



Shared Parental Leave & Pay – Guidelines & Procedures

Summary

This document details the procedures to be followed to ensure that employees receive the benefits to which they are entitled, both statutorily and contractually, for shared parental leave. It also provides information to help employees and their managers understand what benefits are available and how to access them. This procedure is part of Greener Ealing Limited's (GEL's) Family Friendly Policy.

Scope

The benefits outlined in this document apply to all GEL employees except those covered by:

- an alternative agreement with a recognised trade union
- other arrangements as a consequence of joining the Company under the provisions of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

This procedure does not form part of any employee's contract of employment. It may be amended at any time and the company may depart from it depending on the circumstances of any case.

Information for managers and employees

It will help both the employee and manager to discuss plans for shared parental leave from an early stage, as this will help everyone prepare for the employees' absence on shared parental leave.

Managers should always contact the HR department as soon as they are notified that an employee wishes to take shared parental leave. The HR department will support the manager and provide guidance on how to manage each stage of the process.

Employees can start Shared Parental Leave (SPL) if they are eligible and they or their partner end their maternity or adoption leave or pay early. The remaining leave will be available as SPL. The remaining pay may be available as Statutory Shared Parental Pay (ShPP).

Employees can request to take SPL in up to three separate blocks (discontinuous SPL). Employees can also share the leave with their partner if they are also eligible. Parents can choose how much of the SPL each of them will take.

Shared Parental Leave & Pay – Guidelines & Procedures

Example: A mother could end her maternity leave after 12 weeks, leaving 40 weeks (of the total 52-week entitlement) available for SPL. If both the mother and her partner are eligible, they can share the 40 weeks. They can take the leave at the same time or separately.

SPL and ShPP must be taken between the baby's birth and first birthday (or within one year of adoption).

SPL and ShPP are only available in England, Scotland and Wales.

Time off to attend ante-natal appointments

All pregnant employees are entitled to reasonable paid time off to attend ante-natal appointments and classes which are advised by their midwife or medical practitioner.

The employee must show on request from the second appointment onwards:

- a certificate confirming that she is pregnant provided by a registered medical practitioner, a registered midwife or a registered health visitor; and
- An appointment card or some other document showing that an appointment has been made.

The Children & Families Act 2014 extends the right to take unpaid time off to attend antenatal appointments to fathers, spouses and partners.

The employee requesting time off to accompany an expectant mother to an ante-natal appointment should confirm the following information as part of the request:

- that they have a qualifying relationship with the expectant mother (that they are the father of the child or the woman's spouse or partner);
- that the reason for requesting time off is to attend an antenatal appointment;
- that the appointment has been made on the advice of a medical practitioner, registered midwife or registered nurse; and
- The date and time of the appointment.

Eligibility

Sometimes only one parent in a couple will be eligible to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). This means that they cannot share the leave.

If the GEL employee is eligible then they can use SPL to request their leave in continuous or discontinuous blocks.

Shared Parental Leave & Pay – Guidelines & Procedures

Shared Parental Leave

To qualify for SPL, the child's mother (or adoptive parent) must:

- Be eligible for either maternity or adoption leave and must have ended it either by returning to work before the end of their leave or advised their manager that they wish to curtail their leave.
- Have caring responsibility for the child.
- Have worked for the business continuously for at least 26 weeks before the 15th week before the baby is due. In the case of an adoption, they must have worked for the business continuously for at least at least 26 weeks ending with the week in which they are notified of being matched with a child for adoption.
- Still be working for the business when they intend to take the leave.
- Provide evidence of their entitlement to take shared parental leave (a copy of the child's birth certificate or a document from the adoption agency that confirms the placement).
- Comply with the notification requirements.

If the employee is the partner of the mother or primary adopter and they want to take shared parental leave they must:

- Have caring responsibility for the child along with the mother or primary adopter.
- Have worked for the business continuously for at least 26 weeks before the 15th week before the baby is due. In the case of an adoption, they must have worked for the business continuously for at least 26 weeks ending with the week in which they are notified of being matched with a child for adoption.
- Provide evidence of their entitlement to take shared parental leave (a copy of the child's birth certificate or a document from the adoption agency that confirms the placement).
- Comply with the notification requirements.

The other parent must meet an "employment and earnings test" for the GEL employee to qualify for shared parental leave. To meet this test, the other parent must have been an employed or self-employed earner in the UK for a total 26 weeks (not necessarily continuously) in the period of 66 weeks leading up to the week in which the child is due (or matched for adoption) and to have earned an average of £120 a week in 13 of those weeks (not necessarily continuously).

Statutory Shared Parental Pay

To be eligible for 39 weeks Shared Parental Pay (ShPP), an employee must have:

- 26 weeks' continuous employment with GEL by the beginning of the 15th week before the expected date of childbirth.
- Average weekly earnings that are equal to, or greater than, the Lower Earnings Limit for National Insurance Contributions (check www.hmrc.gov.uk for current limit).

Shared Parental Leave & Pay – Guidelines & Procedures

- Provided 8 weeks' notice of the dates that Shared Parental pay applies, accompanied by appropriate evidence of pregnancy/birth.

If an employee intends to return to work earlier than planned, they will need to inform their manager by giving at least 8 weeks' notice in writing as per maternity pay guidelines. Otherwise GEL may postpone their return until the 8 weeks have elapsed, or the end of the 52-week maternity leave period has expired (whichever is sooner). Leave arrangements that have been notified can only be changed by means of a notice to vary the agreed leave. An employee can give notice to end a period of leave earlier than previously notified, by providing 8 weeks' notice of the change and by submitting a variation notice. The employee may submit a maximum of three variation notices.

Shared parental leave is paid up to 37 weeks at flat rate statutory maternity pay (SMP). Current rates can be found [here](#). Unlike SMP, where the mother is entitled to receive an enhanced rate of 90% actual pay for the first six weeks, shared parental pay will all be paid at the flat rate.

The total amount of shared parental pay must not exceed the amount of the untaken statutory maternity or adoption pay.

Refusing SPL or ShPP

GEL can refuse SPL or ShPP if the employee does not qualify. GEL must tell the employee the reason for refusal of ShPP. GEL does not have to give a reason for refusing SPL.

Length of Shared Parental Leave

If an employee is eligible and they or their partner end maternity/adoption leave and pay early, then they can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

A mother must take a minimum of two weeks' maternity leave following the birth.

Starting Shared Parental Leave

For Shared Parental Leave (SPL) to start, the mother or adopter must do one of the following:

- end their maternity or adoption leave by returning to work

Shared Parental Leave & Pay – Guidelines & Procedures

- give 'binding notice' (a decision that can't normally be changed) of the date when they will end their maternity or adoption leave
- end maternity pay or Maternity Allowance (if they are not entitled to maternity leave, e.g. they are an agency worker or self-employed)

A mother cannot return to work before the end of the compulsory two weeks of maternity leave following the birth.

The mother must give GEL notice (at least 8 weeks) to end her maternity pay, or provide Job Centre Plus 8 weeks' notice end her Maternity Allowance. Adopters must give 8 weeks' notice to end adoption pay.

SPL can start for the partner while the mother or adopter is still on maternity or adoption leave if she's given binding notice to end her leave (or pay if she's not entitled to leave).

Example A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. The employee decides that she will end her maternity leave at 16 weeks and then opt into shared parental leave. She should have provided GEL with a notice to curtail (end) her leave **and** her notice of entitlement and/or intention to take SPL. Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (the partner cannot utilise the first two weeks (or four) of compulsory maternity leave that must be taken as these cannot be shared. The partner, however, may take paternity leave for the first two weeks) as long as they've given at least 8 weeks' notice).

The employee must provide GEL with written notice of their entitlement to SPL and ShPP, including:

- their partner's name;
- maternity leave start and end dates;
- the total amount of SPL and ShPP available and how much they and their partner intend to take; and
- that they're sharing childcare responsibility with their partner.

It must also include a signed declaration from the partner stating:

- their name, address and National Insurance number;
- that they satisfy the qualifying requirements for your employee to take SPL and ShPP; and
- that they agree to your employee taking SPL and ShPP.

Shared Parental Leave & Pay – Guidelines & Procedures

After receiving this notice, GEL will request for qualifying documents from the partner's employer:

- a copy of the child's birth certificate;
- the name and address of their partner's employer information (although the partner's employer is under no obligation to provide confirmation of entitlement).

GEL has 14 days to ask for this information. The employee then has a further 14 days to provide it.

Notice period

The employee must give at least 8 weeks' notice of any leave they wish to take. If the child is born more than 8 weeks early, this notice period can be shorter.

The employee has a statutory right to request a maximum of three separate blocks of discontinuous leave.

Cancelling the decision to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- the planned end date hasn't passed; and
- they haven't already returned to work.

One of the following must also apply:

- it's discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP;
- the employee's partner has died;
- it's less than six weeks after the birth (and the mother gave notice before the birth).

Shared parental leave in touch (SPLIT) days

The employee can work up to 20 days during SPL without bringing it to an end. These are called 'Shared Parental Leave In Touch' (or SPLIT) days.

These days are in addition to the 10 'Keeping In Touch' (or KIT) days already available to those on maternity or adoption leave. Keeping in touch days are optional – both employer and employee must agree to them.



Shared Parental Leave & Pay – Guidelines & Procedures

Discontinuous Blocks of SPL

An employee taking Shared Parental Leave (SPL) can request to split their leave into up to three separate blocks instead of taking it all in one continuous period even if they aren't sharing the leave with their partner. The partner (who may not be an GEL employee) must meet the eligibility criteria.

If both parents are taking SPL then they can take their leave at the same time as each other or at different times. The employee must provide GEL with at least 8 weeks' notice before a block of leave begins.

GEL will accept requests for discontinuous blocks of service however acceptance of discontinuous blocks of leave will be assessed in line with business needs at the manager's discretion.

GEL can refuse discontinuous leave and require that the total weeks of leave in the notice to be taken in a single continuous block. However, where the employee's notification is for a continuous block of leave GEL is required to agree. It is beneficial for the employee and manager to discuss and look at a mutually agreeable way in which the SPL can be taken.

Revision Status

Revision	Date	Amendment	Content Owner	Mandated By
First Issue	Feb 21		Bill Gilmour	Kevin O'Leary