is in an enduring relationship with the mother and the child.

SPL: Shared Parental Leave.

ShPP: Statutory Shared Parental Pay.

Continuous leave: a period of that is taken in one block, for example four weeks' leave.

Discontinuous Leave: a period of leave that is arranged around weeks where the employee will return to work for example an arrangement where an employee will work every other week for a period of three months.

SPLIT Day: Shared Parental Leave in Touch Day, allowing parents to 'keep in touch' by attending work without affecting their ShPP.

Match: when an adopter is approved to adopt a named child or children.

Curtail: where an eligible mother brings their maternity/adoption leave and if appropriate pay or allowance entitlement to an end early.

This policy applies to employees whether they are the mother or the partner. If it is the mother who is employed by us the mother's partner must follow his/her own employer's policy if She wishes to take a period of SPL. If it is the partner who is employed by us then their partner must follow their own employer's policy.

Good communication is essential with both employers to ensure requests are dealt with properly.

Eligibility for SPL

The following criteria must be met for this policy to apply to either the mother or partner as shown below:

Mother's eligibility for SPL

The mother is eligible for SPL if they:

have at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth or matching date of the child, and remains in continuous employment with the Company until the week before any period of SPL that is taken (continuity of employment test)

have, at the date of the child's birth or placement, the main responsibility, apart from the partner, for the care of the child

are entitled to statutory maternity/adoption leave in respect of the child

comply with the relevant leave curtailment requirements (or have returned to work before the end of statutory maternity /adoption leave) and SPL notice and evidence requirements

In addition, for the mother to be eligible for SPL, the partner must:

have been employed, been a worker or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth

have average weekly earnings meeting the lower earnings test for any 13 of those 66 weeks (employment and earnings test)

have, at the date of the child's birth or placement, the main responsibility, apart from the mother, for the care of the child

Partner's eligibility for SPL The partner is eligible for SPL if She:

has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth or placement of the child and remains in continuous employment with the Company until the week before any period of SPL that She takes

has, at the date of the child's birth or placement, the main responsibility, apart from the mother, for the care of the child

complies with the relevant shared parental leave notice and evidence requirements

In addition, for the partner to be eligible for SPL, the mother must:

have been employed, been a worker or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth or placement of the child

have average weekly earnings meeting the lower earnings test for any 13 of those 66 weeks

have, at the date of the child's birth or placement, the main responsibility, apart from the partner, for the care of the child;

comply with the relevant leave curtailment requirements (or have returned to work before the end of statutory maternity/adoption leave)

How to calculate the amount of SPL available The amount of SPL to which an individual is entitled will depend on when the mother brings her maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child.

SPL may only be taken in complete weeks but may start on any day of the week. For example, if a week of SPL begins on a Tuesday it would finish on a Monday. An eligible employee can request to take SPL in one continuous block or may request it as a number of discontinuous blocks, with breaks between the leave where the employee returns to work. In requests of continuous blocks, the Company must agree to these as long as the correct notification has been given. A maximum of three requests for leave or amendments to leave booked can be made by each parent.

The first two weeks following birth are the compulsory maternity leave period and may only be taken by the mother. This means that the mother cannot curtail her maternity leave to take SPL until two weeks after the birth and the absolute maximum period that the parents could take as SPL is 50 weeks between them. In most cases mothers commence their maternity leave before their expected due date and so any time taken before the birth is also deducted from the available 50 weeks.

The mother's partner can begin a period of SPL at any time from the completion of the compulsory maternity leave period following the child's birth, or the date of the child's placement. However, she would lose their entitlement to the two weeks paid Paternity Leave if this has not been taken before the start of any SPL.

Notice requirements for SPL To take advantage of SPL it is important that the following notifications are given in the correct timeframe. A notice of entitlement to SPL and a notice to take leave must be given.

An employee who is entitled and intending to take SPL must provide notification of their entitlement and intention to take SPL at least 8 weeks before they can take any period of SPL.

An employee may only make three leave notice requests or variations of leave notices during a period of SPL. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

If the mother wishes to take SPL a curtailment notice must also be provided stating the date the maternity/adoption leave is to end. The curtailment notice is normally binding and cannot be revoked unless special circumstances apply.

The date that maternity/adoption leave is to end must be:

after the compulsory maternity leave period, which is the two weeks after birth

at least eight weeks after the date on which the mother gave the maternity/adoption leave curtailment notice to us

at least one week before what would be the end of the additional maternity/adoption leave period

Information required in any SPL notice of entitlement With the curtailment notice the employee must also provide us with the following details:

the names of the mother and partner

the start and end date of any statutory maternity or adoption leave

the total amount of SPL available

the child's expected week of birth, actual birth date or date of placement

how much SPL the mother and partner each intend to take

an indication as to when they intend to take the leave although this will not be binding

a signed declaration to confirm that

they will be taking the leave to care for the child

the mother has given notice to end her maternity/adoption entitlement

the information they have given if true and accurate

should for whatever reason they cease to be eligible for SPL they will inform us

In addition, the mother's notice of entitlement must include a declaration signed by her partner stating:

their name, address, and national insurance number

that they are the father of the child; or married to, the civil partner of, or the partner of, the mother or adopter

If the employee is the partner, the partner's notice of entitlement and intention must set out:

the names of the mother and partner

the start and end date of any statutory maternity or adoption leave

the total amount of SPL available

the child's expected week of birth, actual birth date or date of placement

how much SPL the mother and partner each intend to take

an indication as to when they intend to take the leave although this will not be binding

a signed declaration to confirm that: they will be taking the leave to care for the child, the mother has given notice to end her maternity/adoption entitlement and the information they have given is true and accurate

Within 14 days of receiving a notice of entitlement and notice to take leave from the employee, whether the mother or partner, the Company can request from the employee evidence of their entitlement as follows:

a MATB1 Certificate, a matching certificate or birth certificate

the name and address of the other parent's employer

The employee has 14 days from the request to provide the information.

How to book SPL In addition to notifying us of entitlement to SPL/ShPP, an employee must also give notice to take the leave (period of leave notice). In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

To take a period of SPL, the employee must write to us giving not less than eight weeks' notice before the start date of the first period of SPL. The notice must also be accompanied by dates when it is intended to claim ShPP, if applicable (see later section on ShPP).

The employee must set out the start and end dates of each period of SPL requested in that notice. This written notification can be a request for a continuous period of leave or discontinuous periods of leave.

Continuous period of SPL If an eligible employee submits a period of leave notice that requests one continuous period of leave, she will be automatically entitled to take that period of leave.

Discontinuous periods of SPL An employee may submit a period of leave notice requesting discontinuous periods of leave (a minimum of one week at a time). For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the Company, in the two weeks beginning with the date the period of leave notice was given, can:

consent to the pattern of leave requested

propose an alternative pattern of leave, or

refuse the pattern of leave requested

We will have to consider what impact the arrangements will have on the Company. If agreement is reached within those two weeks, the employee will be able to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of SPL (the default provision). In that event, the employee can choose a start date for when this leave period will begin within 19 days of the date the original notification was given, but the leave cannot start sooner than the initial notified start date. If no date is notified within this time period the leave will begin on the start date stated in the original notification.

Alternatively, if the Company has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given.

Cancelling or varying curtailment notice In certain circumstances the employee may wish to withdraw a maternity or adoption leave curtailment notice. In this case the request must be in writing and can be given only if the mother has not returned to work. It could only be withdrawn in the following circumstances:

the mother and partner cease to be eligible for SPL or ShPP and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given

if the notice was given before the birth, and the mother revokes the maternity or adoption leave curtailment notice in the six weeks following the birth (for mothers only)

the partner has died

Sometimes circumstances change and the employee may need to change or cancel his/her proposed SPL dates. To do this they must write to us at least eight weeks before the dates varied begin and making clear what change they are seeking. This will count as a second notification.

The written notice must contain:

an indication as to when the employee intends to take SPL (including the start and end dates for each period of SPL)

details of any periods of SPL that have been notified through a period of leave notice

details of any periods of ShPP that have been notified in relation to periods where SPL was not to be taken

a declaration signed by the mother and the partner that they agree to the variation.

Rights during SPL During SPL all terms and conditions of the employee's contract except remuneration continue. Pay will be replaced by ShPP if the employee is eligible for it.

Communication and SPLIT Days Whilst an employee is on SPL the Company will try to keep them up to date with important changes and developments within the business. It is also helpful to discuss the employee's plans to return to work during this time.

An employee can agree to work for the Company (or to attend training) for up to 20 days during their SPL without that work bringing the period of his/her SPL and ShPP to an end. These are known as "Shared Parental Leave in Touch" (SPLIT) days. If an employee is entitled to receive ShPP for any week during which they attend work for SPLIT days, they will still receive this in the usual way. In addition, an employee taking a SPLIT day will receive full pay for any day worked thus effectively topping up ShPP. Any SPLIT days worked do not extend the period of SPL.

There is no obligation on the Company to offer work or on the employee to accept it. An employee with the agreement of the Company may use SPLIT days to work part of a week during SPL. The Company and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL.

Returning to work following SPL On returning to work after SPL, the employee is entitled to return to the same job they held before commencing leave if the aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less.

If the aggregate total statutory maternity/paternity/adoption leave and SPL amounts to more than 26 weeks the employee has the right to return to the same job they held before commencing leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less

favourable.

Statutory Shared Parental Pay (SHPP)

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The number of weeks available will depend on the amount by which the mother or adopter reduces their maternity or adoption pay period or maternity allowance. The first 2 weeks is compulsory maternity leave hence the first 2 weeks will be taken as statutory maternity or adoption pay.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

the mother/adopter must be or have been entitled to statutory maternity or adoption pay or maternity allowance and must have reduced the pay period

the employee must intend to care for the child

the employee must have average weekly earnings for the period 8 weeks leading up to and including the 15th week before the child's expected due date or matching date that are not less than the lower earnings limit for national insurance contributions

the employee must be in continuous employment until the first week of ShPP has begun

the employee must give proper notification in accordance with the following:

must give written notice advising their entitlement to ShPP at least 8 weeks before receiving ShPP (this is normally given as part of the notice of entitlement to take SPL).

written notice of entitlement to receive ShPP must include

start and end dates of any maternity or adoption pay or maternity allowance

total amount of ShPP available, amount of ShPP the employee and their partner intend to claim and a non-binding indication of when the employee is expected to claim

a signed declaration from the employee confirming that the information is correct, that they meet the criteria for ShPP and will immediately inform the Company if they cease to be eligible

It must be accompanied by a signed declaration from the partner confirming their agreement to the employee claiming ShPP and for the Company to process any ShPP payments to the employee and (in the case where the partner is the mother or adopter) they have reduced their maternity or adoption pay or maternity allowance, and they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.