

SHARED PARENTAL LEAVE AND PAY POLICY

INTRODUCTION

Shared Parental Leave (SPL) is a legal entitlement for parents and adopters to share statutory leave and pay, providing the mother or primary adopter commits to curtailing their maternity or adoption leave and both parents satisfy the eligibility criteria. SPL is also available to intended parents in surrogacy arrangements who are applying for a parental order and are eligible for adoption leave and/or pay.

It is designed to enable two working parents to share leave between them, creating greater flexibility for parents in considering how best to care for their child during their child's first year. SPL can be taken in turns, with parents alternating the caring responsibilities, or at the same time, with parents sharing the caring responsibilities.

SCOPE OF POLICY

This policy applies to all individuals working at all levels and grades within Tayside Contracts who meet the eligibility requirements.

It should be read in conjunction with either the Maternity Leave and Pay Policy or Adoption Leave and Pay Policy in addition to the Maternity/Adoption Support and Paternity Leave and Pay Policy.

SHARED PARENTAL LEAVE ENTITLEMENT

The amount of SPL available is dependent on when the mother or primary adopter brings their maternity or adoption leave period to an end. The maximum amount that can be shared between the parents is 50 weeks, which cannot start until after the compulsory leave period (normally 2 weeks).

It is up to the parents to decide how they would like to share their SPL and all SPL must be taken within 52 weeks of the birth or placement of the child.

Each parent qualifies separately for SPL and Statutory Shared Parental Pay (ShPP) and it is possible for only one parent to qualify for SPL, or to qualify for SPL without qualifying for ShPP.

Eligibility for Shared Parental Leave

To qualify for SPL you must, at the time of the birth/placement for adoption, share responsibility for your child with one of the following:

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

You or your partner must be eligible for Maternity Leave or Pay, Adoption Leave or Pay or Maternity Allowance.

You must also:

- Have at least 26 weeks continuous service at the end of the 15th week before the expected week of childbirth (EWC) or by the end of the week in which you are notified of having been matched for adoption.
- Remain in continuous employment until the week before any period of SPL starts.

- Comply with Tayside Contracts notification, evidence and declaration requirements.

In addition your partner must:

- Have been employed or have been a self employed earner in the UK during at least 26 weeks in the 66 weeks immediately leading up to the EWC or matching date (they do not need to be working at the date of birth/matching, or when you start SPL/Shared Parental Pay).
- Have earned at least £30 per week on average in any 13 of the 66 weeks.

SHARED PARENTAL PAY ENTITLEMENTS

Statutory Shared Parental Pay (ShPP) of up to a maximum of 37 weeks is paid at either the statutory rate or 90% of your average weekly pay, whichever is the lower, and is available for eligible parents to share between them while on SPL. The actual amount of ShPP available is dependent on when the maternity or adoption leave and/or pay period is curtailed. It is possible for both parents to receive ShPP during some or all of their SPL as it is based on the duration and timing of the leave.

Unlike SMP and SAP, there is no provision for the first six weeks to be paid at 90% of the parent's actual weekly earnings. This is the case even if the mother or primary adopter returns to work during the initial 6 week period.

Eligibility for ShPP

To qualify for ShPP you must meet one of the following eligibility requirements:

- Be entitled to Statutory Maternity Pay (SMP), or Statutory Adoption Pay (SAP)
- Be entitled to Statutory Paternity Pay (SPP) and your partner is entitled to SMP, SAP or Maternity Allowance.

You must also:

- Intend to care for your child during the weeks in which ShPP is payable.
- Comply with Tayside Contracts notification, evidence and declaration requirements.

SHARED PARENTAL LEAVE PERIODS

SPL may be taken in a single continuous block of leave or taken in up to three blocks of discontinuous leave, however, a minimum of one week must be taken at any one time. SPL can only be taken in complete weeks, although the week can begin on any day of the week.

Continuous Leave

Continuous leave is a period of leave that is taken in one block and, subject to the employee meeting the eligibility and notification requirements (see Notice of Entitlement and Intention to take SPL, below), must be approved within 14 calendar days of the date the request was received.

Discontinuous Leave

Discontinuous leave is a period of leave where a number of weeks SPL are taken, with breaks between the leave where you return to work. For example, eight weeks leave where you work every other week over a four month period, or two weeks leave in June, three weeks leave in August, four weeks leave in September and all of December, working in between.

If you submit a request for discontinuous leave a 14 calendar day discussion period begins for you and your manager to discuss the request. Once the discussion period is over you will receive written confirmation that your request for discontinuous leave has been granted or refused. If your request is refused clear reasons for the refusal will be included in the letter of confirmation.

- **Discussion period**

Requests for discontinuous leave are more likely to be granted if the need for Tayside Contracts to deliver services has been taken into account in your request. The discussion period gives a defined time-period for you and your manager to discuss your preferred leave pattern if you did not have an opportunity to do so before submitting your request and may involve discussing/agreeing an alternative pattern of leave.

- **Refusals**

Discontinuous leave will only be refused if you do not meet the eligibility and notification requirements or if it will adversely impact on Tayside Contracts ability to deliver services. If your leave pattern is refused the default position is that you will take a continuous block of leave commencing on the same date as your request for discontinuous leave. You can choose to withdraw your request for leave if you do not wish to take a continuous block of leave.

HOW TO APPLY FOR SHARED PARENTAL LEAVE AND PAY

In order to opt into SPL, there are three notices that parents must give to their relevant employer:

1. Curtailment Notice
2. Notice of Entitlement and Intention to take SPL
3. Request for a Period of SPL

Curtailment Notice (SPL 1 Form, part 1)

Before either parent can take SPL the mother or primary adopter must have either, returned to work early, or given binding notice to curtail their maternity or adoption leave period to their employer.

If you would like to curtail your maternity or adoption leave period, you are required to complete the first part of the SPL 1 Form (combined form with 'Notice of Entitlement and Intention to take SPL'), which must be submitted at least eight weeks prior to the date which you or your partner intend to commence SPL. The date must also be after your compulsory leave period and at least one week before the end of your additional leave period.

Notice of Entitlement and Intention to take SPL (SPL 1 Form, part 2)

If you intend to take SPL, you are required to complete and submit the second part of the SPL 1 Form at least eight weeks prior to the date which you intend to commence your first period of SPL.

If you are giving notice to curtail your maternity or adoption leave period, but you personally do not intend to take a period of SPL, you should state this on the form.

The notice of entitlement and intention to take SPL form is a 'non binding notice' until you submit your first request for a period of SPL on a SPL 2 Form. The form is used to make Tayside Contracts aware that you are entitled to SPL and that you intend to take it, but it is not a commitment from you to take the exact dates, nor does it require Tayside Contracts to accept your request.

You should provide the following information when you submit your SPL 1 Form, or when asked (within 14 calendar days of Tayside Contracts receiving your form):

- A copy of your child's birth or adoption certificate. If your child is not yet born or not yet placed with you, you will be required to produce it within 14 calendar days of the birth or adoption.
- Documentary evidence of the name and address of the adoption agency, the date you were notified of matching and the date the child has been placed with you or the date the agency expects to place the child with you.
- The name and address of your partners employer, or if your partner is not employed, a signed declaration to this effect.

Request for a Period of SPL (SPL 2 Form, part 1)

You are required to complete a SPL 2 Form for each period of SPL that you would like to take, which must be submitted at least eight weeks prior to the date which you would like the SPL to commence.

A SPL 2 Form constitutes a binding notice requesting a period of SPL. You are entitled to submit up to a maximum of three separate requests or variation notices per pregnancy. Tayside Contracts will respond to all requests in writing.

Cancellation or Variation Notice (SPL 2 Form, part 2)

After the birth or adoption you may change your mind about how much leave you would like to share. Part 2 of the SPL 2 Form should be submitted if you wish to cancel or vary any agreed periods of SPL. Notice should be given at least eight weeks prior to the period your leave was due to begin and requests can be made to:

- Vary the start or end date of, or to cancel, a period of SPL.
- Request that a continuous period of SPL becomes a discontinuous period of SPL.
- Request that discontinuous periods of SPL become continuous periods of SPL.

Any notice to cancel or vary a period of SPL made by you counts towards your entitlement to submit a maximum of three notifications and/or variations. If you had requested leave within the first eight weeks of your child's due/placement date and your child is born/placed with you earlier than expected the change to the date your leave begins is not considered as a request to vary. In addition, if a discontinuous leave request is refused and you cancel your request (rather than agree to an alternative pattern or to continuous leave) this will not count towards your three requests.

If you are the mother or primary adopter you can cancel your decision to end your maternity or adoption leave early, provided that you have not already returned to work. If you wish to cancel your decision to take SPL and either request to extend your maternity/adoption leave period or return to work early instead you must give at least eight weeks written notice.

SHARED PARENTAL LEAVE IN TOUCH DAYS

You may, by agreement with your line manager, do up to 20 Shared Parental Leave in Touch days (SPLiT) days, under your contract of employment during your shared parental leave period. These days are different from simply making contact with your manager (and vice versa), as during these days you can actually carry out work for Tayside Contracts and be paid. The type of work to be undertaken on a SPLiT day is a matter for agreement between you and your line manager and it may include attendance at a team meeting or training event.

Tayside Contracts cannot make you work during shared parental leave if you do not wish to and there is no obligation on Tayside Contracts to offer or agree to a SPLiT day. SPLiT days may be undertaken at any stage during the shared parental leave period, by agreement with Tayside Contracts.

To request to undertake a SPLiT day please submit a written request to your Head of Unit/Division/Section.

ANNUAL LEAVE AND PUBLIC HOLIDAYS

You accrue annual leave including public holidays throughout your SPL. You may, subject to prior approval from your line manager, take annual leave which will accrue during your SPL prior to commencing your leave.

Term Time Employees Annual Leave and Public Holiday Entitlement

If you are employed on a term time only basis you will accrue annual leave and public holidays throughout your SPL. Payment in lieu of the accrued leave will be made upon your return to work.

CONTRACTUAL NON-CASH BENEFITS

You will continue to receive all contractual non-cash benefits other than pay during SPL. This does not include non-cash benefits provided for business use only.

PENSION CONTRIBUTIONS

Your pension contributions will continue to be deducted from any pay during SPL, however if you take a period of unpaid SPL, all benefits accrued in the Pension Fund will be frozen until payments recommence on your return to work. If you do not wish to have a break in your pension membership, you must inform the Payroll Team within 30 days of returning to work.

SICKNESS ABSENCE ENTITLEMENT

You cannot receive Statutory Sick Pay (SSP) whilst being paid ShPP. Should you be unable to return to work on your expected return date due to illness, the provisions of the Sickness Absence Management Policy will apply with regard to notification, certification and payment of sickness allowance.

RETURNING TO WORK AFTER SHARED PARENTAL LEAVE

You will be formally advised in writing of the end date of your SPL and you will be expected to return to work on the next working day following this date unless you inform us otherwise. Should you wish to return to work earlier than the expected return date you must provide written notice to vary the leave giving a minimum of eight weeks' notice of your preferred earlier return to work date. This will count as one of your three notifications. If you have already used your three notifications to book and/or vary SPL then Tayside Contracts is under no obligation to accept the notice to return early, but may do so depending on the circumstances.

You have the right to return to your original job on return from SPL if the period of leave taken (when added to any other period of SPL, maternity leave or paternity leave taken for the same child) is 26 weeks or less. This right is also unaffected by unpaid parental leave of up to four weeks being taken.

If the leave taken is more than 26 weeks you have the right to return to your original job, unless this is not reasonably practicable. If it is not reasonably practicable you have the right to return to a similar job on the same terms and conditions.

If you wish to return on a part-time, job share or flexible working basis, you must submit your flexible working request at least 8 weeks before your return.

Temporary/Fixed Term Employees

If you are employed on a temporary fixed term contract, you will retain the right to return to your original job or similar job where:

- You return to work following SPL before the end of your temporary/fixed term contract.
- An extension to the temporary/fixed term contract is appropriate irrespective of whether you are on SPL.

Should your contract expire during the SPL period and no extension is offered, you will receive any statutory payments you are entitled to.

POLICY VIOLATIONS

Employees who abuse or attempt to abuse the SPL Policy will be investigated and have disciplinary action taken against them in accordance with Tayside Contracts' Disciplinary Policy. In addition HMRC will be notified where employees and their partners are suspected of benefit fraud and/or tax evasion.

RELATED POLICIES

The Shared Parental Leave Policy and Forms link to the following policies which can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team:

- Adoption Leave and Pay Policy
- Maternity Leave and Pay Policy
- Parental Leave and Pay Policy
- Maternity/Adoption Support and Paternity Leave Policy

The above list is not exhaustive.

POLICY REVIEW

The Shared Parental Leave Policy will be reviewed annually.

GENERAL DATA PROTECTION REGULATION

Tayside Contracts respects the privacy of our employees, any personal data processed during the application of this policy will be in line with Data Protection Legislation. Further information on how we may process personal data for the purpose of applying this policy can be found in our Privacy Notice.

Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact HR Services on 01382 812721 or employment.policies@tayside-contracts.co.uk

If you would like this document translated into another language or in another format such as audio or large print then please contact Angie Thompson, Equalities and Communications Manager on 01382 834165 or angie.thompson@tayside-contracts.co.uk