



Cloch Housing Association

Shared Parental Leave Policy

Policy Name	Shared Paternal Leave
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Last Review	26/02/2019
This Review	2 nd June 2022
Next Review	June 2025
Equalities Impact Assessment Required	No
Link to other policies	Terms & Conditions of Employment
Consultation	No
Need for Procedure	See attached Appendices

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Abbreviations	
SPL	Shared Parental Leave
ShPP	Shared Parental Pay
SPLIT days	Shared Parental Leave in Touch Days
SMP	Statutory Maternity Pay
SAP	Statutory Adoption Pay
MA	Maternity Allowance

1. What is Shared Parental Leave? (SPL)

Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year from birth/adoption. SPL provides parents more flexibility in considering how best to care for, and bond with their child. All eligible employees have a statutory right to Shared Parental Leave and there may also be an entitlement to Shared Parental Pay. This policy sets out the rights and responsibilities of employees who wish to take shared parental leave and pay.

The following legislation relates to SPL:

- Shared Parental Leave Regulations 2014
- Shared Parental Pay (General) Regulations
- The Maternity and Adoption Leave (Curtailed of Statutory Rights Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

2. Who is eligible?

To be eligible for SPL, you must be:

- The mother/adopter or
- One of the following:
 - The father of the child (in the case of birth) or
 - The spouse, civil partner or partner of the child's mother/adopter.

To qualify for SPL **the mother** must;

- Have a partner,
- Be/have been entitled to statutory maternity/adoption leave and/or to statutory maternity/adoption pay or maternity allowance.
- Still be working for the organisation at the start of each period of SPL.
- Satisfy the continuity of employment test by having worked for us for 26 weeks at the 24th week of pregnancy or when the placement is confirmed.

To qualify **a spouse/partner** must:

- Be an employee,
- Share the primary care for the child with the other parent at the time of the child's birth/adoption.
- Have notified their employer of their entitlement providing any necessary evidence.
- Satisfy the requirements of the employment and earning test by having worked for us for at least 26 weeks in the 66 week period leading to baby's expected date of birth or adoption, and have earned an average of at least £30 a week in any 13 weeks within 66 weeks.

3. Shared Parental Leave Entitlement

You are entitled to take up to 50 weeks SPL during your child's first year of birth/adoption. The number of weeks available will be calculated using the mother's/adopters entitlement to maternity/adoption leave which allows them to take up to the maximum of 52 weeks leave. If they decide to reduce their maternity/adoption leave then they and/or their partner may opt-in to the SPL system and take the remaining weeks as SPL.

A mother/adopter may reduce their maternity/adoption leave by returning to work before the end of their full 52 weeks entitlement or they may give notice to end their leave on a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or maternity allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they chose to do this, their partner may be entitled to up to 50 weeks of leave. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

You can take SPL as follows:

- For mothers after the compulsory two weeks of maternity leave immediately after the birth of your child.
- For adopters you can take SPL after taking at least two weeks of adoption leave.
- For the father/partner/spouse immediately following the birth/placement of the child but may choose to exhaust any paternity leave entitlement (as paternity leave or pay can't be taken once any SPL or shared parental pay has been taken).

Where a mother/adopter gives notice to end their maternity/adoption entitlement then the partner can take leave while they are still on maternity/adoption leave.

SPL will normally start on your chosen start date which is specified in your booking notification, or any subsequent variation to their original notice.

Shared Parental Leave must end no later than one year after the birth/adoption of the child and any untaken leave will be lost.

4. Notification of Entitlement

You must give us at least 8 weeks notice before you are planning to start your leave.

Please refer to Appendix 1 to complete the notice of eligibility form.

5. Requesting further evidence of eligibility

Within 14 days of receiving your notification, we can request the following further evidence of eligibility:

- Name and business address of your partner's employer.
- A copy of the child's birth certificate or a declaration as to the time and place of birth.
- Documentary evidence of the name and address of the adoption agency, the date on when you were notified of being matched with your child and the date on which the agency expects your child to be placed for adoption.

6. Fraudulent Claims

If we suspect that fraudulent information may have been provided or if HMRC advises us a fraudulent claim was made, we will investigate into the matter in accordance with our Disciplinary Policy.

7. Discussions regarding Shared Parental Leave

- If you are thinking of taking SPL, we would like to have an early discussion about your entitlements and plans.
- Once we receive a notification of entitlement we may invite you to an informal meeting to discuss your intentions and how you are planning to use your SPL entitlement.
- At the meeting you may be accompanied by either a trade union representative or a work place colleague.

8. Booking Shared Parental Leave

- You must give us your notice of entitlement as well as your notice to take the leave, both in writing, and both can be done at the same time.
- You can submit up to three notifications for leave which can be either for a period of continuous or discontinuous leave.
- SPL can begin on any day of the week but can only be taken in complete weeks.

9. Types of Leave

You can request either continuous or discontinuous leave:

1. **Continuous** leave is when you take an unbroken period of leave e.g. six weeks leave. We will always agree to a request for continuous leave so long as you are eligible.
2. **Discontinuous** leave is taken over a certain period of time but with breaks in between full weeks (E.g. 5 weeks SPL followed by 4 weeks back at work, followed by a further 2 weeks SPL). We will try and accommodate your request for discontinuous leave but if we cannot do it for business reasons, we will try and reach an agreement with you. If we can't reach an agreement the following rules will apply:
 - Within 14 days: if no agreement is reached or we refuse your request, the total amount of leave in the request **MUST** be taken as one continuous block.
 - Within 15 days: you may still withdraw your discontinuous leave request and it will not count as one of the three allowed notifications.
 - Within 19 days: you can choose when the continuous leave will commence. However, it cannot start sooner than eight weeks from the date of your request.

10. Responding to your Shared Parental Leave notification

Once the booking notification is received, we will confirm in writing that we have received it and give you an answer in writing within 14 days.

11. Variations to arranged SPL

You can cancel an agreed and booked period of SPL as long as you give us at least eight weeks' notice for any new arrangement.

Any notification/variation/cancellation, which includes notice to return to work early, will normally count as a new notification therefore reducing your total number of 3 requests allowed. This would be unless it is because your child is born early or because we requested the change.

12. Shared Parental Pay (ShPP)

If you are eligible you are entitled to take up to 37 weeks of ShPP. The amounts of weeks available will depend on the amount by which your partner reduces their maternity/adoption pay period or maternity allowance. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

To qualify for pay, you need to meet the following criteria:

- For mothers/adopters you must be/have been entitled to statutory maternity/adoption pay or maternity allowance.
- You must intend to care for the child during the week in which ShPP is payable.
- You must continue working for us until the first week of ShPP begins.
- You must give us notification as set out in Appendix 1 & 2.
- Your average weekly earnings for the period of eight weeks leading up to and including the 24th week of pregnancy or matching date are not less than the lower earnings limits in force for National Insurance contributions.

13. Terms and Conditions

You need to give us eight weeks' notice advising of your entitlement to pay.

Any ShPP will be paid at the rate set by the government for the relevant tax year.

For a notification form for ShPP please see Appendix 2. **Terms and Conditions**

Your normal contract of employment will remain in force during the period of shared parental leave. Pension contributions will continue to be made while you are receiving ShPP but not during any period of unpaid leave. Your contributions will be based on actual pay, while employer contributions will be based on your normal salary.

14. Annual Leave

Before you start your period of SPL, you should agree with us the dates of your annual leave. If it is not possible to take the leave within the annual leave year, we will transfer your remaining leave to the next year's entitlement. You cannot be paid instead of taking the leave.

If you plan to take annual leave before you return from SPL, you must notify us in writing giving at least 8 weeks notice:

- The date you want your SPL to end,
- The period you then want to take as annual leave and,
- The date you will come back to work.

15. Contact during Shared Parental Leave

We will contact you to discuss your return to work, possible promotion opportunities, any special arrangements update you on developments at work during your period of leave.

16. Shared Parental Leave in Touch Days (SPLIT)

If we agree, you may work up to 20 days under your contract of employment during your shared parental leave without losing your right to SPL or ShPP. The 20 days limit stands no matter how long your leave is. The 20 days can be worked at any time during your SPL apart from the first two weeks after you give birth.

You do not have to work these days and we do not have to agree to you working them.

Before you start your leave, we will discuss with you the type of work that may be done during your SPLIT days. Any work carried out on a SPLIT day or part of a day will count as a day's paid work.

17. Returning to Work

We will give you written notice on when your leave ends and you need to return to work on your next working day. If you do not return, we will treat this as an unauthorised absence.

If you want to return to work earlier than expected you must give us eight weeks written notice to vary the leave. This will count as one of your three allowed notifications.

If your combined maternity/adoption/paternity leave and SPL up to 26 weeks, you will return to the same job as the one you had just before your leave started.

If the combined leave is more than 26 weeks, you will return to the same job you occupied prior to commencing your last period of leave. If this is not possible we will offer you another job, which is suitable and appropriate and on terms and conditions which are no less favourable.

If you choose to take a period of 4 weeks or less unpaid parental leave it will have no effect on your right to return to the same job as held prior to the last period of maternity/adoption/paternity and SPL so long as it does not exceed 26 weeks.

18. General Data Protection Regulations

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own policy Data Protection Policy – No 84. Information regarding how your data will be used and the basis for processing your data is provided in Cloch's Employee Privacy Notice.

19. Review

This policy will be reviewed every 3 years by the Finance & Corporate Services Sub-Committee.

Additional Sources of Information <http://www.acas.co.uk>

Shared Parental Leave - Notification of Entitlement

Appendix

1

Please complete all relevant sections of the form below in relation to your notification of entitlement to Shared Parental Leave. Remember you must submit this at least 8 weeks prior to any period of SPL commencing.

Employee Name	
Name of Partner/Spouse	
Start Date of Maternity/Adoption Leave	
End Date of Maternity/Adoption Leave	
Total Amount of SPL Available	
Maternity – Expected Date for Child to be born	
Actual Date of Birth of the Child	
Adoption – Notification or being matched with child	
Date of Placement for Adoption	
Amount of SPL both you and your partner intend to take	

Expected start date of the leave	
<p>Signed Declaration:</p> <p>Must confirm:</p> <ul style="list-style-type: none"> • Meet/will meet the eligibility criteria • Information given is accurate • Inform the organisation if you are no longer eligible • If not the mother/adopter you must confirm you are either the father of the child, spouse or civil partner 	<p>Signed</p> <p>Date</p>
Signed declaration from your partner confirming the following:	
Name	
Address	
National Insurance Number	
<p>Signature to confirm the following</p> <ul style="list-style-type: none"> • They are either the mother/adopter, father of the child, spouse or civil partner of the mother/adopter • Consent to the amount of SPL that the employee intends to take • They satisfy the employment and earnings test set out earlier • Consent to the organisation processing the information • Inform their partner should they cease to satisfy the conditions of the eligibility 	<p>Signed</p> <p>Date</p>

Shared Parental Leave – Notification of Shared Parental Pay (ShPP)

Please complete all sections of the form below in relation to your notification of entitlement to Shared Parental Pay. Remember you must submit this at least 8 weeks prior to any period of SPL commencing.

Employee Name	
Start date of maternity/adoption pay	
End date of maternity/adoption pay	
Total amount of ShPP available	
Amount of SHPP your and your partner intend to claim	
Date you expect to claim ShPP from	
Signed declaration confirming the information you have given is correct and that you meet/will meet the criteria for ShPP. In addition you will advise the organisation if you cease to be eligible.	Signed
	Dated
Signed declaration from your partner confirming the following:	
Name:	

Address:

Agreement to the employee claiming ShPP

For the organisation to process any ShPP payments to the employee

That the mother/adopter will inform their partner should they cease to satisfy the eligibility conditions

Signature:

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Date:

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