



<NAME OF ORGANISATION/SCHOOL>

SHARED PARENTAL LEAVE
and PAY POLICY

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2. Introduction

- 2.1 In order to reduce the length of this document and make it easier to understand, for the purposes of this Policy the following words / acronyms will have the meanings given to them in the Definitions section at the end of this Policy.
- 2.2 This Policy only applies where the expected date of childbirth or the date a Child is placed for adoption is on or after 5th April 2015. The Employer's Maternity, Paternity and Parental Leave policies continue to apply as normal, however after 5th April 2015 Additional Paternity Leave & Pay will no longer be available.
- 2.3 SPL and ShPP are available to couples irrespective of gender or marital status in circumstances where one of them is about to give birth (a birth case) or one or both of them are about to adopt (an adoption case).
- 2.4 Only employees can take SPL and only employees and those classed as employed earners for Class 1 National Insurance contributions may receive ShPP. There are many other requirements for eligibility and these are summarised below and dealt with comprehensively in SPL Forms 1 – 4.
- 2.5 An employee who wishes to take SPL or ShPP is responsible for checking that they are eligible and must confirm this is a signed declaration. This declaration is contained in SPL Form 1 and 3.
- 2.6 SPL and ShPP are designed to enable working parents to share leave and take time off to care for their baby / Child in a flexible way.
- 2.7 Those who qualify can 'stop and start' their periods of leave and pay up to three times, and return to work in between these periods.
- 2.8 Leave or pay taken by one parent will reduce the amount of leave and pay that is available for both parents to share.
- 2.9 Employees' rights to SML & SMP and to SAL & SAP where SPL & ShPP are not requested are unaffected (i.e. 52 weeks leave and 39 weeks pay).
- 2.10 The Mother or Adopter can end (or give notice to end) her entitlements to SML/SAL and SMP/SAP and then share the remaining entitlements with her Care Partner.
- 2.11 To engage the right to receive ShPP the Mother / Adopter must reduce the period in which SMP / SAP is paid. ShPP can only be received when the recipient is on SPL.
- 2.12 Four separate categories of employee are entitled to take SPL and ShPP:
 - 2.12.1 A Mother
 - 2.12.2 The Partner of a Mother
 - 2.12.3 An Adopter
 - 2.12.4 The Partner of an Adopter.
- 2.13 In a birth case SPL must be taken by a Mother or her Partner, between the baby's birth and first birthday.
- 2.14 In an adoption case SPL must be taken by an Adopter or their Partner, between the date the Child was placed for adoption and the first anniversary of that date.
- 2.15 For Mothers and their Partners the expected date of childbirth (i.e. the date contained within the EWC) must be on or after 5th April 2015. If the baby is born early this will not affect the Mother or Partner's right to take SPL.
- 2.16 For Adopters and their Partners the Child must have been placed for adoption with the Adopter on or after 5th April 2015.

- 2.17 SML / SAL may be ended by either serving a Leave Curtailment Notice which specifies a future date on which entitlements will end, or by returning to work and ending entitlements to SML / SAL as normal.
- 2.18 For a Partner to take SPL their Care Partner must have ended entitlement to SML / SAL or given a binding notice of the date on which SML / SAL will end (i.e. in a Leave Curtailment Notice to their employer, or employers if there are more than one).
- 2.19 For a Partner to receive ShPP their Care Partner must have ended their entitlement to SMP / SAP and also to any Maternity Allowance, by serving a Curtailment Notice on their employer, or the Secretary of State in cases where Maternity Allowance is paid.

3. How SPL is taken

- 3.1 In birth and adoption cases up to a maximum of 50 weeks can be taken as SPL. Note that a Mother must take at least 2 weeks of Compulsory Maternity Leave following childbirth (4 weeks if she works in a factory) and an Adopter must take at least 2 weeks of adoption leave before it is curtailed.
- 3.2 The Mother / Adopter / Partner and their Care Partner can decide how to share SPL: they may decide to take SPL at the same time, in alternating periods or in partly overlapping periods.
- 3.3 It is also possible for the person who applies for SPL not to share any leave with their partner, but use SPL to take leave in blocks rather than in one continuous period.
- 3.4 Subject to certain conditions SPL may be taken at any time during what would otherwise have been the SML or SAL period.
- 3.5 SPL may be taken in up to three 'blocks' of leave.
- 3.6 SPL must be taken in complete weeks.
- 3.7 If an employee gives notice of their intention to take a continuous period (i.e. a 'block' of at least 1 week of SPL) this may not be refused.
- 3.8 'Blocks' of SPL may be split into shorter periods of at least a week with the Employer's agreement (i.e. Discontinuous Leave). However, please note that a request for Discontinuous Leave may be refused.
- 3.9 A Partner may begin a period of SPL while their Care Partner is still on SML / SAL provided the Care Partner has given *their employer* binding notice of the date they will end SML / SAL.
- 3.10 A Partner may only begin a period of SPL after the baby has been born or the Child placed for adoption with the Adopter.

4. How ShPP is taken

- 4.1 37 weeks of ShPP are payable in total (i.e. between the Mother / Adopter / Partner and Care Partner).
- 4.2 ShPP is paid at the prevailing Standard Rate in force at the relevant time or 90% of the employee's average weekly earnings, whichever is the lower.
- 4.3 Note that ShPP is not paid at 90% of average gross earnings for the first 6 weeks as with SMP and there is no requirement that the Employer pays ShPP at an enhanced rate.

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