

Leeds Trinity SU Shared Parental Leave Policy

Board approval; Jan 21

Board Review; Jan 23

1. About this procedure

- 1.1 This policy outlines the arrangements for employees for shared parental leave and pay in relation to the birth or adoption of a child.
- 1.2 This policy does not form part of your contract of employment and we may amend it at any time.

2. Frequently used terms

The definitions in this paragraph apply in this policy.

Expected week of childbirth (EWC)	the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born;
Parent	One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father);
Partner	your spouse, civil partner or someone living with you in an enduring family relationship (in the case of adoption this must be at the time the child is placed for adoption), but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew;
Qualifying Week	In the case of the birth of a child the fifteenth week before the EWC or in the case of adoption the week the adoption agency notifies you that you have been matched with a child for adoption.
Shared Parental Leave (SPL)	Is a form of leave that may be available if your child is expected to be born or placed with you for adoption on or after 5 April 2015.

3. What is shared parental leave?

- 3.1 SPL gives you and your Partner more flexibility in how to share the care of your child in the first year after birth or placement for adoption. Assuming you are both eligible, you will be able to choose how to split the available leave between you, and you can decide to be off

work at the same time or at different times. You may be able to take leave in more than one block of time.

4. Entitlement to SPL

4.1 The eligibility rules around SPL are quite complex. It's your responsibility as an employee to check that you are eligible and to provide evidence of that eligibility to your manager.

You may be entitled to SPL in relation to the birth of a child if:

- (a) you are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- (b) you are the child's father and share the main responsibility for the care of the child with the child's mother; or
- (c) you are the mother's Partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

4.2 You may be entitled to SPL in relation to the adoption of a child if an adoption agency has placed a child with you and/or your Partner for adoption and you intend to share the main responsibility for the care of the child with your Partner.

4.3 The following conditions must also be fulfilled:

- (a) you must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
- (b) the other Parent (your Partner in the case of adoption) must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- (c) you and the other Parent (your Partner in the case of adoption) must give the necessary statutory notices and declarations as summarised below, including in the case of a child notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods and in the case of adoption notice to end adoption leave or statutory adoption pay (SAP).

4.4 The total amount of SPL available is 52 weeks, less: (a) in the case of the birth of a child 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); or (b) in the case of

adoption, the weeks of adoption leave taken by either you or your Partner (or the weeks in which your Partner has been in receipt of SAP if they were not entitled to adoption leave).

4.5 If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth or four weeks for factory workers.

4.6 If you are the child's father or the mother's Partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

5. Opting in to shared parental leave and pay

5.1 Not less than eight weeks before the date you intend your SPL to start, you must give us a written opt-in notice. Please see form 1 (opt-in notice/curtailment notice) and the guidance notes in the associated document.

6. Ending your maternity/adoption leave

6.1 If you want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your maternity/adoption leave (a curtailment notice) before you can take SPL. Please see form 1 attached.

6.2 You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see paragraph 5.1) or a written declaration that the other Parent (your Partner in the case of adoption) has given their employer an opt-in notice and that you have given the necessary declarations in that notice.

6.3 The curtailment notice is binding and cannot usually be revoked unless there are special circumstances.

7. Ending your partner's maternity/adoption leave or pay

7.1 In the case of the birth of a child if you are not the mother, and she is still on maternity leave or claiming SMP or MA, or in the case of adoption if your Partner is taking adoption leave or claiming SAP, you will only be able to take SPL once they have either:

- (a) returned to work;
- (b) given their employer a curtailment notice to end their maternity/adoption leave;
- (c) given their employer a curtailment notice to end their SMP/SAP (if they are entitled to SMP/SAP but not maternity/adoption leave); or

(d) in the case of the birth of a child given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

8. Evidence of entitlement

8.1 You must also provide as soon as possible:

- (a) In the case of the birth of a child, a copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth);
- (b) In the case of adoption, one or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
- (c) In either case the name and address of the other Parent's employer (or a declaration that they have no employer).

9. Booking your SPL dates

9.1 Having opted into the SPL system you will need to give a period of leave notice telling us the start and end dates of your leave. Please see form 2 attached plus guidance notes in the associated document. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave.

9.2 If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

9.3 You can give up to three period of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice).

10. Procedure for requesting split periods of SPL

10.1 It's the Union's preference that leave is taken in a continuous block. However, we will consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this informally with your manager and HR in good time before formally submitting your period of leave notice.

11. Changing the dates or cancelling your SPL

11.1 You can vary or cancel a period of leave by notifying us in writing at least eight weeks before the variation is due to take place.

11.2 In the case of the birth of a child, you do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC,

where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify us in writing of the change as soon as you can.

- 11.3 In most cases a notice to change or cancel a period of leave will count as one of your three period of leave notices.

12. Shared parental pay

- 12.1 Statutory shared parental pay (ShPP) of up to 39 weeks (less any weeks of SMP or MA claimed by the mother or SAP claimed by you or your Partner) may be available provided you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.

13. Other terms during shared parental leave

- 13.1 Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 13.2 Annual leave entitlement will continue to accrue at the rate provided under your contract. If your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry-over of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting SPL. All holiday dates are subject to approval by your manager.
- 13.3 If you are a member of the pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any shared parental pay you are receiving, unless you inform Finance Administrator that you wish to make up any shortfall.

14. Keeping in touch

- 14.1 We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.
- 14.2 You may ask or be asked to come into work (including attending training or meetings) on up to 20 "keeping-in-touch" days (KIT days) during your SPL. This is in addition to any KIT days

that you may have taken during maternity/adoption leave. KIT days are not compulsory for either us or you, and must be discussed and agreed with your line manager.

You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

15. Returning to work

If you want to end a period of SPL early, you must give us eight weeks' written notice of the new return date. If you have already given us three period of leave notices you will not be able to end your SPL early without our agreement.

15.2 If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give us a written period of leave notice at least eight weeks before the date you were due to return to work. If you have already given us three period of leave notices you will not be able to extend your SPL without our agreement. You may be able to request annual leave or ordinary unpaid parental leave subject to the needs of the union.

15.3 You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

(a) if your SPL and any maternity, adoption or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or

(b) if you took SPL consecutively with more than four weeks of ordinary parental leave.

15.4 If you want to change your hours or other working arrangements on return from SPL you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

15.5 If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.