

Shared Parental Leave Policy

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DOCUMENT TRACKING SHEET

Shared Parental Leave Policy

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	December 2022 Policy was archived and included within the Staff Handbook – Our People Policies. Decision made to separate all policies and re-instate as individual policies in April 2023				
0.1	Draft	Oct 2023			Review of document to ensure it is up to date and fit for purpose
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REFERENCES

[Employment Act 2002](#)
[ACAS Code of Practice 2003](#)

RELATED POLICIES/PROCEDURES/protocols/forms/leaflets

Maternity Leave Policy	
Parental Leave Policy	
Paternity Leave Policy	

SUMMARY OF CHANGES

Date	Author	Page	Changes (brief summary)

CONTENTS

1	WHAT THIS POLICY COVERS	1
2	PRINCIPLES	1
3	RESPONSIBILITIES.....	1
	POLICY IN PRACTICE.....	1
4	ELIGIBILITY FOR SPL.....	1
5	BOOKING AND TAKING SPL	2
6	DISCUSSIONS REGARDING SPL	3
7	TERMS AND CONDITIONS DURING SPL	5
8	EQUALITY IMPACT ASSESSMENT	6
9	HUMAN RIGHTS.....	6

1 WHAT THIS POLICY COVERS

- 1.1 Shared parental leave enables eligible parents to choose how to share the care of their child during the first year of life or adoption.
- 1.2 All eligible employees have a statutory right to take Shared Parental Leave (SPL). There may also be an entitlement to some Shared Parental Pay (ShPP).
- 1.3 This policy provides an overview of the statutory rights and explains the notification process and what the statutory ShPP entitlements are.

2 PRINCIPLES

- 2.1 While KMPT recognises its statutory responsibilities and supports the principle of SPL, decisions in respect of when the leave is taken will need to take account of service demands.
- 2.2 Leave granted in respect of this policy must be used for caring for the employee's child. Use for any other purpose and fraudulent claims could result in disciplinary and criminal action being taken against the employee.

3 RESPONSIBILITIES

- 3.1 KMPT aims to ensure that applications for SPL are treated appropriately in accordance with this policy and in a way that does not discriminate.
- 3.2 Managers are responsible for actioning requests for SPL in accordance with this policy.
- 3.3 Employees wishing to take SPL should comply with the procedures and timescales outlined in this policy.
- 3.4 The Employee Relations (ER) Department can advise managers and employees about the various KMPT policies and options available for childcare.

POLICY IN PRACTICE

4 ELIGIBILITY FOR SPL

- 4.1 To qualify for SPL employees must share responsibility for the child with one of the following:
 - the husband, wife, civil partner or joint adopter
 - the child's other parent
 - the employee's partner (if they live with them and the child).
- 4.2 In addition, each of the following criteria must be met:
 - The employee or their partner must be eligible for maternity pay or leave, adoption pay or leave or Maternity Allowance.
 - The employee must have worked continuously for the same employer for at least 26 weeks by the end of the 15th week before the due date (or by the date they are matched with their adopted child).

- Employees must stay with KMPT whilst they take SPL. During the 66 weeks before the expected week of childbirth (or the week they are matched with their adopted child) the person with whom they wish to take your SPL with must:
 - Have been working for at least 26 weeks (the weeks do not need to be continuous) and do not necessarily need to be working at the date of birth/adoption or when they start SPL or ShPP
 - 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).

*Please note that this rate may change.

4.3 Notifying KMPT

4.3.1 Employees who are entitled and intend to take SPL must notify their manager of their entitlement and intention to take to SPL at least eight weeks before the intended leave. Use the Shared Parental Leave Notification form, (available via KMPT's Documents page on StaffRoom). This should be sent to their manager with a completed entitlement questionnaire (available at www.gov.uk/pay-leave-for-parents) and then sent onto the ER Department for processing.

4.4 Requesting further evidence of eligibility

4.4.1 Within 14 days of the SPL entitlement notification being given KMPT may request:

- The name and business address of their partner's employer (if the employee's partner is no longer employed or is self-employed their contact details must be given instead).
- In the case of biological parents, a copy of the child's birth certificate (or where one has not been issued, a declaration of the time and place of birth).
- In cases of adoption, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
- To take SPL, the employee must produce this information within 14 days of the employer's request.

5 BOOKING AND TAKING SPL

5.1 Employees can only start SPL or receive ShPP once the child has been born or placed for adoption. The mother (or the person getting adoption leave or pay) must do one of the following:

- End any maternity or adoption leave by returning to work with her employer.
- Give the employer "binding notice" (i.e. a decision that can't normally be changed) of the date when they plan to end any maternity or adoption leave.
- End any maternity pay, Maternity Allowance or adoption pay.

5.2 The mother or adopter must give at least 8 weeks notice to the employer (for maternity or adoption pay) or to Jobcentre Plus (for Maternity Allowance) if they have not returned to work.

5.3 Employees can start SPL or ShPP while their partner is still on maternity or adoption leave and pay as long as they have given binding notice to end it.

- 5.4 A mother cannot return to work before the end of the compulsory two weeks of maternity leave following the birth. If you are adopting, the person claiming adoption pay must take at least two weeks of adoption leave.

Example One

A mother and her partner are both eligible for SPL. The mother goes on maternity leave two weeks before her baby is born. She gives notice to her employer that she will take 16 weeks of maternity leave.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as her partner has given at least eight weeks' notice to their employer).

5.5 Booking blocks of leave

- 5.5.1 Employees can book up to three separate blocks of SPL ("discontinuous leave") instead of taking it all in one go ("continuous leave"), even if they are not sharing the leave with their partner.
- 5.5.2 If their partner is also eligible for SPL they can take up to three blocks of leave each. They can take leave at different times or both at the same time.
- 5.5.3 Employees must inform KMPT about their plans for leave when they apply for SPL. Employees can change these plans later but they must give KMPT at least eight weeks notice before they want to begin a block of leave.

5.6 Splitting blocks of leave

- 5.6.1 If KMPT agrees employees can split blocks into shorter periods of at least a week.

5.7 Cancelling decisions to end maternity or adoption leave

- 5.7.1 The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:
- The planned end date has not passed and
 - They have not already returned to work.

5.8 One of the following must also apply:

- The employee finds out during the eight week notice period that neither of them is eligible for SPL or ShPP, thereby necessitating an earlier return to work.
- The mother or adopter's partner has died
- The mother informs her employer less than six weeks after the birth (and she gave notice that she was going to return before the birth)

6 DISCUSSIONS REGARDING SPL

- 6.1 If employees are considering or taking SPL they should contact their manager to arrange a discussion as early as possible regarding their potential entitlement and to discuss their plans.
- 6.2 Upon receiving a notification of entitlement to take SPL where the leave is to be continuous, the manager should meet with the employee to discuss the detailed arrangements. However, the leave will be agreed, because it is a statutory entitlement and the SPL dates will be confirmed to the employee in writing within 14 days of notification.

- 6.3 Where the request is for discontinuous leave, if this can be agreed without further discussion, a meeting may not be necessary and the SPL dates will be confirmed to the employee in writing within 14 days of notification. However, in some circumstances it may be necessary for a meeting to be held with the ER Department and the manager to discuss how the leave proposal could be mutually agreed.

Example Two

A mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who is also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

The mother also returns to work in December. She gives her employer notice that she will go on leave again in February – this is her second block of SPL. Her employer agrees to a work pattern of 2-weeks-on, 2-weeks-off, during the block.

- 6.4 All requests for discontinuous leave will be carefully considered case by case, weighing up the potential benefits to the employee and KMPT against any adverse impact to service delivery. Agreeing to one request will not set a precedent.
- 6.5 If the original proposal for discontinuous leave or other options cannot be agreed, this will be confirmed in writing within 14 days after which employees can request to take continuous leave.

6.6 Variations to arranged SPL

- 6.6.1 Each variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification and be counted against the three notifications to which employees are entitled. However, a change as a result of a child being born early, or as a result of KMPT requesting it be changed and the employee agreeing, will not count as further notification and therefore will not affect their overall entitlement of three. KMPT will confirm any variation in writing.

6.7 Statutory ShPP

- 6.7.1 Employees will receive ShPP if one of the following applies:

- They are eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP).
- They are eligible for Statutory Paternity Pay (SPP) and their partner is eligible for SMP, Maternity Allowance (MA) or SAP.

- 6.7.2 If the employee is eligible and they or their partner end maternity or adoption leave and pay (or MA) early, they cannot take the rest of the 52 weeks of maternity or adoption leave as SPL.

- 6.7.3 Employees should take the rest of the 39 weeks of maternity or adoption pay (or MA) as Statutory ShPP.

6.8 How much pay you will receive

- 6.8.1 ShPP is paid at the current rate of statutory shared parental leave pay (details can be found at the HMRC website) or 90 per cent of your average weekly earnings, whichever is lower. This is the same as SMP, except that during the first six weeks, SMP is paid at 90 per cent of whatever they earn (with no maximum).

Example Three

A mother decides to start her maternity leave four weeks before the due date and gives notice that she will start SPL 10 weeks after the birth (taking a total of 14 weeks maternity leave). She normally earns £200 a week.

She is paid £180 (90 per cent of her average weekly earnings) as SMP for the first six weeks of maternity leave, then £172.48 a week for the next eight weeks. Once she goes onto SPL, she is still paid £172.48 a week.

7 TERMS AND CONDITIONS DURING SPL

7.1 During the period of SPL, your contract of employment continues without change and you are entitled to receive all your contractual benefits, except for salary.

7.2 Pension contributions will continue to be made during any period when employees are receiving ShPP, but not during any period of unpaid SPL. Their employee contributions will be based on actual pay, while KMPT's contributions will be based on the salary that the employee would have received had they not been taking SPL.

7.3 Annual leave

7.3.1 SPL is granted in addition to the normal annual holiday entitlement.

7.4 Contact during SPL

7.4.1 Before your SPL begins your manager will discuss arrangements for you to keep in touch during your leave. KMPT reserves the right to maintain reasonable contact with you from time to time during your SPL.

7.4.2 This may be to discuss the plans to return to work, ensure that employees on SPL are aware of any possible promotion opportunities, talk about any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

7.5 SPL In Touch days

7.5.1 Employees can agree to work at KMPT (or attend training) for up to 20 days during SPL without bringing the period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as 'SPL In Touch' or 'SPLIT' days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes, and the employee will receive pay for the hours actually worked.

7.5.2 KMPT has no right to require employees to carry out any work and is under no obligation to offer employees any work during their SPL.

7.5.3 Any work undertaken is a matter for agreement between the employee and KMPT.

7.6 Returning to work after SPL

7.6.1 Employees will have been formally advised in writing by the ER Department of the end date of any period of SPL. They are expected to return on the next working day after this date, unless they notify KMPT otherwise.

- 7.6.2 If the employee is unable to attend work because of sickness or injury, normal arrangements for sickness absence will apply.
- 7.6.3 On returning to work after SPL employees are entitled to return to the same role and terms and conditions if their aggregate total statutory maternity/paternity/ adoption leave and SPL amounts to 26 weeks or less.
- 7.6.4 The same role is the one they performed immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 The Equality Act 2010 places a statutory duty on public bodies to have due regard in the exercise of their functions. The duty also requires public bodies to consider how the decisions they make, and the services they deliver, affect people who share equality protected characteristics and those who do not. In KMPT the culture of Equality Impact Assessment will be pursued in order to provide assurance that the Trust has carefully considered any potential negative outcomes that can occur before implementation. The Trust will monitor the implementation of the various functions/policies and refresh them in a timely manner in order to incorporate any positive changes.

9 HUMAN RIGHTS

- 9.1 The Human Rights Act 1998 sets out fundamental provisions with respect to the protection of individual human rights. These include maintaining dignity, ensuring confidentiality and protecting individuals from abuse of various kinds. Employees and volunteers of the Trust must ensure that the trust does not breach the human rights of any individual the trust comes into contact with.