

Shared Parental Leave Policy

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Shared Parental leave policy

1. ABOUT THIS POLICY

1.1 This policy is to set out your right of shared parental leave and pay. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future 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 leave and opt in to shared parental leave and pay at a later date.

1.2 We recognise that, from time to time, you may have questions or concerns relating to your shared parental leave rights. As the shared parental leave provisions are complex, if you wish to take shared parental leave, you should clarify the relevant procedures with the HR department via your line manager to ensure that they are followed correctly.

1.3 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave.

1.4 This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

2. ELIGIBILITY FOR SHARED PARENTAL LEAVE AND PAY

2.1 For you to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

3. MOTHERS ELIGIBILITY FOR SHARED PARENTAL LEAVE

3.1 The mother is eligible for shared parental leave if she:

3.2 has at least 26 weeks' continuous employment

ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that she takes;

3.2 has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;

3.2 is entitled to statutory maternity leave in respect of the child; and

3.4 Complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

3.5 In addition, for the mother to be eligible for shared parental leave, the partner must:

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

3.7 have average weekly earnings of at least the maternity allowance threshold [see [direct.gov](https://www.direct.gov.uk) for current rates] for any 13 of those 66 weeks; and

3.8 Have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

4. PARTNERS ELIGIBILITY FOR SHARED PARENTAL LEAVE

4.1 The partner is eligible for shared parental leave if he/she:

4.2 has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that he/she takes;

4.3 has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and

4.4 Complies with the relevant shared parental leave notice and evidence requirements.

4.5 In addition, for the partner to be eligible for shared parental leave, the mother must:

4.6 have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;

4.7 have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;

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

4.9 be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and

4.10 Comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

5. AMOUNT OF SHARED PARENTAL LEAVE

5.1 The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. A maximum of three requests for leave per pregnancy can normally be made by each parent.

5.2 The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks. However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that he/she is entitled to take up to two weeks' ordinary paternity leave following the birth of his/her child, which he/she will lose if shared parental leave is taken first). The

mother and partner must take any shared parental leave within 52 weeks of birth.

6. NOTICE REQUIREMENTS FOR SHARED PARENTAL LEAVE

6.1 The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

6.2 a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);

6.3 a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and

6.4 A "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting.

7. MATERNITY LEAVE CURTAILMENT NOTICE

7.1 Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave or provide her employer with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

7.2 after the compulsory maternity leave period, which is the two weeks [or four weeks for factory workers] after birth;

7.3 at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her employer; and

7.4 At least one week before what would be the end of the additional maternity leave period.

7.5 The mother must provide her maternity leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention.

7.6 The withdrawal of a maternity leave curtailment

notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:

7.7 it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given;

7.8 the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or the partner has died.

8. EMPLOYEE'S NOTICE OF ENTITLEMENT AND INTENTION

8.1 You must provide HR, whether the mother or the partner, with a non-binding notice of entitlement and intention. Your notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by you.

8.2 Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, we can request from you:

8.3 a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth, and

8.4 The name and address of the other parent's employer (or a declaration that the other parent has no employer).

8.5 You have 14 days from the date of the request to send HR the required information.

9. VARIATION OR CANCELLATION OF NOTICE OF ENTITLEMENT AND INTENTION

You can vary or cancel your proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that you provide HR with a written notice. The written notice must contain:

9.1 an indication as to when you intend to take shared parental leave (including the start and end dates for each period of leave);

9.2 details of any periods of shared parental leave that have been notified through a period of leave notice;

9.3 details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and

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

10. LIMITS ON NUMBER OF REQUESTS FOR LEAVE

10.1 You can provide a combined total of up to three periods of leave notices or variations of period of leave notices per pregnancy, although we may waive this limit in some circumstances.

11. CONTINUOUS

11.1 If you submit a period of leave notice requesting one continuous period of leave, you will be entitled to take that period of leave.

12. DISCONTINUOUS

12.1 You may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

12.2 If you submit a period of leave notice requesting discontinuous periods of leave, we, in the two weeks beginning with the date the period of leave notice was given, can:

12.3 • consent to the pattern of leave requested;

12.4 • propose an alternative pattern of leave; or

12.5 • Refuse the pattern of leave requested.

12.6 If agreement is reached within those two weeks, you are entitled to take the leave on the dates agreed.

12.7 If no agreement has been reached within that two-week discussion period, you are entitled to take the leave as one continuous period of leave. In that event, you must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice

was originally given. You must notify HR of that date within five days of the end of the two-week discussion period. If you do not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

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

13. WORKING DURING SHARED PARENTAL LEAVE

13.1 You can agree to work for UCFB (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of your shared parental leave and pay to an end. These are known as “shared-parental-leave-in-touch” (SPLIT) days.

13.2 We have no right to require you to carry out any work and you have no right to undertake any work during your shared parental leave. If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you for each day that you work during a SPLIT day at your usual pro-rated salary (inclusive of your SSPP)

14. RIGHTS DURING SHARED PARENTAL LEAVE

14.1 During shared parental leave, all terms and conditions of your contract except normal pay will continue. Salary will be replaced by Statutory Shared Parental Pay if you are eligible for it. This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

14.2 We reserve the right to maintain reasonable contact with you during shared parental leave. This may be to discuss your plans for your return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or to update you on developments at work during your absence.

15. RETURNING TO WORK FOLLOWING SHARED PARENTAL LEAVE

15.1 You have the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory maternity leave or statutory paternity leave taken by you in relation to the same child, is 26 weeks or less.

15.2 If you are returning to work from shared parental leave and the period of leave taken is more than 26 weeks, when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave, you have the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for UCFB to permit a return to the same job, you have the right to return to another job that is suitable and appropriate for you.

15.3 If you wish to return to work before the end of your maternity leave, you must give the company at least 8 weeks’ notice of the date you intend to return. You can change your mind about returning to work early, providing you give 8 weeks’ notice before the date you now wish to return to work, or the date you had intended to return, whichever is the earliest.

15.4 If you return to work without giving 8 weeks’ notice, we are entitled to postpone your return for the full notice period, but not beyond the date your maternity leave was due to end.

16. FRAUDULENT CLAIMS

16.1 UCFB can, where there is a suspicion that fraudulent information may have been provided or where we have been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.