

## **APPENDIX 4**

### **SHARED PARENTAL LEAVE PAY GUIDANCE**

#### **1.0 SHARED PARENTAL LEAVE PROVISIONS**

##### **1.1 Qualifying for Shared Parental Leave**

###### **1.1.1 To qualify for shared parental leave:**

- the mother/main adopter of the child must be/have been entitled to statutory maternity/adoption leave or statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/ adoption entitlements;
- the employee must have been continuously employed by the Trust for 26 weeks up to and including the 15<sup>th</sup> week in which their baby is due to be born ('continuity of employment test');
- in the case of adoption, the employee must have been continuously employed by the Trust for 26 weeks in the week in which the adopter is notified of having been matched with a child ('continuity of employment test');
- the employee must still be employed by the Trust in the week before any shared parental leave is due to start;
- the employee must share the main responsibility for the care of the child that the shared parental leave and pay relates to with the other parent (i.e. their partner or the child's father) at the date of the child's birth or placement for adoption;
- complete a, 'Notice of entitlement and intention to take shared parental leave' form (appendix 4a) confirming that they are eligible.
- To check if they qualify staff can use an online calculator at the following website address: <https://www.gov.uk/pay-leave-for-parents>

###### **1.1.2 The employee's partner or child's father must also meet an, 'employment earnings test' which means that they must have:**

- worked either directly, for an agency or have been a self-employed earner in Great Britain for 26 weeks in the period of 66 weeks leading up to the birth (or week matched for adoption) and to have earned an average of £30 a week in 13 of those 66 weeks.

##### **1.2 Qualifying for Statutory Shared Parental Pay**

###### **1.2.1 In order to qualify for statutory shared parental pay, the employee must:**

- meet the qualifying requirements for Shared Parental Leave and have a partner who meets the, 'continuity of employment test' and the, 'employment earnings test' (detailed previously);

- have earned not less than the lower earnings limit in the relevant period. This is usually the 8 weeks leading up to the qualifying week (the qualifying week is the end of the 15<sup>th</sup> week before the week in which the baby is due to be born, or the week that the adopter is notified of being matched with a child).
- To check if they qualify staff can use an online calculator at the following website address: <https://www.gov.uk/pay-leave-for-parents>

### **1.3 Notification Requirements**

1.3.1 An employee entitled and intending to take Shared Leave must give their line manager written notification of their entitlement and intention to take Shared Leave and (if applicable) receive Shared Pay, at least 8 weeks before the leave is due to start. This should be done by completing the, 'Notice of entitlement and intention to take shared parental leave' in accordance appendix 4a.

1.3.2 The notification requires each of the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of Shared Leave available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of Shared Leave the employee and their partner each intend to take;
- a non-binding indication of when the employee expects to take the leave.

1.3.3 The employee must also complete the declaration which confirms:

- that they meet, or will meet, the eligibility conditions and are entitled to take Shared Leave;
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the Trust.

1.3.4 The employee must also provide the Trust with the signed declaration from their partner which confirms:

- their partners name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/main adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/main adopter;
- that they satisfy the 'employment earnings test' (see section 4.2.2), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of Shared Leave that the employee intends to take;
- that they consent to the Trust processing the information contained in the declaration form;

- (in the case whether the partner is the mother/main adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

## **1.4 Responding to a Shared Parental Leave Notification**

- 1.4.1** Once the line manager receives the, 'Notice of entitlement and intention to take shared parental leave' application form, a response will be provided no later than the 14<sup>th</sup> day after the leave request was made.

## **1.5 Requesting Further Evidence of Eligibility**

- 1.5.1** The Trust may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where 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 as to the time and place of the birth);
- in the case of an adopted child, 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.

- 1.5.2** In order to be entitled to Shared Leave, the employee must produce this information within 14 days of the Trusts request.

## **1.6 Booking Shared Parental Leave**

- 1.6.1** Employees have the right to submit 3 notifications specifying Shared Parental Leave periods that they are intending to take. Each notification may contain either:

- a single period of weeks of leave (continuous leave);
- two or more weeks where the employee intends to return to work between periods of leave (discontinuous leave).

- 1.6.2** Shared Leave can only be taken in complete weeks but may begin on any day of the week. For example if a week of Shared Leave began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of Shared Leave, the next period of Shared Leave can start on any day of the week.

## **1.7 Continuous Leave Notifications**

- 1.7.1** Continuous leave means a number of weeks taken in a single, unbroken period of leave (for example, 6 weeks in a row).

- 1.7.2** An employee has the right to take a continuous block of Shared Leave as long as it does not exceed the total number of weeks of Shared Leave available to them (specified in the notice of entitlement) and the employee has given at least 8 weeks' notice.

- 1.7.3** All notices for continuous leave will be confirmed in writing.

## **1.8 Discontinuous Leave Notifications**

- 1.8.1 A single notification may also contain a request for 2 or more periods of discontinuous leave. This would include a set number of weeks of Shared Leave over a period of time with breaks in-between. For example, an employee would request to take 6 weeks of Shared Leave, working every other week for a period of 3 months.
- 1.8.2 Where there is concern over accommodating the request, the line manager may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the service.
- 1.8.3 The line manager will consider a discontinuous leave notification but has the right to refuse it. If a discontinuous leave pattern is refused then the employee may withdraw their request without detriment on or before the 15<sup>th</sup> day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19<sup>th</sup> day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than 8 weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.
- 1.8.4 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the service. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of Shared Leave. The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14<sup>th</sup> day after the leave notification was made. The request may be granted in full or in part: for example, the line manager may propose a modified version of the request.

## **1.9 Variations to Arranged Shared Parental Leave**

- 1.9.1 An employee is permitted to vary or cancel an agreed and booked period of Shared Leave, provided that they advise their line manager in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request. The employee's line manager will then need to complete and submit a Staff Changes Form through the normal process.
- 1.9.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification and thus reducing the employee's right to book/ vary leave by one.
- 1.9.3 A change as a result of a child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as a further notification.

## **1.10 Fraudulent Claims**

- 1.10.1 The Trust can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with Trusts Staff Discipline Policy.

## **1.11 Discussions Regarding Shared Parental Leave**

- 1.11.1 An employee considering/ taking Shared Parental Leave should contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the line manager to support the individual.
- 1.11.2 The employee's line manager should upon receiving a notification of entitlement to take Shared Parental Leave seek to arrange an informal discussion with the employee to talk about their intentions and how they expect to use their SPL entitlement.
- 1.11.3 The purpose of the discussion is to talk over in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Trust and what the outcome may be if no agreement is reached.

## **2.0 ADDITIONAL CONTRACTUAL ARRANGEMENTS DURING SHARED PARENTAL LEAVE**

### **2.1 Contact During Leave**

- 2.1.1 Prior to commencing leave the employee and manager should discuss and agree arrangements for keeping in touch during the leave period. This should include:
- Any arrangements that may be found helpful to keep in touch with developments at work, for example, sending newsletters, job bulletins, details of departmental or Trust changes and any other information concerning the Trust or department, and nearer the time of the employee's return, any arrangements that may facilitate the return to work. This may also include arranging to attend work for Shared Parental Leave In Touch (SPLIT) Days (see section 2.2).
  - An agreed method of communication e.g. phone, e-mail or letter.
  - Keeping the manager in touch with any developments that may affect the intended date of the employees return to work.
- 2.1.2 Appendix 4b can be used as a template letter to confirm discussions between the employee and the line manager.

## **2.2 Keeping In Touch Days**

- 2.2.1 By agreement with the manager, the employee may take up to 20 Shared Parental Leave In Touch (SPLIT) days under their contract of employment during the leave period. These days may be used to allow the employee to return to work gradually towards the end of the leave period for training events or staff meetings.
- 2.2.2 SPLIT days can be arranged for any time within the employees leave period (other than the 2 weeks compulsory maternity leave which must be taken by the mother immediately following the birth of the baby). SPLIT days will be paid at the basic rate of pay for the hours worked less the appropriate leave payment for those days.
- 2.2.3 The manager will inform the Payroll department that the employee has worked a SPLIT day and the hours that they have worked.
- 2.2.4 One SPLIT day will be deducted regardless of the amount of hours worked in any one day.

## **2.5 Returning to Work**

- 2.5.1 The employee has the right to return to their job at the end of their leave under their original contract and on no less favourable terms. The only exception would be if a reorganisation that affected their job had taken place whilst they were on leave. If this happened they would be consulted about the changes whilst they were happening and they would be entitled to be considered for an appropriate alternative job.
- 2.5.2 If the employee is taking shared parental leave and wishes to return to work earlier than they stated on their application form, they should write to their manager to inform them of the new return to work date at least 8 weeks prior to returning. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Trust does not have to accept the notice to return early unless it is considered to be reasonably practicable to do so.
- 2.5.3 Once a return to work date has been confirmed, the manager should complete a Staff Change Request Form and send it to the Payroll department and the Human Resources Transactional Team to ensure that the employee's normal pay is resumed. If a period of annual leave is being taken prior to actually attending work, the date of return will be classed as the first day of their annual leave.

## **2.6 Parental Leave**

- 2.6.1 The employee may take four weeks unpaid parental leave at the end of their leave period. If they wish to take this leave they should discuss this with their manager in advance of their leave wherever possible. If this is not possible they should give their manager 21 days' notice of their intention to take parental leave at the end of their leave period. During any period of parental leave, they retain all contractual rights except remuneration. Please see the Special Leave guidance notes for further information regarding parental leave.

## **2.7 Returning on Flexible Working Arrangements**

- 2.7.1 If at the end of their leave the employee wishes to return to work on different hours their manager will try to facilitate this wherever possible. If it is not possible to accommodate their request, their manager will provide written reasons for this within 28 days of their request. Any request for flexible working will be managed in line with the Work Life Balance policy and accompanying guidance notes.

## **2.8 Annual Leave and Bank Holidays**

- 2.8.1 Annual leave will continue to accrue during leave whether paid or unpaid, and will include bank holidays. Accrual of bank holidays is calculated in real time and the annual leave calculator should be used when confirming an employee's entitlement. Any annual leave due should be taken before the commencement of leave. However it may be agreed that a period of accrued annual leave can be taken following the end of the maternity/adoption/shared parental leave period. Annual leave should be discussed and agreed with the line manager prior to the commencement of leave. If agreed, a period of accrued annual leave can be taken at the end of the leave period and this should be recorded prior to the commencement of the leave period.

## **2.9 Increments**

- 2.9.1 Absence on leave, whether paid or unpaid, counts towards service for incremental purposes. If the employee is due to progress through a KSF gateway during their leave this would automatically happen if no concerns had been raised with them about their ability to meet their KSF outline prior to their leave. If concerns have been raised they should discuss this with their manager prior to their leave commencing.

## **2.10 NHS Pension Scheme**

- 2.10.1 Leave counts as pensionable service and employees will be liable for contributions on all periods of leave if they are a member of the NHS Pension Scheme. Their contributions will be based on the amount of pay they receive rather than on their level of earnings immediately before their leave commenced.
- 2.10.2 During a period of unpaid leave employees will be liable for contributions based on their rate of pay which applied immediately prior to the period of unpaid leave. Such contributions will be calculated by Payroll and recovered over a similar period of time on return to work.

## **2.11. Career Breaks**

- 2.11.1 Occupational pay is calculated from the 8 weeks leading up to the 15<sup>th</sup> week before the EWC/ date of placement.
- 2.11.2 If a member of staff is on a career break and they plan to take Shared Parental Leave they may wish to consider amending their career break arrangements to avoid any

possibility of their Ordinary and/or Statutory Pay not being paid. Please contact the Payroll Department for further advice.

## **2.12 Professional Registration Renewal**

- 2.12.1 If an employee's professional registration is due to expire during their leave it **MUST** be renewed in time as per the Trust's Professional Registration Policy. Failure to do this may result in disciplinary action being taken and may also have an impact on any Statutory or Occupational Pay being received. It is the employee's responsibility to ensure that their professional registration is always current and up to date.

## **2.13 Other Deductions from Pay**

- 2.13.1 If the employee currently has deductions from their pay (e.g. union membership) these will continue during the leave period. Please contact the Payroll department for further advice.

## **2.14 Incentive Bonus Scheme**

- 2.14.1 If the employee is receiving payments under an incentive scheme, these will continue during the weeks in which they are absent on paid leave. The rate will be the average bonus paid to them for the 12 weeks prior to their leave.



**APPENDIX 4a – Notice of entitlement and intention to take shared parental leave**  
(Includes mothers/ main adopters, 'maternity/ adoption leave curtailment notice')

**APPLICATION FOR SHARED PARENTAL LEAVE/ PAY**

**This form must be completed and sent with notification of the date you wish to commence your shared parental leave to your line manager who will forward to Human Resources.**

**EMPLOYEE'S PERSONAL DETAILS**

<b>NAME:</b>	
<b>ADDRESS:</b>	
<b>CONTACT TEL NO:</b>	
<b>JOB TITLE:</b>	
<b>DEPARTMENT:</b>	
<b>START DATE WITH THE TRUST:</b>	
<b>DATE CONTINUOUS SERVICE IN NHS BEGAN:</b>	

Are you the <b>mother/ main adopter</b> of the child <b>or</b> the <b>partner</b> of the mother/ main adopter?	
Expected date of delivery/placement or date child was born/adopted	
Date on which mother or main adopter commenced (or will commence) maternity/ adoption leave:	

**NOTICE OF CURTAILMENT OF MATERNITY/ ADOPTION LEAVE** (To be completed if currently on maternity/ adoption leave)

Complete this part if you are the MOTHER or MAIN ADOPTER. This date must be at least 2 weeks after the birth of your baby, and at least 28 days before the end of your curtailed maternity/ adoption leave.

I wish my maternity/ adoption leave to end on the following date:	
Signed:	Date:

Complete this part if you are the PARTNER of the mother or main adopter.

I confirm my partner's maternity/ adoption leave ended/will end on the following date:	
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**SHARED PARENTAL LEAVE DETAILS**

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus	

the number of weeks taken according to the above dates)	
Have you or your partner previously taken any weeks of shared parental leave and/ or pay with respect to this child?	
Number of weeks of shared parental leave/ pay <b>you</b> intend to take	
Number of weeks of shared parental leave/ pay the <b>other parent</b> intends to take	
Please detail the start and end dates of the shared parental leave/ pay that <b>you</b> intend to take. This should tally with the number of weeks you have indicated above that you will take	

The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please circle, 'Yes' here:                      Yes/ No

## **DECLARATIONS**

### **TO BE COMPLETED BY THE EMPLOYEE**

Please confirm your eligibility by ticking the appropriate boxes (you need to be able to tick all of the boxes):

- ☐ I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- ☐ I meet the eligibility criteria for shared parental LEAVE

If appropriate:

- ☐ I meet the eligibility criteria for shared parental PAY
- ☐ I am the mother or main adopter and have completed the NOTICE OF CURTAILMENT OF MATERNITY/ADOPTION LEAVE section and understand that this is binding subject to certain conditions outlined in this policy
- ☐ I consent to you retaining and processing the information contained in this form

Signed: ..... Date: .....

### **TO BE COMPLETED BY THE EMPLOYEE'S PARTNER**

<b>NAME:</b>	
<b>ADDRESS:</b>	
<b>NAME AND ADDRESS OF EMPLOYER:</b>	
<b>NATIONAL INSURANCE NUMBER:</b>	

I confirm that I meet the following criteria for eligibility for shared parental leave (you need to be able to tick all of the boxes):

- ☐ I have worked either directly, for an agency or have been a self-employed earner in Great Britain for 26 weeks in the period of 66 weeks leading up to the birth (or matched for adoption)
  - ☐ I have earned about the maternity allowance threshold of £30 a week in 13 of the 66 weeks
- consent to your employee taking shared parental leave and pay as detailed above

Signed: ..... Date: .....

**APPENDIX 4b**

[Department]  
[Hospital site]  
[Address]

[Employee name]  
[Address or department]

Dear [name]

**Contact during shared parental leave**

Prior to the commencement of your leave I thought it would be useful to confirm the discussions that we've had regarding what arrangements can be put into place for keeping in touch with you about developments and news at work during your leave period.

Such arrangements can include the sending of newsletters, job bulletins, details of departmental and/ or Trust changes and any other information concerning the Trust and/ or the department.

*[Delete the following paragraph if the employee has confirmed that they will not be returning to work at the end of their leave period, or if they are not entitled to SPLIT days]*

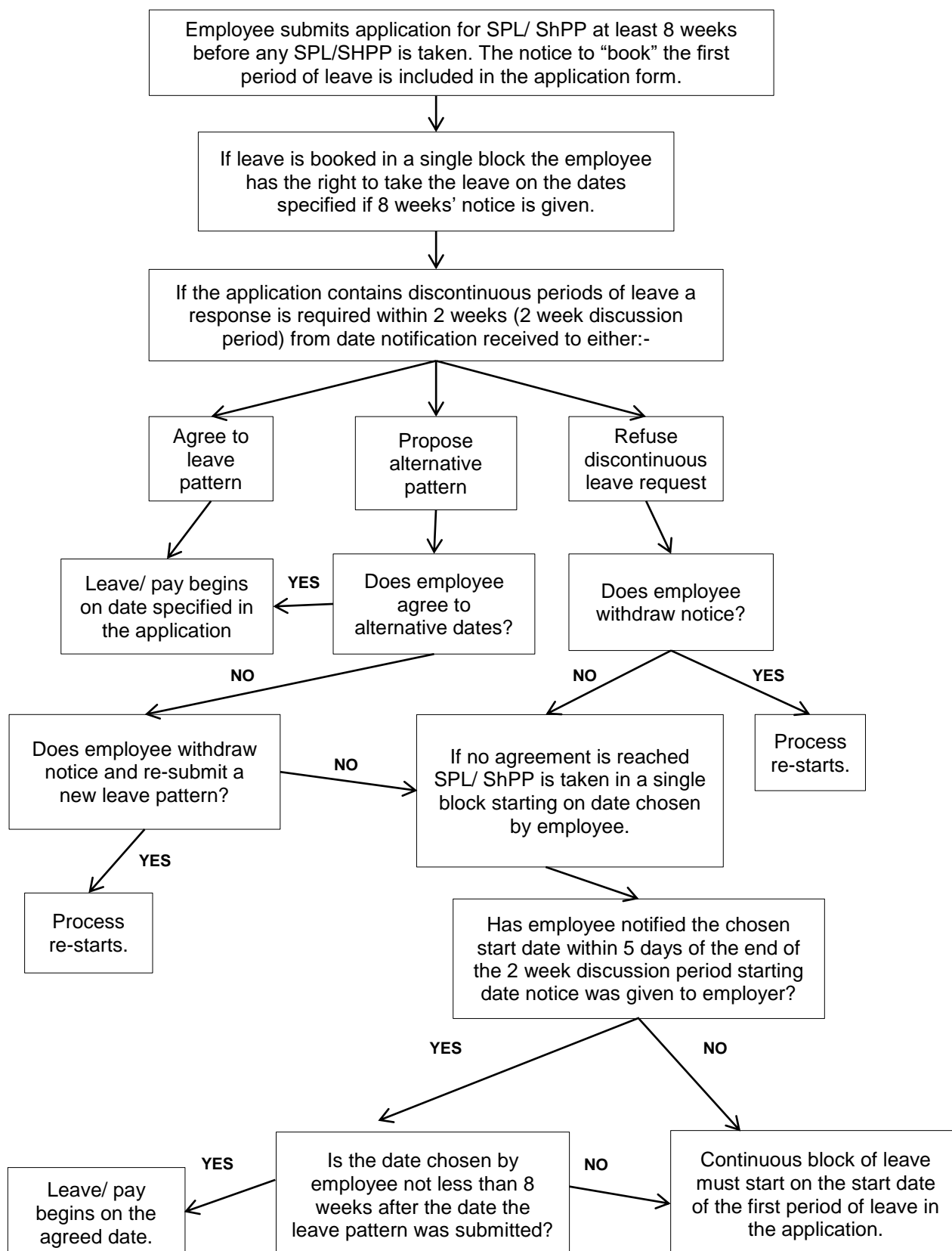
If you are eligible you may work for up to a maximum of 20 SPLIT days. The work can be consecutive or not and can include training or other activities which can enable you to keep in touch. Any such work must be by agreement and neither you nor I can insist upon it. You will be paid at your basic daily rate for the hours you work.

*[Confirm outcome of discussions including agreed communications/ what/ when/ how/ anything else]*

Yours sincerely

[Manager name]  
[Job title]  
[Contact phone number and email address]

## APPENDIX 4c – flowchart for shared parental leave



## APPENDIX 4d – SUMMARY OF ENTITLEMENTS FOR SHARED PARENTAL LEAVE AND PAY

Your length of service	Leave Entitlement	Pay Entitlement
Less than 26 weeks continuous Trust service at the QW	Nil	Nil
26 weeks or more continuous Trust service at the QW	Up to 50 weeks minus any maternity or adoption leave already taken	Up to a maximum of 37 weeks statutory shared parental pay minus any statutory maternity/ adoption or maternity allowance already paid to the mother or main adopter
ShPP is 90% of your average earnings or the standard rate ShPP, whichever is the lower. The current rate of ShPP can be found on <a href="http://www.direct.gov.uk">www.direct.gov.uk</a>		