

Shared Parental Leave Guidance

1. Policy Statement

We know that spending time with your children whilst they're growing up is an important part of you enjoying life's everyday moments. Shared parental leave (SPL) gives you and your partner another possible option to manage your family friendly leave in a way that best suits you and your family.

This guidance is non contractual and may be changed in the future. Shared parental leave and pay rules are complicated to understand so we're happy to arrange a meeting with you to discuss them. If you would like to set up a meeting or have any other questions please contact HR Services.

2. Policy Owner

The policy is owned by the Director of Reward & HR Services, Kevin Blake.

3. Who does it apply to?

This guidance applies to anyone with a GB contract of employment.

4. Policy Detail - What do I need to know or do?

SPL is planned time off work to be with your family in the first year after your child's birth or adoption. If you're the mum or primary adopter you have to take at least 2 weeks maternity or adoption leave (or 4 weeks maternity leave if you work in a factory). If you're the father or partner you may be eligible for paternity leave, you can take this before SPL but not after.

If you're eligible for SPL, you can choose to turn your or your partner's remaining maternity or adoption leave and pay into SPL and shared parental pay (ShPP). This means that you can share the remaining leave and pay entitlements between you. This can be done in up to 3 blocks per parent. Once you've taken SPL you can't change it back to maternity or adoption leave. Any SPL or ShPP not taken by your child's first birthday or anniversary will be lost.

Eligibility Rules

- You must share care of the child with your partner and be employed with us when you want to take your leave
- You need to have 26 weeks service by the qualifying week (15 weeks before the due date or matching date)

- Your partner needs to have been economically active - this means that they've:
 - Worked more than 26 weeks in the 66 weeks before the birth or adoption (they can be employed, self-employed or an agency worker and the weeks don't have to be in a row)
 - Earned on average more than £30 per week in 13 of these weeks
- Correct written notice and evidence needs to be given at least 8 weeks before a block of SPL starts
- Maternity or adoption leave and pay or allowance must have ended or notice must have been given to reduce any entitlements

The rules mean that both you and your partner can be eligible, one of you is and the other isn't or neither of you are eligible for SPL.

Notice and Evidence

Please talk to your manager as early as possible about your plans. You need to make a written request at least 8 weeks before you want your SPL to start (please see section below on enhanced pay notice requirements). If you're the mum or primary adopter this also needs to say that you want your maternity or adoption leave to come to an end. This is called a binding notice (a decision that can't normally be changed). We have a form to make this easier for you to do and you'll need to upload this to your myHR time off request.

Your written and signed notice of your entitlement to SPL and ShPP must include:

- Your name and your partner's name
- Confirmation that you're sharing childcare responsibility between yourselves
- Start and end dates for maternity or adoption leave and pay (this can be done by the mum or primary adopter returning to work)
- Your child's actual/expected date of birth or for adoptions the matching and placement dates
- Confirmation that you meet the eligibility rules and are eligible to take SPL
- The total amount of SPL and ShPP available and how much you and your partner intend to take
- The dates of your leave request
- Confirmation that the information given is accurate and that should any of your circumstances change you'll let us know straight away

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

- Their name and address
- Confirmation that you're sharing childcare responsibility between yourselves
- Confirmation that they satisfy the qualifying requirements for SPL and ShPP
- That they agree to you taking SPL and ShPP

- That they consent to us processing the information contained in the declaration form
- Confirmation that the information given is accurate and that should their circumstances change they'll let you know straight away

Each time you want to make a request you need to provide us with a new notice form. We'll usually write to you within 14 days to let you know that we've got your request. We may ask you to give us a copy of your child's birth or adoption certificate and the name and address of your partner's employer. If we do then you'll then have 14 days to get this information to us.

Leave Requests

This will depend on how much leave you or your partner has to share (52 weeks minus the leave already taken). It's up to you how you manage this after the minimum period of maternity or adoption leave.

You can take up to 3 blocks of SPL. It can be started on any day of the week but each block must be at least 1 calendar week. Both parents can take family leave at the same time, and if the right notice is given, SPL can be taken whilst you or your partner is in their binding notice period to end their maternity or adoption leave.

If you've met the eligibility and notice requirements and are asking to take one continuous period (a number of weeks in a row) of leave then we'll say yes to this.

If you're asking for a broken period of leave in one request (e.g. working / taking leave every other week over 12 weeks) then we will usually say no to this. Broken periods of leave will only be considered on a case by case basis. If we agree to one request this does not set a precedent or create the right for it to be granted again.

If we do say no you'll have up to 15 days to withdraw your request from the date you submitted it. If you withdraw it in this timeframe then it won't count as 1 of your block requests. If you don't withdraw it then you'll need to take the total amount of time off you've asked for in one go from the original start date. You can delay the start date if you tell us a new date within 19 days of your original request.

We'll usually write to you within 14 days to let you know if we're agreeing to your request or not. Sometimes your manager may decide to meet with you to talk it through. If they do then you may have a companion with you.

Changes to Leave Requests

You can make changes to agreed SPL start and end dates if you give us at least 8 weeks written notice, this will count as 1 of your 3 block requests. If you've used up your 3 block requests we don't have to agree to make this change. Exceptions are if dates need to change because your child is born early or if we ask you to change your leave dates and you agree to do so. We'll confirm any agreed changes in writing.

Pay during SPL

This will depend on how much statutory shared parental pay (ShPP) you and your partner have to share (39 weeks minus paid leave already taken). You'll usually get paid this at the ShPP rate.

This is paid at the lower of:

- 90% of your normal weekly earnings
- Statutory ShPP rate

You'll be paid as normal which may be subject to your usual deductions.

Enhanced pay during SPL

If statutory shared parental pay (ShPP) is available we'll usually top up the first 3 weeks of it to your full pay. If you've had enhanced maternity or adoption pay then you won't be eligible for any further enhancements beyond the 18 weeks full pay that you've received.

To be eligible for it you need to confirm your leave dates at least 12 weeks before your leave is due to start. Enhanced ShPP is discretionary and your manager should meet with you to talk about this.

Benefits during SPL

All contractual benefits, apart from your pay, will stay in place during your leave. We'll need to review if you receive any allowances, depending on the reason for payment your allowances may stop. If you take leave with statutory pay you need to be aware that this changes your bonusable pay.

We'll continue to pay into your pension whilst you have contractual or statutory pay. Company pension contributions will only be made if you make up your individual contributions before or after any period of unpaid leave.

You'll need to look at the benefit scheme rules for any benefits that you have e.g. if in shareplan, deductions (full/partial) will only be taken if you have enough earnings. It's important that you review your flexible benefit selections. If you take leave with statutory or no pay you'll need to talk to us about how you'll make up your contributions.

You'll continue to accrue your holiday (contractual and bank holidays) in the normal way during all of your leave.

Contact during SPL

This will be up to you and your manager. We encourage you to contact each other so we know how you and your new addition are getting on but also for you to find out what's happening at work. If you want to you can take up to 20 SPL keeping in touch (SPLIT) days. You need to agree this in advance with your manager, your manager will need to complete our form to record it. You'll be paid for a half or full day depending on what you work.

Returning to Work

If your total amount of family leave (maternity, adoption, paternity and SPL) comes to 26 weeks or less you'll come back to your same job on the same terms and conditions. If you've had more than 26 weeks of family leave then we'd also expect this to be the same but if there is some reason why this can't happen then we'll talk to you in advance.

We'll expect you back in work unless you tell us otherwise. If you wish to resign then you'll need to give us your contractual notice in writing.

Flexibility on your Return to Work

It's up to you how you plan your time off. If you've had a lengthy period of family leave we think it's a good idea to use your accrued holiday to give you a more flexible return. If your family leave goes over 2 holiday years, you can carry over all of your untaken holiday entitlement as long as it's booked as either a continuous or broken period of holiday that starts as soon as your family leave comes to an end. If you're looking for a permanent change to your terms and conditions then you'll need to put in a flexible working request.

5. Policy breach and consequences - What happens if I don't follow it?

If you don't follow the requirements you may lose your entitlement to family leave or pay. If you give us false information to support your leave request then this will be treated as possible fraud and may be a serious disciplinary matter.

6. Related Documents

The following related documents can be found on our [Policies and Disclosure](#) page on Focus

- Family Leave Policy
- Maternity, Adoption and Paternity Guidance
- Time Off Policy
- Pay & Benefits Policy
- Companion Guidance
- Flexible Working Guidance