

### SHARED PARENTAL LEAVE AND PAY

#### Key Legal Points

- Shared Parental Leave (SPL) is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. The shared parental leave and pay provisions are governed by the Work and Families (Northern Ireland) Act 2015.
  - Shared Parental Leave is different to the similarly named **Parental Leave** (See Section 12). Qualifying employees may take both as appropriate.
  - Qualifying mothers and adopters continue to be entitled to Maternity and Adoption rights but they may also be able to choose to end this early and exchange it for Shared Parental Leave and Pay (called curtailing). They and their named partner will then need to decide how they want to share this new entitlement.
  - 2 weeks of paid **Paternity Leave** (see Section 9) continues to be available to qualifying fathers and the partner of a mother or adopter. However, Shared Parental Leave has replaced the Additional Paternity Leave entitlement.
  - **To qualify for SPL**, the child's mother (or adoptive parent) must be eligible for either:
    - maternity leave or pay (see Section 8);
    - maternity allowance; or
    - adoption leave or pay.
- Your employee must also:
- have worked for you continuously for at least 26 weeks by the end of the 15th week before the due date (or date they are matched with their adopted child)
  - still be employed by you while they take SPL
  - give you the correct notice including a declaration that their partner meets the employment and income requirements which allow your employee to get SPL.
- **To qualify for Shared Parental Leave** the mother or adopter must be entitled to some form of maternity (see Section 8) or adoption entitlement (see Section 10), have given notice to curtail it and must share the main responsibility for caring for the child with the named partner. For a **parent to be eligible** to take Shared Parental Leave they must **be an employee** and they must pass the **continuity of employment test**. In turn, the other parent in the family must meet the **employment and earnings test**. Agency workers, the self-employed or parents who are not employed are not entitled.
  - **Continuity of employment test:** the person 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 is still employed in the first week that Shared Parental Leave is to be taken.
  - **Employment and earnings test:** the other person in the family must have worked for at least 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30/week in 13 of the 66 weeks (check [www.nibusinessinfo.co.uk](http://www.nibusinessinfo.co.uk) for updates).
  - The mother or adopter decides whether to keep taking their maternity or adoption entitlement or to use Shared Parental Leave. In any event, the first 2 weeks, or the first 4 weeks for factory workers, must be taken by the mother for health and safety reasons. If they choose to use Shared Parental Leave, they can end their entitlement or give advance notice to curtail it. This advance notice means their partner could begin to take Shared Parental Leave while the mother or adopter is still on maternity or adoption leave.
  - Shared Parental Leave may be taken at any time within the period which begins on the date the child is born/date of the placement and ends 52 weeks after that date. An employee is entitled to submit three separate notices to book leave.
  - Employees can take SPL in up to **3 separate blocks**. They 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.  
*For 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.*
  - **Leave must be taken in complete weeks** and may be taken either in a continuous period, which an employer cannot refuse, or in a discontinuous period, which the employer can refuse. If a request for **discontinuous leave** is refused the total amount of leave requested in the notice will automatically become a continuous block unless it is withdrawn.

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- **Statutory Shared Parental Pay (ShPP)** is paid at a government set rate (see [www.nibusinessinfo.co.uk](http://www.nibusinessinfo.co.uk) for current rates) or 90% of the employee's average weekly earnings (whichever is lower).
- To qualify for ShPP a parent must pass the continuity of employment test and have earned an average salary of the lower earnings limit (see [www.nibusinessinfo.co.uk](http://www.nibusinessinfo.co.uk) for current rates) for the 8 weeks prior to the 15th week before the expected due date or matching date. The other parent in the family must meet the employment and earnings test.
- SPL and ShPP must be taken between the baby's birth and first birthday (or within one year of adoption).
- You can refuse SPL or ShPP if the employee doesn't qualify. You must tell the employee the reason if you refuse ShPP. You do not have to give a reason for refusing SPL.

### Notification

The employee must give you **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;
- that they are sharing childcare responsibility with their partner; and
- a non-binding indication of how the employee will take the SPL that is available to them.

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.

After receiving this notice, you can ask for:

- a copy of the child's birth certificate; and
- the name and address of their partner's employer.

You have 14 days to ask for this information. Your employee then has a further 14 days to provide it. If a birth certificate cannot be produced at first instance, the employee must provide the relevant information as soon as is reasonably practicable.

### Notice period

An 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.

Your employee has a statutory right to a maximum of 3 separate blocks of leave, although you can allow more if you wish.

The notice may specify a single, continuous block of leave or may request discontinuous periods of leave.

If the employee requests a single block of leave, they are entitled to take this and it cannot be refused. If the employee requests a period of discontinuous leave, an employer does not have to agree to this pattern and there is a 2 week consultation period to seek an agreed pattern.

SPL and ShPP cannot begin before the birth (or placement of adoption) of the child and must be taken within 1 year of birth or the date that the child was placed with the family.

### 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 is discovered during the 8 week notice period that neither partner is eligible for either SPL or ShPP;
- the employee's partner has died; or
- it is less than 6 weeks after the birth (and the mother gave notice before the birth).

### Contact and work during Shared Parental Leave

Your 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**. The 20 days can be in a continuous block or it can be odd 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 you and your employee must agree to them.

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### Required Records

You must keep records for HM Revenue and Customs (HMRC), including:

- the evidence provided by the employee to show that they're eligible for Statutory Shared Parental Pay (ShPP);
- the date ShPP began;
- your ShPP payments (including dates);
- the ShPP you've reclaimed; and
- any weeks you did not pay and why.

You must keep records for at least 3 years from the end of the tax year they relate to.

### Policy & Practice

Employers should ensure that they have clear policies in place, which are applied to all employees fairly, in order to minimise the risk of any claims of discrimination etc. surrounding the application of a Shared Parental Leave Policy (see Appendix 11A and 11B).

Appendices 11C, 11D, 11E and 11F are sample letters to the employee.

### Terms & Conditions during absence

During any period of SPL an employee continues to benefit from all of the terms and conditions of their contract of employment (except remuneration). An employee is protected from detriment or dismissal in connection with taking SPL.

### Returning to Work

The right to return to the same job will be maintained for returning from any period of relevant statutory leave that includes maternity, paternity adoption or SPL that totals 26 weeks or less in aggregate. Therefore an employee who takes 26 weeks or less of any combination of relevant statutory leave will have the right to return to the same job. Once an employee has taken more than 26 weeks of relevant statutory leave in aggregate, that employee will have the right to return to the same job that they were doing immediately preceding the last period of absence, or, if it is not reasonably practicable for the employer to permit the employee to return to that job, to another job which is both suitable for the employee and appropriate for the employee to perform in the circumstances.

For further details see the LRA website ([www.lra.org.uk](http://www.lra.org.uk)) and their guide 'Shared Parental Leave: a good practice guide for employers and employees'.

**SAMPLE POLICY** (Text highlighted in blue needs to be amended as appropriate. Text in red should be deleted before issuing)

## SHARED PARENTAL LEAVE (BIRTH) POLICY

### 1. ABOUT THIS POLICY

- 1.1 This policy outlines the arrangements for shared parental leave and pay in relation to the birth of a child. If you are adopting a child please see the Shared Parental Leave (Adoption) Policy instead.
- 1.2 This policy applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.3 This policy does not form part of any employee's 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, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** the fifteenth week before the EWC.

### 3. WHAT IS SHARED PARENTAL LEAVE?

- 3.1 Shared parental leave (**SPL**) is a form of leave that may be available if your child is expected to be born on or after 5 April 2015.
- 3.2 It gives you and your partner more flexibility in how to share the care of your child in the first year after birth than simply taking maternity and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you, and 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.

### 4. ENTITLEMENT TO SPL

- 4.1 You are 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 with 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 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 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 must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

- 4.3 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).
- 4.4 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].
- 4.5 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

Not less than eight weeks before the date you intend your SPL to start, you must give us a written opt-in notice giving:

- (a) your name and the name of the other parent;
- (b) if you are the child's mother, the start and end dates of your maternity leave;
- (c) if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- (d) the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
- (e) how many weeks of the available SPL will be allocated to you and how many to the other parent (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- (f) if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken);
- (g) how many weeks of available ShPP will be allocated to you and how much to the other parent. (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- (h) an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- (i) declarations by you and the other parent that you both meet the statutory conditions to enable you to take SPL and ShPP.

### 6. ENDING YOUR MATERNITY LEAVE

- 6.1 If you are the child's mother and want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your maternity leave (**a curtailment notice**) before you can take SPL. The notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth.
- 6.2 You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that the other parent has given their employer an opt-in notice and that you have given the necessary declarations in that notice.
- 6.3 The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.
- 6.4 The curtailment notice is binding and cannot usually be revoked. You can only revoke a curtailment notice

if maternity leave has not yet ended and one of the following applies:

- (a) if you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given;
- (b) if you gave the curtailment notice before giving birth, you can revoke it in writing up to six weeks after birth; or
- (c) if the other parent has died.

6.5 Once you have revoked a curtailment notice you will (subject to 6.4(b)) be unable to opt back into the SPL scheme.

### **7. ENDING YOUR PARTNER'S MATERNITY LEAVE OR PAY**

If you are not the mother, but the mother is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once she 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 maternity leave); or
- (d) given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

### **8. BOOKING YOUR SPL DATES**

- 8.1 Having opted into the SPL system, you must book your leave by giving us a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.
- 8.2 The period of leave notice can either give the dates you want to take leave or, if the child has not been born yet, it can state the number of days after birth that you want the leave to start and end. This may be particularly useful if you intend to take paternity leave starting on the date of birth and wish to take SPL straight afterwards.
- 8.3 Leave must be taken in blocks of at least one week.
- 8.4 If your period of leave notice gives a single continuous block of SPL you will be entitled to take the leave set out in the notice.
- 8.5 If your period of leave notice requests split periods of SPL, with periods of work in between, we will consider your request as set out in paragraph 9 below.
- 8.6 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).

### **9. PROCEDURE FOR REQUESTING SPLIT PERIODS OF SPL**

- 9.1 In general, a period of leave notice should set out a single continuous block of leave. We may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best to discuss this with your manager and HR in good time before formally submitting your period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.
- 9.2 If you want to request split periods of SPL, you must set out the requested pattern of leave in your period of leave notice. We will either agree to the request or start a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave).

Alternatively, you may:

- (a) choose a new start date (which must be at least eight weeks after the date you submitted the notice requesting split periods of leave), and tell us within five days of the end of the two-week discussion period; or
- (b) withdraw the notice and tell us within two days of the end of the two-week discussion period (in which case it will not be counted as a period of leave notice, and you may submit a new one if you choose).

### **10. CHANGING THE DATES OR CANCELLING YOUR SPL**

- 10.1 You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.
- 10.2 You can change the start date for a period of leave by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.
- 10.3 You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date or the new end date, whichever is earlier.
- 10.4 You can combine discontinuous periods of leave into a single continuous period of leave. Since this will involve a change to the start date or end date of a period of leave, see 10.2 and 10.3 above which set out how much notice is required.
- 10.5 You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see 10.2 and 10.3 above which set out how much notice is required for the request. We do not have to grant your request but will consider it as set out in 9.2 above.
- 10.6 A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:
  - (a) it is a result of your child being born earlier or later than the EWC;
  - (b) you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period under 9.2;
  - (c) it is at our request; or
  - (d) we agree otherwise.

### **11. PREMATURE BIRTH**

Where the child is born early (before the beginning of the EWC), you may be able to start SPL in the eight weeks following birth even though you cannot give eight weeks notice. The following rules apply:

- (a) If you have given a period of leave notice to start SPL on a set date in the eight weeks following the EWC, but your child is born early, you can move the SPL start date forward by the same number of days, provided you notify us in writing of the change as soon as you can. (If your period of leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)
- (b) If your child is born more than eight weeks early and you want to take SPL in the eight weeks following birth, please submit your opt-in notice and your period of leave notice as soon as you can.

### 12. SHARED PARENTAL PAY

- 12.1 You may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP or MA claimed by you or your partner) if 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 by employers at a rate set by the government each year.
- 12.2 You should tell us in your period of leave notice(s) whether you intend to claim ShPP during your leave (and if applicable, for what period). If it is not in your period of leave notice you can tell us in writing, at least eight weeks before you want ShPP to start.

### 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]. 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 [the Human Resources Department OR the Pensions 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 work (including attending training) 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 leave. KIT days are not compulsory and must be discussed and agreed with [your line manager OR the Human Resources Department].
- 14.3 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

- 15.1 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 periods 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 periods of leave notices you will not be able to extend your SPL without our agreement. You may instead be able to request annual leave or parental leave (see our Parental Leave Policy), subject to the needs of the business.
- 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 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 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.

**SAMPLE POLICY** (Text highlighted in blue needs to be amended as appropriate. Text in red should be deleted before issuing)

### SHARED PARENTAL LEAVE ADOPTION POLICY

#### 1. ABOUT THIS POLICY

- 1.1 This policy outlines the arrangements for shared parental leave and pay in relation to the adoption of a child. If you or your partner is pregnant or has given birth please see the Shared Parental Leave (Birth) Policy instead.
- 1.2 This policy applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

#### 2. FREQUENTLY USED TERMS

The definitions in this paragraph apply in this policy.

**Partner:** your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is placed for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** the week the adoption agency notifies you that you have been matched with a child for adoption.

#### 3. WHAT IS SHARED PARENTAL LEAVE?

- 3.1 Shared parental leave (**SPL**) is a form of leave that may be available where a child is placed with you and/or your partner for adoption on or after 5 April 2015.
- 3.2 It gives you and your partner more flexibility in how to share the care in the first year after your child is placed with you for adoption than simply taking adoption and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you, and 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.

#### 4. ENTITLEMENT

- 4.1 You may be entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption, or where a child is placed with you and/or your partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme. You must intend to share the main responsibility for the care of the child with your partner.
- 4.2 The following conditions must 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) your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
  - (c) you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (**SAP**).

- 4.3 Either you or your partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.
- 4.4 If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see our Paternity Leave Policy). You should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.
- 4.5 The total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave).

### **5. OPTING IN TO SHARED PARENTAL LEAVE AND PAY**

Not less than eight weeks before the date you intend your SPL to start, you must give us a written opt-in notice which includes:

- (a) your name and your partner's name;
- (b) if you are taking adoption leave, your adoption leave start and end dates;
- (c) if you are not taking adoption leave, your partner's adoption leave start and end dates, or if your partner is not entitled to adoption leave, the start and end dates of their SAP;
- (d) the total SPL available, which is 52 weeks minus the number of weeks' adoption leave or SAP taken or to be taken by you or your partner;
- (e) how many weeks of the available SPL will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- (f) if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken;
- (g) how many weeks of the available ShPP will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- (h) an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- (i) declarations by you and your partner that you both meet the statutory conditions to enable you to take SPL and ShPP.

### 6. ENDING YOUR ADOPTION LEAVE

- 6.1 If you are taking or intend to take adoption leave and want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your adoption leave (a curtailment notice). The notice must state the date your adoption leave will end. You can give the notice before or after adoption leave starts, but you must take at least two weeks' adoption leave.
- 6.2 You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice.
- 6.3 If your partner is eligible to take SPL from their employer they cannot start it until you have given us your curtailment notice.
- 6.4 The curtailment notice is binding on you and cannot usually be revoked. You can only revoke a curtailment notice if your adoption leave has not yet ended and one of the following applies:
  - (a) if you realise that neither you nor your partner are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given; or
  - (b) if your partner has died.
- 6.6 Once you have revoked a curtailment notice you will be unable to opt back in to the SPL scheme.

### 7. ENDING YOUR PARTNER'S ADOPTION LEAVE OR PAY

If your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your 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).

### 8. BOOKING YOUR SPL DATES

- 8.1 Having opted into the SPL system, you must book your leave by giving us a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.
- 8.2 The period of leave notice can either give the dates you want to take SPL or, if the child has not been placed with you yet, it can state the number of days after the placement that you want the SPL to start and end. This may be particularly useful if you intend to take paternity leave starting on the date of placement and wish to take SPL straight afterwards.
- 8.3 Leave must be taken in blocks of at least one week.
- 8.4 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.
- 8.5 If your period of leave notice requests split periods of SPL, with periods of work in between, we will consider your request as set out in paragraph 9.
- 8.6 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).

### 9. PROCEDURE FOR REQUESTING SPLIT PERIODS OF SPL

- 9.1 In general, a period of leave notice should set out a single continuous block of leave. We may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best to discuss this with your manager and HR in good time before formally submitting your period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.
- 9.2 If you want to request split periods of SPL, you must set out the requested pattern of leave in your period of leave notice. We will either agree to the request or start a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave).

Alternatively, you may:

- (a) choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
- (b) withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

### 10. CHANGING THE DATES OR CANCELLING YOUR SPL

- 10.1 You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.
- 10.2 You can change the start date for a period of leave by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.
- 10.3 You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date or the new end date, whichever is earlier.
- 10.4 You can combine discontinuous periods of leave into a single continuous period of leave. Since this will involve a change to the start date or end date of a period of leave, see 10.2 and 10.3 above which set out how much notice is required.
- 10.5 You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see paragraph 10.2 and 10.3 above which set out how much notice is required for the request. We do not have to grant your request but will consider it as set out in paragraph 9.
- 10.6 A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:
- (a) the variation is a result of the child being placed with you earlier or later than the expected placement date;
  - (b) you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period under paragraph 9.2
  - (c) the variation is at our request; or
  - (d) we agree otherwise.

### 11. SHARED PARENTAL PAY

- 11.1 You may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SAP claimed by you or your partner) 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.
- 11.2 You should tell us in your period of leave notice(s) whether you intend to claim ShPP during your leave (and if applicable, for what period). If it is not in your period of leave notice you can tell us in writing, at least eight weeks before you want ShPP to start.

### 12. OTHER TERMS DURING SHARED PARENTAL LEAVE

- 12.1 Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 12.2 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]. Please discuss your holiday plans with your manager in good time before starting SPL. All holiday dates are subject to approval by your manager.
- 12.3 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 [the Human Resources Department OR the Pensions Administrator] that you wish to make up any shortfall.

### 13. KEEPING IN TOUCH

- 13.1 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.
- 13.2 You may ask or be asked to work (including attending training) 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 adoption leave. KIT days are not compulsory and must be discussed and agreed with [your line manager OR the Human Resources Department].
- 13.3 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. [Alternatively, you may agree with [your line manager OR the Human Resources Department] to receive the equivalent paid time off in lieu.

### 14. RETURNING TO WORK

- 14.1 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.
- 14.2 If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give us a written 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 instead be able to request annual leave or parental leave (see our Parental Leave Policy), subject to the needs of our business.
- 14.3 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 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 parental leave.
- 14.4 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.
- 14.5 If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

### **SAMPLE LETTER** *(Text in blue needs to be amended as appropriate)*

#### **CONFIRMATION OF ENTITLEMENT TO SHARED PARENTAL LEAVE**

Date dd/mm/yy

Dear .....

Thank you for advising us of your entitlement to take Shared Parental Leave.

We confirm that, based on the information you have provided us, you are entitled to take Shared Parental Leave.

We can confirm that you currently have ..... weeks of Shared Parental Leave to take. You have ..... weeks of Statutory Shared Parental Pay.

If you and your partner wish to vary the amount of leave and/or pay that you are each entitled to you must notify us of the change in writing and inform us:

- (a) of any Shared Parental Leave or Pay that you or your partner have already booked;
- (b) the number of weeks you are adding to your entitlement from your partner's entitlement or the number of weeks you are deducting to give to your partner; and
- (c) when you expect to take any additional weeks of leave.

You will also need to give us a declaration signed by you and your partner both consenting to the change.

If you have any questions about any aspect of your shared parental leave and/or pay entitlement, please do not hesitate to speak to **[name of individual/HR department]**.

Yours sincerely

.....



### **SAMPLE LETTER** *(Text in blue needs to be amended as appropriate)*

#### **CONFIRMATION OF SHARED PARENTAL LEAVE BOOKING**

Date dd/mm/yy

Dear .....

Thank you for your notice to take Shared Parental Leave commencing on dd/mm/yy.

We confirm that you are entitled to take Shared Parental Leave as set out in your notification.

I can confirm that you will be away from work on Shared Parental Leave from dd/mm/yy to dd/mm/yy. [If leave is discontinuous then please amend as needed] You are expected to return to work on the first working day after your leave period ends.

During your leave period you will receive Statutory Shared Parental Pay from dd/mm/yy to dd/mm/yy. [If leave is discontinuous, or where no pay is applicable then please amend as needed].

If you wish to vary or reduce the leave that you have booked, you must give at least eight weeks notice before any amended dates occur. A notice to vary your booked leave will count as a new notice thereby reducing your entitlement to make three statutory notifications by a further one.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to **[name of individual/HR department]**.

Yours sincerely

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## APPENDIX 11E

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**SAMPLE LETTER** *(Text in blue needs to be amended as appropriate)*

### SHARED PARENTAL LEAVE REQUEST TO DISCUSS LEAVE BOOKING

Date dd/mm/yy

Dear .....

Thank you for your notice to book a period of Shared Parental Leave that was given on dd/mm/yy. We would like to arrange a convenient time to discuss your notification with you.

I therefore suggest a meeting at [location] on [date] at [time]. You may, if you wish, be accompanied by a workplace colleague or a trade union representative.

Please could you contact [name of individual/HR department] to confirm whether you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date.

Yours sincerely

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## APPENDIX 11F

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### **SAMPLE LETTER** *(Text in blue needs to be amended as appropriate)*

#### **SHARED PARENTAL LEAVE: REFUSAL OF A DISCONTINUOUS LEAVE BOOKING**

Date dd/mm/yy

Dear .....

Thank you for your notice booking Shared Parental Leave that was given on dd/mm/yy.

Having given the proposal thorough consideration, I regret that the organisation is unable to agree to the pattern of discontinuous leave that you requested.

Unless your notice is withdrawn the total amount of leave requested in your notice, amounting to ..... weeks, will automatically become a continuous block. Unless the organisation is informed otherwise this will begin on the date you originally requested your leave period to start dd/mm/yy.

If you would like the period to begin on a different date please confirm this to **[name of individual/HR department]** on or before dd/mm/yy. Please remember that the start date cannot be sooner than eight weeks from the date your original notice was given.

Alternatively you may withdraw your notification on or before dd/mm/yy. This would then not count as one of your notifications.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to **[name of individual/HR department]**.

Yours sincerely

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