

SHARED PARENTAL LEAVE POLICY

Version Number	Issue 1.0
Date Revision Complete	November 2016
Policy Owner	Head of HR & OD
Author	HR Assistant
Reason for Revision	New policy due to new legislative requirements
Data Protection	Yes – complies with Data protection legislation
Proof Read	Yes – HR, external advisors and Law at Work
Date Approved	December 2016
Approved by	P&R Committee
Next Review Due	December 2019

Audience – Training and Awareness Method	News Feed on The Loop Management guidance as required
Effective Date	TBC upon approval

Internal References	None
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External References	Law at Work, Direct Gov.co.uk; ACAS
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Comments for SMT	
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SHARED PARENTAL LEAVE POLICY

1. POLICY STATEMENT

- 1.1 Blackwood is committed to supporting employees in achieving work life balance. Shared Parental Leave is provided for employees in order to enable them to share parenting responsibilities following the birth or adoption of a child.
- 1.2 The policy outlines employees' rights to Shared Parental Leave and Pay and the procedure that Blackwood will follow.

2. POLICY TERMS

- 2.1 This policy uses the following key terms and abbreviations:

Mother: The woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay).

Father: The child's biological father or the adopter.

Parent: One of two people who will share the main responsibility for the child's upbringing and who may be the mother, the father, the adopter or the mother's partner if not the father.

SPL: Shared Parental Leave.

ShPP: Statutory Shared Parental Pay

SMP: Statutory Maternity Pay

SAP: Statutory Adoption Pay

MA: Maternity Allowance

EWC: Expected week of Childbirth

Qualifying Week: The 15th week before the Expected Week of Childbirth or the week the adoption agency notifies you that you have been matched with a child for adoption.

KIT: Keeping in Touch Days

2. KEY OPERATIONAL FRAMEWORK

2.1 Entitlement

- 2.1.1 An employee is entitled to Shared Parental Leave (SPL) in relation to the birth of a child if:
 - 2.1.2 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 their partner is not the child's father);
 - 2.1.2.1 the employee is the child's father and shares the main responsibility for the care of the child with the child's mother; or
 - 2.1.2.2 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 main responsibility with the mother).
 - 2.1.3 The employee may also be entitled to SPL in relation to the adoption of a child if an adoption agency has placed a child with the employee and/or their partner for adoption, and the employee intends to share the main responsibility for the care of the child with their partner.
- 2.1.4 The following conditions must also be fulfilled:
 - 2.1.4.1 the employee must have at least 26 weeks' continuous employment with Blackwood by the end of the Qualifying Week and still be employed by Blackwood in the week before the leave is to be taken;
 - 2.1.4.2 the other parent must have worked (in an employed or self-employed capacity) in at least 26 out of the 66 weeks before the Expected Week of Childbirth (EWC) or at the end of the week when they are notified that they are matched with the child. They must have had minimum average earnings in 13 of those weeks; and
 - 2.1.4.3 the employee and the other parent must give the necessary statutory notices and declarations summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods, or in adoption cases notice to end adoption leave or statutory adoption pay (SAP).
- 2.1.5 The total amount of SPL available is 52 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). In the case of adoption the total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either the employee or their partner (or weeks in which their partner has been in receipt of SAP if they were not entitled to adoption leave).

2.1.6 SPL entitlement is in addition to Paternity Leave entitlement. For more details please see the Paternity Leave Policy. Once an employee starts SPL, the employee loses any untaken paternity leave entitlement.

2.2 **Opting in to Shared Parental Leave (SPL) scheme**

2.2.1 In order to opt-in to the SPL scheme, the employee must complete the Shared Parental Leave Request form 8 weeks in advance of the requested start date. If the employee opts-in to the scheme then the balance of the mother's maternity leave or adoption leave is converted into SPL. Please see Appendix 1 for details. The Shared Parental Leave Request form can be found in the HR Open folder.

2.2.2 If it not possible to provide this at least 8 weeks in advance then it must be done as soon as is reasonably practicable.

2.2.3 Within 28 days of the employee giving notice, Blackwood may also ask for:

- a copy of the child's birth certificate or adoption matching certificate
- the employment details of the mother or adopter that has taken adoption leave

3.2 **Confirmation of Leave**

3.2.1 Once the employee has submitted a request to take Shared Parental Leave (SPL) (including any additional evidence requested), Blackwood will write to the employee within 28 days confirming the date when the leave and pay will start and end.

3.2.2 The employee can choose different end dates for the leave and pay - for example if they wish to continue to take a period of unpaid leave after the pay period has ended.

3.3 **Changing the Start Date of Shared Parental Leave**

3.3.1 If the employee wants to change the start date of their Shared Parental Leave, they must give Blackwood the following notice:

- to change the leave so it starts on the date of birth, at least 28 days before the first day of the Expected Week of Childbirth (EWC),
- to change the leave so it starts on a particular date, 28 days before that date,
- to change the leave so it starts a specified number of days after the birth, at least 28 days before the date on which leave is to commence.

3.3.2 If the employee can't give the notice in time, they should tell Blackwood as soon as is reasonably practicable.

3.4 **Change to Entitlement to Shared Paternity Leave**

- 3.4.1 If an employee is no longer eligible for SPL they must tell their Manager as soon as possible. For example this may happen because their partner has not returned to work as planned or because they will no longer be caring for the child.
- 3.4.2 Blackwood can insist the employee takes a period of unpaid leave if:
- they do not give six weeks' notice of the change in their eligibility
 - it is not practical for them to fit in with the change
- 3.4.3 The unpaid leave would start on the date the SPL was due to start. It would end no later than six weeks after the employee gave notice that they were no longer eligible (or the date the leave was due to end if that is earlier).

3.5 **Curtailing Maternity Leave/Adoption Leave**

- 3.5.1 In order for a period of SPL to be taken, the child's mother must either have returned from maternity leave or adoption leave or served a notice to curtail (i.e. bring to an end) her maternity leave or adoption leave at a specified point in the future.
- 3.5.2 If the employee is the child's mother and she wishes to curtail her maternity leave, or adoption leave she must serve a curtailment notice at least eight weeks in advance of the date on which she wishes to curtail her maternity leave or adoption leave. The curtailment notice must specify the date on which maternity leave or adoption leave will end. The curtailment notice can be served before or after birth but she cannot end her maternity leave until at least two weeks after birth. In the case of adoption leave you must take at least two weeks' adoption leave.
- 3.5.3 The curtailment notice is usually binding. It can only be revoked if maternity leave or adoption leave has not yet ended and one of the following situations applies:
- if the employee realises that neither s/he nor the other parent are, in fact, eligible for SPL or ShPP, the curtailment notice can be revoked in writing up to eight weeks after it was given;
 - if the employee served the curtailment notice before giving birth, it can be revoked in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
 - if the other parent has died.
- 3.5.5 Once an employee revokes a curtailment notice, another curtailment notice cannot be served unless the revocation was given in the circumstances specified at (b) above. In adoption cases, once you have revoked a curtailment notice you will be unable to opt back in to the SPL scheme.

- 3.5.6 If the employee is the child's father or the mother's partner, s/he will only be able to take SPL once the mother 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 to maternity leave); or
 - d) given a curtailment notice to the benefits office to end her Maternity Allowance (MA) (if she is not entitled to maternity leave or SMP).
- 3.5.7 In adoption cases, if the employee's partner is taking adoption leave or claiming SAP from their employer, the employee will only be able to take SPL once their partner has either:
- a) returned to work;
 - b) given their employer a curtailment notice to end adoption leave; or
 - c) given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).
- 3.5.8 Blackwood may ask an employee to provide:
- a) a copy of the birth certificate or one or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
 - b) the name and address of the other parent's employer or a declaration that they are self-employed or that they have no employer.

3.6 Notifying Blackwood of an Employee's SPL dates

- 3.6.1 In addition to completing the request form, an employee will need to serve a period of leave notice specifying the start and end dates of their SPL, at least eight weeks in advance of the start date. The employee may find it simplest to complete the request form and provide leave notice at the same time.
- 3.6.2 If the period of leave notice gives dates for single continuous period of leave the employee will be entitled to take the leave requested.
- 3.6.3 Up to three periods of leave notices can be served. This may enable the employee to take up to three separate blocks of SPL. If the employee requests discontinuous blocks of leave (i.e. blocks of at least a week with periods of work between them) then the organisation will consider the request but are not obliged to agree to it.

4. MULTIPLE BIRTHS/ADOPTING MORE THAN ONE CHILD

- 4.1 An employee can only get one period of SPL regardless of the number of children resulting from a single pregnancy or being adopted at one time.

5. SHARED PARENTAL PAY (ShPP)

- 5.1 ShPP of up to 39 weeks (less any weeks of statutory maternity pay or adoption pay claimed by the employee or the other parent) may be available provided an employee has at least 26 weeks' continuous service with Blackwood at the end of the Qualifying Week and average earnings are not less than the lower earnings limit set by the Government each year. ShPP is paid at a flat weekly rate set by the Government each year.

6. KEEPING IN TOUCH

- 6.1 Blackwood may make reasonable contact with the employee from time to time during their SPL although they will keep this to a minimum. This may include contacting the employee to discuss arrangements for their return to work, important developments at work, promotional opportunities or job vacancies.
- 6.2 The law provides that each parent can work (including attending training) for up to 20 days during SPL without bringing SPL or ShPP to an end (known as 'keeping in touch' or "KIT" days). This is in addition to the 10 KIT days that can be taken during maternity leave or adoption leave. Employees are under no obligation to take KIT days. These days may be taken singly or in blocks of days. The payment for such days will be at the employee's normal hourly/daily rate.

7. TERMS AND CONDITIONS DURING SHARED PARENTAL LEAVE

- 7.1 All terms and conditions of employment remain in force during SPL, except for terms relating to pay.

8. ANNUAL LEAVE

- 8.1 Annual leave entitlement will continue to accrue during periods of SPL. An employee should discuss holiday plans with a manager in good time before starting SPL.

9. RETURNING TO WORK

- 9.1.1 If an employee wants to end a period of SPL early, s/he must give at least eight weeks' notice of the new return date. It is helpful if that notice is in writing.

9.1.2 If an employee wishes to extend SPL, s/he must submit a new period of leave notice at least eight weeks before s/he is due to return to work, assuming s/he still have SPL entitlement remaining and have not already submitted three period of leave notices.

9.1.3 An employee returning to work after SPL has the right to apply to work flexibly. Employees, who wish to alter their hours of work, should contact Blackwood at the earliest opportunity prior to returning to work. This should be a minimum of three months before their agreed return date. Requests should be put in writing and should specify clearly the employee's proposal. For full information on Blackwood's Flexible Working policy please refer to the Policies and Procedures on The Loop.

9.1.4 Blackwood will view each request and will, if necessary, meet with the employee to discuss any proposals. Blackwood may require a temporary arrangement to be put into place to allow it to monitor the effectiveness of any proposed changes. Any alterations to hours of work will comply with the flexible working policy and will be subject to Blackwood's operational needs.

9.2 **Not Giving the Correct Notice**

9.2.1 If the employee cannot give the full notice period for a valid reason they should still provide Blackwood with as much notice as possible. A valid reason for this might be, for example, if the baby arrives early or the adoption agency does not provide sufficient notice.

9.2.2 The employee may still qualify if they meet the other conditions or would have if the baby had not been born early/placed earlier than expected. If there is no valid reason (e.g. the employee simply forgot) then the entitlement may be withdrawn.

9.3 **Equality and Diversity**

9.3.1 Blackwood will not discriminate in the operation of this policy on the basis of age, gender, race, colour, ethnic or national origin, religion or belief, marital status, family circumstances, political or sexual orientation, medical condition or disability. Blackwood aims to promote equality of opportunity for all and complies with the current legal requirements in relation to equality and diversity issues.

9.3.2 Employees are protected from suffering unfair treatment or dismissal for taking, or seeking to take, shared parental leave. Employees who believe they have been treated unfairly should raise the matter through Blackwood's Grievance process.

10. OTHER RELEVANT POLICIES

10.1 Other policies which may be useful during an employee's pregnancy and once their child is born include:

- Maternity Leave Policy
- Paternity Leave Policy
- Adoption Leave Policy
- Flexible Working Policy
- Parental Leave Policy
- Time Off for Dependents Policy
- Home Working Policy
- Holidays and other leave policy

11. REVIEW

11.1 This policy will be reviewed every 3 years unless required sooner by legal or best practice developments.

APPENDIX 1

SHARED PARENTAL LEAVE REQUEST FORM	
Name of employee	
Name of other parent	
Employee's relationship with the child e.g. child's father, Mother's partner etc.	
Start date of the mother's maternity leave	
End Date of Mother's maternity leave	
Total Shared Parental Leave available (52 weeks minus number of maternity leave weeks taken)	
Number of weeks shared parental leave requested by the employee	
Number of weeks shared parental leave to be taken by the other parent	
Start date of Leave period 1	
End Date of Leave period 1	
Start date of Shared Parental Pay	
Date ShPP	
Start date of up to 2 further leave periods (if known)	
End date of up to 2 further leave periods (if known)	
Declaration: I hereby confirm that we meet the statutory conditions for entitlement to SPL and ShPP Employee Employee's Partner	