# Shared Parental Leave Policy

This policy sets out our stance on staff entitlement to take shared parental leave, an explanation of the available entitlements and the procedures employees should follow to take leave. Shared parental leave may be taken in the case of both births and adoptions. This policy uses the word 'parent' to describe employees in both birth and adoption circumstances.

Any employee wishing to take shared parental leave should inform their Manager at the earliest possible opportunity so that their entitlement can be explained to them. Due to the flexibility of the shared parental leave system, it is essential that employees understand the procedural requirements involved in taking such leave.

The essential features of shared parental leave (SPL) are:

- eligible employees will be able to bring maternity/adoption leave to an early end and share the remaining leave entitlement;
- eligible employees will have a certain amount of flexibility to decide which parent takes leave and when, including being on leave at the same time;
- the maximum amount of leave to be shared is 50 weeks;
- leave may be taken in minimum blocks of one week;
- eligible employees may make up to three requests for leave, including any changes to previously booked leave;
- a request for a continuous period of leave becomes fixed;
- a request for discontinuous leave is subject to the agreement with PACE.

## Eligibility requirements

To take SPL, both the employee and their partner must meet certain eligibility criteria. You must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter;
- have 26 weeks' service at the end of the 15th week before the expected week of childbirth (EWC) or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week');
- have a partner who meets the employment and earnings test (see below);
- share the primary responsibility for the child with the other parent at the time of the birth/adoption;
- have made the required notifications in respect of their entitlement and have provided the necessary declarations and evidence; and
- be working for PACE until the week before any leave is taken.

## Employment and earnings test

Your partner must have, in the 66 weeks before the EWC, worked for at least 26 weeks and

earned on average at least £30 a week in any 13 weeks.

## Amount and timing of shared parental leave

Parents cannot take more than 52 weeks of leave in total made up of maternity or adoption leave and shared parental leave but excluding paternity leave which is a standalone entitlement.

If the mother is entitled to statutory maternity/adoption pay/maternity allowance but not maternity/adoption leave, the maximum number of weeks of shared parental leave to be taken is the remainder of 52 weeks' minus the number of weeks' pay received.

Mothers are not able to share compulsory maternity leave entitlement of two weeks. This is a statutory requirement enabling the employee to recover from the birth and is to be taken exclusively by her. Correspondingly, adopters may share a maximum of 50 weeks' leave.

Shared parental leave can only be taken in minimum blocks of one week; it is not possible to take a day's shared parental leave. The minimum amount that can be taken is one week.

## Entitlement to shared parental pay (ShPP)

Shared Parental Pay (ShPP) can be paid to both parents for a maximum of 39 weeks in total. This includes any weeks in which statutory maternity or adoption pay was received, and the timing of pay will be decided between the parents.

To be eligible to receive ShPP, you must:

- have been continuously employed for at least 26 weeks up to and including the "qualifying week" (the 15th week prior to the expected week of childbirth or placement for adoption);
- have average earnings not less than the lower earnings limit calculated over the eight weeks prior to the qualifying week; and
- comply with the notification requirements.

All ShPP is paid at the lower of the standard rate or 90 per cent of the employee's normal weekly earnings.

## Notification requirements

Notice of entitlement and intention to take leave and pay.
At least eight weeks before any leave is to be taken, the employee must provide the following information on a form which is available from your manager:

- name of employee;
- name of partner;
- the start and end dates of maternity/adoption leave (or pay if employee was not entitled to leave);
- the total amount of shared parental leave available;

- the expected week of childbirth/placement (or the actual date of birth/placement if this has taken place); and
- a non-binding indication of how the employee and their partner think they will split and take shared parental leave.

If you are the mother, you must also provide a signed declaration confirming that you meet the eligibility requirements for taking leave and produce a signed declaration from the other parent confirming:

- their name and address;
- that they meet the eligibility requirements;
- that they consent to the employee taking the amount of leave it has been notified they intend to take;
- that they permit PACE to process their information; and
- that immediate notification will be made if any of the eligibility requirements cease to be met.

## Curtailment Notice

Maternity/adoption leave must be curtailed (ended early) if shared parental leave is to be taken. The mother/main adopter must inform PACE that maternity/adoption leave will be brought to an end by providing a curtailment notice at the same time as the notice of entitlement is provided. The curtailment notice will give eight weeks' notice of leave (or pay in the event that the employee is not entitled to leave) being brought to an early end.

A notice of curtailment can only be revoked in the following specific circumstances:

- where it is discovered in the eight weeks following the notice that neither the mother/adopter nor their partner has any entitlement to shared parental leave or pay;
- in the event of the death of the partner;
- if the notice was given before the birth, and the mother revokes her maternity leave curtailment notice in the six weeks following the birth.

Notice of curtailment must be provided to Jobcentre Plus if the mother is not entitled to maternity pay but instead received maternity allowance.

## Notice to take a specific period of SPL and ShPP

Although an indication of leave dates will have been given in previous notices, a period of leave is not fixed (unless stated to the contrary) until a period of leave notice is submitted. A maximum of three period of leave notices are permitted, which will include any notices to amend a period of leave already booked. A period of leave notice gives eight weeks' notice to us that you intend to take leave on the specified dates. The date that leave will start should be given unless the period of leave notice is given before the birth of a child, in which case the start date may be expressed as, for example, 'two weeks' after the birth, to last for 'four weeks.'

You should also indicate in this notice whether you intend to allocate ShPP to the period of leave.

It is important that all of the relevant information is provided according to the set timelines. If it is not, we cannot guarantee that the leave will be granted.

## Confirmation of SPL and ShPP

If you request one continuous block of leave in a period of leave notice, you are entitled to take this period of leave and we will confirm the dates to you in writing.

However, if you request more than one period of leave i.e. discontinuous blocks of leave in one period of leave notice, we will make a decision on whether this can be accommodated. Your manager will arrange a meeting with you at which the request will be discussed with you. The outcome of the request will be one of the following:

- agreement to the request;
- proposal of alternative leave dates; or
- refusal of the request.

If no agreement can be reached within two weeks of the period of leave notice being submitted, the default provisions will apply which means you are able to withdraw the request any time up to the 15th day after it was made.

If the request is not withdrawn, you can take the leave in one continuous block to start on the first date of leave specified in the notice. Alternatively, the leave can be taken in one block on a new date notified by you within 19 days of the original request.

## Varying a period of leave

Once a period of leave notice has been submitted, you may change the dates on which leave is to be taken by submitting a request to vary a period of leave giving eight weeks' notice. These notice provisions are waived in the event of an early birth and your leave will start the same length of time after the birth as it would have started had the baby not come early. In this case, notice should be given as soon as reasonably practicable. In all other cases, the following applies:

- in this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child;
- to change the start date of leave, you must give eight weeks' notice counted back from the earlier of either the original date or the new date;
- to change the duration of a period of leave, you must give eight weeks' notice of the original start date.

You may also request that a continuous period of leave is separated into a discontinuous period, or that a discontinuous period is consolidated into a continuous period.

Submitting a variation notice will count towards your maximum three notices unless it is made as a result of the child being born earlier or later than the expected week of childbirth.

If you are submitting a variation notice subsequent to a request to do so by us, it will not count as one of the maximum three notices.

## Evidence requirements

In order for us to verify the information you have provided; you may be required to produce:

- a copy of the child's birth certificate
- and the name and address of the other parent's employer.

If the other parent is not employed, a declaration must be signed to this effect.

Within 14 days of our receipt of your notice of entitlement in relation to an adoption, you may be required to produce documents from the adoption agency which show the following:

- the adoption agency's name and address
- the date you were notified of being matched with the child
- the expected date of placement.

Where requested, the information above must be provided within 14 days. If you are unable to provide a birth certificate because it has not yet been issued, you will be required to sign a declaration to that effect which also includes the date and location of the child's birth.

## 'SPLIT' days

During shared parental leave, you may work for up to 20 shared parental leave 'in touch' days (SPLIT days) without statutory payments being affected. We recognise the benefit of SPLIT days and encourage you to use them, however, they are optional: you are not obliged to use them, and we are not obliged to permit them.

You will be paid at normal rate for work on a SPLIT day. Any work done on one day will count as one SPLIT day.

Your entitlement to 20 SPLIT days is not affected by your entitlement to 10 KIT days during maternity or adoption leave.

## Terms and conditions during SPL

You will continue to receive all contractual benefits (with the exception of salary) during shared parental leave. For clarity, your holiday entitlement will continue to accrue during SPL in the same way as if you were not absent. Prior to taking your leave, a discussion will take place between you and your manager regarding arrangements for taking annual leave around your shared parental leave.

## Returning from SPL

Staff who wish to amend the date on which they are to return to work after shared parental leave must give eight weeks' notice of the original end date and the new end date, whichever is earlier.

After SPL, provided the total amount of leave taken by you (including maternity leave) does not exceed 26 weeks, you are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

When you are considering your return to work, for reasons related to childcare, you may request a change to your previous working arrangements. Any such request will be considered in line with the operational requirements of PACE and there is no automatic right to return to work on altered conditions.

## Redundancy and shared parental leave

If a redundancy situation occurs during your Shared Parental Leave, we will let you know about the proposals and involve you in any consultation process. We will invite you to a meeting before any final decision is reached regarding redundancies.

Staff on Shared Parental Leave will be given first refusal on any suitable alternative vacancies that are appropriate to their skills both during their period of leave and, provided that a period of at least six weeks' continuous Shared Parental Leave is taken (with such leave starting on or after 6 April 2024), for a period of 18 months from the date of birth (or the date of placement for adoption in adoption cases).