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# [Company]

# Shared Parental Leave Policy

### Introduction

Shared Parental Leave (SPL) is a statutory right available to employees who have a new baby or a newly adopted child. It gives them the option of sharing up to 52 weeks of leave and 39 weeks of pay if they meet the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

### Eligibility Criteria

To be eligible for shared parental leave, you (or your partner) must be entitled to maternity / adoption leave, or statutory maternity / adoption pay (or maternity allowance from the Government) and you must share the main responsibility for caring for the child with your partner. In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows.

**Step 1 - Continuity test:** if you are seeking to take shared parental **leave,** one parent / adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and they should still be employed in the first week that shared parental leave is to be taken.

The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned at least £390 in total over 13 of the 66 weeks (add up the highest paying weeks, they don’t need to be in a row).

**Step 2 - Individual eligibility for pay:** To qualify for shared parental **pay** the parent / main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth / adoption.

If you and your partner meet the eligibility criteria:

* You can effectively “convert” a period of maternity / adoption leave and pay into shared parental leave and pay that can be taken by either parent.
* Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
* Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks of as little as a week with our agreement.
* When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.
* Shared parental leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date.

### Procedure for Requesting Shared Parental Leave and Pay

Here is how you and your partner should go about opting in to shared parental leave:

The mother / main adopter must bring their period of maternity / adoption leave to an end by letting their employer know at least 8 weeks before the date she intends to curtail the leave. NB maternity leave cannot be brought to an end before the end of the two week (four if you work in a factory) compulsory maternity leave period. The balance of maternity leave at that point becomes available for the partner to share as shared parental leave. While this notice of curtailment of maternity / adoption leave can be given before or after the birth / placement, if it is given afterwards, the notice is binding. However, if notice is given before, there is a six-week window after the child's birth / adoption, during which a mother / primary adopter who has previously stated she intends to share her leave can change her mind and decide to remain on leave.

Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when. As you are one of our employees, please complete the form at Appendix 1.

If requested within 14 days of letting us know about your intention to take shared parental leave, you should provide us with a copy of the child’s birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child’s birth. In the case of adoption, you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.

The information about how and when you and your partner are intending to take shared parental leave is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete the form at Appendix 2. We will need at least 8 weeks notice of each period of leave, and you can submit a total of three requests. That is you can take up to three periods of shared parental leave.

If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.

If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we may need to discuss with you whether our business can support such a work pattern. If it cannot we will try to agree an alternative arrangement with you, or we may need to refuse the request.

We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business. You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and we are under no obligation to offer you any work. These 20 days are in addition to the 10 days available during maternity or adoption leave.

While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

This all sounds complex, but it is really quite simple. Here are some **examples** to help clarify how shared parental leave works.

*Example 1 - the mother / main adopter ends her leave after 26 weeks, and the balance of the leave and pay - 26 weeks leave and 13 weeks statutory maternity / adoption pay is available to be shared between the parents as they choose. The father takes 10 weeks leave and pay, while the mother returns to work. He then returns to work and the mother takes the remaining 16 weeks leave and 3 weeks pay.*

*Example 2 - baby is born prematurely and the mother immediately commits to taking 27 weeks maternity leave and pay leaving 25 weeks leave and 12 weeks pay to be shared with the father. The father takes 2 weeks paternity leave when baby is born and then immediately takes the 25 weeks leave and 12 weeks pay. Both parents return to work after 27 weeks having used all their shared parental leave.*

*Example 3 - the main adopter takes the first 10 weeks adoption leave and pay, and then commits to returning to work at week 22. This then frees up 30 weeks shared parental leave and 17 weeks pay. His partner takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the main adopters adoption leave so she and the main adopter can look after the child together. She then takes a further 8 weeks’ leave and last 5 weeks of pay while the main adopter returns to work. When the partner then goes back to work, the main adopter takes the last 10 weeks of shared parental leave.*

*In total the main adopter has taken 32 weeks leave and 22 weeks pay while the partner has taken 20 weeks leave and 17 weeks pay.*

### Returning to Work from Shared Parental Leave

If you wish to alter your return date from shared parental leave, please ensure you give us notice as follows using the **Notice to Take or Vary a Period of Shared Parental Leave** form at appendix 2:

* If you wish to extend your SPL, at least 8 weeks notice from the originally agreed return date.
* If you wish to shorten your SPL, at least 8 weeks notice from the new return date.

If you return to work after a period of shared parental leave (including any maternity / adoption leave) which was **26 weeks or less**, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.

If you return to work from a period of shared parental leave (including any maternity / adoption leave) which was **greater than 26 weeks** we will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable than would have applied had you not been on leave.

# Appendix 1

# [Company]

# Notice of Entitlement and Intention to Take Shared Parental Leave

# (Please read the Policy on Maternity, Adoption, Paternity and Parental Leave)

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave. In order to calculate the amount of shared parental leave you are eligible for please complete the following.

**Basic Details**

|  |  |
| --- | --- |
| Employee Name: |  |
| Are you the mother / main adopter of the child or the partner of the mother / main adopter? |  |
| Date on which mother or main adopter commenced (or will commence) maternity / adoption leave: |  |

**Notice of curtailment of maternity / adoption leave**

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby (or four weeks if you are employed in factory work).

|  |  |
| --- | --- |
| I wish my maternity / adoption leave to end on the following date: |  |
| Signed: Date: |

Please complete this if you are the **partner** of the mother or main adopter.

|  |  |
| --- | --- |
| I confirm my partner’s maternity / adoption leave ended / will end on the following date: |  |

**Shared Parental Leave Details**

|  |  |
| --- | --- |
| Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates) |  |
| Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates) |  |
| Number of weeks of shared parental leave / pay you intend to take |  |
| Number of weeks of shared parental leave / pay the other parent intends to take |  |

**Shared Parental Leave and Pay Dates**

|  |  |
| --- | --- |
| Please detail the start and end dates of the shared parental leave/ pay that you intend to take. This should tally with the number of weeks you have indicated above that you will take. |  |

The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please indicate “Yes”: **Yes / No**

If you indicate “No”, then please complete appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

## Declarations

### By the Employee

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

[ ]  I am the mother, father or main adopter of the child and will share the care of the child with my partner named below

[ ]  I meet the eligibility criteria for shared parental leave

If appropriate:

[ ]  I meet the eligibility criteria for shared parental pay

[ ]  I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy

[ ]  I consent to you retaining and processing the information contained in this form

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### By the Employee’s Partner

|  |  |
| --- | --- |
| Name |  |
| Address |  |
| Name and Address of Employer |  |
| National Insurance Number |  |

I confirm that I meet the following criteria for eligibility for shared parental leave:

[ ]  I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date

[ ]  have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don’t need to be in a row)

[ ]  I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

[ ]  I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)

[ ]  I consent to you retaining and processing the information contained in this form

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Appendix 2

# [Company]

### Notice to Take or Vary a Period of Shared Parental Leave

### (Please read the Policy on Maternity, Adoption, Paternity and Parental Leave)

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (appendix 1) and have had your eligibility for shared parental leave confirmed.

|  |  |
| --- | --- |
| Name of Employee |  |
| Name of Partner |  |

**Requested Shared Parental Leave / Pay Dates**

|  |  |  |  |
| --- | --- | --- | --- |
| **Start date**  | **End date** | **Number of weeks leave** | **Number of weeks pay (if applicable)** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Request to Vary Previously Requested Parental Leave / Pay Dates**

|  |  |  |
| --- | --- | --- |
| **Previously Approved Start date**  | **Previously Approved End date** | **Detail the change you would like to request** |
|  |  |  |
|  |  |  |
|  |  |  |

**We confirm that we agree to the request / variation outlined above.**

Signed: (Employee)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: (Employee’s Partner)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_