

Shared Parental Leave Policy

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.

Shared Parental Leave Policy

1. Introduction

Wheatley Solutions (WS) recognises that in order to meet the needs of our diverse workforce modern, flexible working practices are required to enable secondees to combine their work and family responsibilities.

As a family friendly organisation we have a range of leave and pay arrangements designed to help our secondees balance their work and home life. The following policy is part of a suite of family friendly policies available to WS secondees.

This policy applies to secondees. It does not apply to agency workers or self-employed contractors. This policy does not form part of any seconded's secondment agreement. This policy may be amended at any time in consultation with our recognised Trade Unions.

Frequently used terms:

Expected week of childbirth (EWC): The week, beginning on a Sunday, in which the doctor or midwife expects the 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 mother, father, or the mother's partner if not the father, or, in adoption cases, the person who the adoption agency has placed a child with and/or their partner).

Partner: A spouse, civil partner or someone living with a person in an enduring family relationship, but not their sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Qualifying Week: Either the fifteenth week before the EWC or, for adoption cases, the week the adoption agency notifies the secondee that they have been matched with a child for adoption.

2. What is Shared Parental Leave?

Shared Parental Leave (SPL) allows parents and their partners to choose how to share time off work after their child is born or placed for adoption. 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.

Parents have the option of converting part of their Maternity Leave and Pay or Adoption Leave and Pay into Shared Parental Leave and Pay and sharing the remaining period of leave and pay between them. If both parents are eligible, they will be able to choose how to split the available leave between them and can decide to be off work at the same or different times.

SPL must be taken within 52 weeks following the birth of a child or date of adoption.

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3. How Can Shared Parental Leave Be Taken?

3.1 Leave is Shared at the Same Time

A secondee can choose to take leave at the same time as their partner. For example a secondee could choose to end their maternity leave and transfer to shared parental leave allowing the secondee and their partner a period of shared parental leave together; the partner returns to work and the secondee concludes the period of shared parental leave.

Example 1 – Mother takes 49 weeks maternity/shared parental leave Partner takes 2 weeks of paternity and 3 weeks of shared parental leave

Nicola, a Finance Officer in WS and her partner Brad, who works for another organisation, want to take SPL. Brad's employer pays statutory pay for both paternity leave and SPL. Nicola chooses to take 4 weeks of maternity leave before her child is born. The birth parent then takes 2 weeks of compulsory leave after the baby is born while Brad takes 2 weeks paternity leave. Nicola then ceases to take maternity leave and both Brad and Nicola start 3 weeks of shared parental leave. At the end of this period Nicola and Brad have used 12 weeks of leave between SML and SPL. Brad then returns to work and Nicola continues to take the remaining 40 weeks of SPL.

Nicola		Brad	
Leave	Pay	Leave	Pay
4 weeks maternity leave	4 weeks at 90%	At work	
Child is born			
2 weeks compulsory maternity leave	2 weeks at 90%	2 weeks paternity leave	Statutory paternity pay
Shared Parental Leave Commences			
3 weeks Shared Parental Leave	3 weeks at 50% of full pay + ShPP	3 weeks Shared Parental Leave	3 weeks at 50% of full pay + ShPP
40 weeks Shared Parental Leave	27 weeks at 50% of full pay + SMP	Returns to work	
Returns to work			

3.2 Leave is Shared at Different Times

Alternatively, a secondee can choose to share the leave with their partner at different times to maximise the total amount of time with their child. For example, a mother could decide to end their maternity leave and return to work allowing their partner to use the remaining leave as SPL.

Example 2 – Mother takes 26 weeks maternity/shared parental leave. Partner takes 2 weeks paternity leave and 13 weeks of shared parental leave

Jane a Regeneration Manager and her partner Lucy who works for another organisation want to take shared parental leave. Lucy's employer pays full pay for the first 26 weeks of maternity/shared parental leave, followed by 13 weeks SMP/ShPP. Lucy intends to return to work after 26 weeks. Jane notifies us that they would like to take a period of 13 weeks leave when her partner returns to work.

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Jane		Lucy	
Leave	Pay	Leave	Pay
At work		5 weeks of maternity leave	5 weeks at full pay
Child is born			
2 weeks paternity pay	Full pay	Compulsory maternity leave	2 weeks full pay
Returns to work		19 weeks SML	19 weeks full pay
Shared Parental Leave Commences			
13 weeks	50% of Full Pay	Returns to work	

In this example Jane and Lucy could still choose to take a further 13 weeks of shared parental leave but, as they have exhausted the paid element of SPL, they will not be entitled to any shared parental leave pay.

3.3 Sharing Leave In Blocks

Secondees can choose to take up to 3 separate blocks of SPL. The minimum period in one block must be one week. They can also stop and start their SPL and return to work between periods of leave. For example, a mother and their partner could choose to take 3 separate blocks of leave to allow them to share the time at home with the child.

Example 3 – Partner takes X; Partner Takes Y

John a paralegal within WS and his partner Mark who works for another organisation decide to take shared parental leave. Mark's organisation's adoption leave policy pays full pay for the first 20 weeks and 30 weeks at half pay. They decide that John will take 6 weeks of adoption leave before returning to work. Mark will take 2 weeks paternity leave then return to work. When John returns to work he will then take a block of 14 weeks before returning to work. John will then take a block of 13 weeks SPL before returning to work and Mark will take a further 13 weeks John will then take the final 6 weeks.

John		Mark	
Leave	Pay	Leave	Pay
2 weeks adoption leave	2 weeks at 90%	At work	
Child Born			
2 weeks adoption leave	2 weeks at 90%	2 weeks Paternity Leave	100%
2 weeks adoption leave	2 weeks at 90%	At work	
Shared Parental Leave Commences			
Returns to work		14 weeks SPL	14 weeks at 100%
13 weeks SPL	13 weeks at 50%	Returns to work	
Returns to work		13 weeks SPL	13 weeks at 50%
6 weeks SPL	Unpaid	Returns to work	

4. Am I Entitled to Take Shared Parental Leave?

Each parent qualifies separately for SPL and Shared Parental Pay (ShPP).

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

- they are the child's mother, and share the main responsibility for the care of the child with the child's father or their partner;
- they are the child's father and share the main responsibility for the care of the child with the child's mother or their partner; or
- they are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's other parent does not share the main responsibility with the mother);
- they are the intended parent in a surrogacy arrangement.

Secondees may be entitled to SPL in relation to the adoption of a child if:

- an adoption agency has placed a child with them/their partner for adoption, or where a child is placed with them and/or their partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme; and
- they intend to share the main responsibility for the care of the child with their partner.

To qualify for SPL, the child's mother or adoptive parent must be eligible for either:

- Statutory maternity leave or pay
- Statutory adoption leave or pay
- Maternity Allowance

They must share responsibility for the child with one of the following:

- Their joint adopter;
- The child's other parent; or
- Their partner (if they live with them and the child)

To qualify, the secondee must also:

- Have worked for one of the organisations in WS for at least 26 weeks by the end of the Qualifying Week;
- Still be working for one of the organisations in WS in the week before the leave is to be taken; and
- Provide WS with at least 8 weeks' notice to take a period of shared parental leave. This notice should also include a declaration that their partner meets the employment and income requirements which allow them to receive SPL.

During the 66 weeks before the EWC or the Qualifying Week, the secondee's partner must:

- Have been working for at least 26 weeks (they don't need to be in a row) as a secondee, worker or self-employed person;
- Have had average weekly earnings of at least £390 during 13 of those weeks; and
- Their partner doesn't have to be working at the date of birth or when the secondee starts SPL or ShPP.

If a secondee does not meet the qualification requirements detailed above then they will be refused SPL. We will confirm in writing the reason for the refusal.

5. How Much Shared Parental Leave Can I Take?

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The total amount of SPL available is 52 weeks, minus any weeks of maternity leave or adoption leave taken. If maternity or adoption leave and pay is brought to an end early, then the remaining leave can be taken as SPL.

N.B. a mother or adopter must take a minimum of 2 weeks' maternity/adoption leave following the birth/placing of the child. SPL will start after these two weeks.

The child's father or the mother's partner may wish to consider using their two weeks' paternity leave before taking SPL. Once SPL has started they will lose any untaken paternity leave entitlement. SPL entitlement is additional to paternity leave entitlement.

6. What Shared Parental Pay Am I Entitled To?

6.1 Statutory Shared Parental Pay (ShPP)

All secondees who meet the eligibility criteria outlined above are entitled to receive Statutory Shared Parental Pay (ShPP) as follows:

- 4 weeks at the rate of 90% of the secondee's average weekly earnings (before tax) calculated over the relevant period
- 33 weeks at £148.68 or 90% of the secondee's average earnings (whichever is lower) for the next 33 weeks

6.2 Enhanced Shared Parental Pay (EShPP)

In addition to ShPP Wheatley Solutions also pays Enhanced Shared Paternity Pay (EShPP) as follows:

- 33 weeks at 50% of average weekly earnings (before tax) calculated over the relevant period

Please note that when a secondee has already received maternity pay or adoption pay and chooses to take SPL then no combination of payments will exceed a total of 6 weeks' pay at 90% of average weekly earnings plus 33 weeks at 50% plus SMP/SAP/ShPP.

Where both parents work for organisations within the Wheatley Group, the combined payment made to both secondees as either Maternity Pay, Adoption Pay or Shared Parental Pay will not exceed a total of 6 weeks at 90% of average weekly earnings plus 33 weeks at 50% plus SMP/SAP/ShPP.

This benefit is available to all secondees who intend to return to work at the end of their SPL leave. If a secondee decides they are not going to return to work following their SPL they will not be entitled to receive EMP. Where a secondee indicates that they will return to work following SPL and do not physically return or do not remain in employment with one of the organisations within the Wheatley Group for 3 months after the end of their SPL they will be required to refund Wheatley Group the amount of EShPP.

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7. How Do I Start Shared Parental Leave?

For Shared Parental leave to start, the mother or adopter must do one of the following:

- End their maternity or adoption leave by returning to work
- Agree on the date on which their maternity or adoption leave ends. This date cannot, under normal circumstances, be changed
- End their maternity pay or Maternity Allowance (if they aren't entitled to maternity leave, e.g. they are an agency worker or self-employed)

N.B. The mother must give a minimum of 8 weeks' notice to end her maternity pay or Jobcentre Plus to end their Maternity Allowance. Adopters must give notice to their employer to end adoption pay.

SPL can start for the partner while the mother or adopter is still on maternity or adoption leave if they have agreed a date for their leave (or pay if they're not entitled to leave) to end early.

8. What Information Do I Need to Give WS to Take SPL?

Before making any request for SPL, secondees must give WS notice of their entitlement to take SPL.

This should be done by completing the Entitlement to SPL Form available on Holmes.

We will require the following information:

- The secondee's partner's name
- Maternity/adoption leave start and end dates
- The total amount of SPL and pay available and how much the secondee and their partner intend to take
- The date on which the child is expected to be born or the actual date of birth. In the case of adoption, the date on which the secondee has been notified of having been matched with the child and the date of placement of the child.
- A "non-binding" indication of when the secondee is intending to take leave
- That the secondee is sharing childcare responsibility with their partner

The form must also include a signed declaration from the secondee's partner stating:

- Their name, address and National Insurance number
- That they are the mother/adopter of the child or that they are the father of the child or the partner of the mother/adopter
- That, at time of birth/placement they had the main responsibility for the child, along with the secondee

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- That they satisfy the qualifying requirements
- That they agree to the amount of SPL and pay that the secondee has indicated they wish to take

The secondee will also be required to provide the following:

- A copy of the child's birth certificate
- The name and address of their partner's employer.
- In the case of an adopted child, documentary evidence of the name of the adoption agency, the date on which they were notified of having been matched with the child and the date of which the agency expects the child to be placed.

N.B. We will ask for this information within 14 days of receiving the signed declaration. Secondees will have 14 days from receipt of this request to provide us with this information. If the baby has not been born at the time the notification of entitlement to shared parental leave is received, secondees must provide this within 14 days of the birth of the child.

9. Notification of Intention to take SPL

Secondees must give at least 8 weeks' notice before a block of leave begins. The timing and duration of each block must be agreed in advance by the secondee and their line manager. If this cannot be agreed then the leave will default to a single period of leave to commence on a date specified by the secondee or, alternatively, the secondee can withdraw their request. Where a request is withdrawn within 14 days of being submitted, it will not count as one of the three requests for SPL.

If the child is born more than 8 weeks early, this notice period can be shorter. Secondees have a statutory right to a maximum of 3 separate blocks of leave but must submit a separate notice of entitlement to Shared Parental Leave for each block. A block of leave may only have one start and one end date ("Continuous" leave). SPL can only be taken in complete weeks but can start on any day of the week.

If both parents are taking SPL then they can take their leave at the same time as each other or at different times.

N.B requests for continuous blocks of leave cannot be turned down provided the secondee is eligible and gives the correct amount of notice. Requests to split the block of leave into shorter periods ("Discontinuous" leave) can be turned down.

Secondees may cancel or vary a block of SPL that has already been agreed provided they provide notice to both their line manager and Secondees Relations at least eight weeks before the original leave was due to start and/or end and (where a variation is being requested) eight weeks before the new start and/or end date.

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10. 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:

- The planned maternity/adoption leave end date has not passed
and
- They have not 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 secondee's partner has died
- It is less than 6 weeks after the birth (and the mother gave notice before the birth)

11. Shared Parental Leave In Touch (SPLIT) Days

Secondees can work up to 20 days during SPL without bringing it to an end. These days are known as 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.

Any SPLIT days worked do not extend the period of SPL.

These days are optional and must be agreed by both secondee and their manager.

12. Antenatal appointments

All pregnant secondees are entitled to time off with pay to attend antenatal appointments. Secondees may be required to show their manager an appointment card or other documents showing appointment details.

Fathers, the intended parents in a surrogacy arrangement and partners of pregnant person are entitled to unpaid time off to attend two antenatal appointments.

13. Annual Leave

SPL is granted in addition to a secondee's normal annual leave entitlement. Where a SPL period overlaps two leave years the secondee should discuss with their manager how their annual leave entitlement can be used to ensure that it is not untaken at the end of the leave year/carry over period.

14. Fraudulent claims

Any suspected fraudulent claims will be investigated in line with WS Disciplinary policy. Submission of Fraudulent claims may be regarded as gross misconduct.