



SHARED PARENTAL LEAVE POLICY

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Directorate	Corporate
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Policy Author	Senior Human Resources Manager
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‘During the COVID19 crisis, please read the policies in conjunction with any updates provided by National Guidance, which we are actively seeking to incorporate into policies through the Clinical Ethics Advisory Group and where necessary other relevant Oversight Groups’

DOCUMENT HISTORY

(Procedural document version numbering convention will follow the following format. Whole numbers for approved versions, e.g. 1.0, 2.0, 3.0 etc. With decimals being used to represent the current working draft version, e.g. 1.1, 1.2, 1.3, 1.4 etc. For example, when writing a procedural document for the first time – the initial draft will be version 0.1)

Date of Issue	Version No.	Date Approved	Director Responsible for Change	Nature of Change	Ratification / Approval
Dec 14	0.1		Executive Director Nursing and Workforce	New Policy	
27 Jan 15	0.1		Executive Director Nursing and Workforce		Partnership Forum consultation open
24 Feb 15	0.1		Executive Director Nursing and Workforce		Partnership Forum consultation closed
26 Feb 15	0.1		Executive Director Nursing and Workforce		JLNC consultation closed
21 Apr 15	0.1		Executive Director Nursing		Ratified at Policy Management Group
11 May 15	1	11 May 2015	Executive Director Nursing		Approved at Trust Executive Committee
18 Apr 18	1.1		Executive Director of HR and OD	Copied into current policy template – no other changes	
01 May 18	1.1		Executive Director of HR and OD		Partnership Forum including LNC membership
08 May 2018	2.0	8 th May 2018	Executive Director of HR and OD	Approved at	Policy Management Sub-Committee
29 Jan 2021	2.0	8 th May 2018	Director of People and Organisational Development	12 month blanket policy extension due to covid 19 applied with author review date set 6 months prior to Valid to Date	Quality & Performance Committee
22 May 2021	2.0	8 th May 2018	Director of People and Organisational Development	Extended policy uploaded and linked back with new cover sheet	Corporate Governance

NB This policy relates to the Isle of Wight NHS Trust hereafter referred to as the Trust

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1 Executive Summary

Shared parental leave (SPL) will apply to parents whose babies are due on or after 5 April 2015. In the case of adoptions SPL will apply in relation to children placed for adoption on or after 5 April 2015. These provisions are being implemented under the Children and Families Act 2014 and accompanying regulations which came into force from 1 December 2014.

This policy outlines the key principles of the shared parental leave, confirms the eligibility criteria and provides the procedure that must be followed in circumstances where staff wish to take shared parental leave. This policy is supported by a toolkit which provides template letters and forms for use by both the employee and line manager.

2 Introduction

Shared parental leave is a way for parents to share statutory leave and pay on the birth of a child.

3 Definitions

Mother

The woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay). They can be male or female.

Partner

The child's biological father or the partner of the mother/adopter; this can be spouse, civil partner; or partner who is living in an enduring relationship with the mother and child.

Continuity of employment test

The individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each leave period.

Employment and earnings test

In the 66 weeks leading up to the baby's expected due date/matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks.

Continuous leave

Means taking an unbroken period of leave that is taken in one block. For example, this could be a notification for a period of six weeks leave. Eligible employees have a statutory right to take Shared Parental Leave in this way and an employer cannot refuse it.

Discontinuous leave

Means asking for leave over a period of time, with breaks between the leave where the employee returns to work. For example, four weeks Shared Parental Leave,

followed by three weeks back at work, followed by a further four weeks if Shared Parental Leave. Discontinuous leave, in a single notice, can only be taken with the agreement of the employer and is most likely to be accepted where the needs of the employer and employee have been considered.

Shared Parental Leave in Touch Days (SPLIT) Days

SPLIT days are voluntary and may be used for work related activities for example attending training days, team meetings, or to work part of the week to phase the employee to return to their role in a gradual way.

4 Scope

This policy applies to all employees of the Trust including those engaged on Fixed Term contracts of employment subject to the relevant eligibility criteria including the birth of a child on or after 5 April 2015.

5 Purpose

The purpose of this document outlines the eligibility criteria and the procedure that must be followed to provide notification of an intention to take Shared Parental Leave.

6 Roles and Responsibilities

Employee responsibilities

- To provide notification and declaration of entitlement in line with the policy
- To participate in discussions with their line manager in relation to their intention to take shared parental leave
- To provide accurate information

Line Manager Responsibilities

- To communicate this policy to employees on notification of their or their partners pregnancy
- To engage with the employee to have informal discussions to understand an individual's intentions in relation to their entitlement to take shared parental leave.
- To consider all requests for discontinuous block of shared parental leave in a timely and fair manner
- To provide timely notification to payroll confirming the arrangements for shared parental leave and any impact on pay.

Human Resources responsibilities

- To provide advice and guidance to employees and line managers on the policy.

7 Policy detail/Course of Action

7.1 Key principles

- Parents will remain entitled to take maternity, paternity and adoption leave. However, an eligible mother or adopter may choose to reduce their maternity leave/adoption leave early and opt to take Shared Parental Leave.
- Shared Parental Leave can start on any day of the week
- It can only be taken in completed weeks
- It can be taken using three separate notices to book leave
- A minimum of 8 weeks' notice before the employee intends to take a period of Shared Parental Leave is required
- Shared parental leave can be taken by each parent separately or at the same time.
- If Shared Parental Leave is to be taken by the partner while the mother is still on maternity/adoption leave the mother must have confirmed their intention to reduce their entitlement to maternity/adoption leave.
- The amount of leave available is calculated using the mother's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the Shared Parental Leave scheme and take any remaining weeks as Shared Parental Leave.
- Shared Parental Leave can be taken as continuous or discontinuous leave¹.
- The mother can share her leave with only one other person.
- The birth mother must take at least two weeks maternity leave following the birth of the child, but can otherwise choose to end her maternity leave at any stage. An adopter can end their adoption leave once they have taken it for two weeks.

7.2 Eligibility criteria for Shared Parental Leave

To qualify for Shared Parental Leave a mother must;

- have a partner
- be entitled to either maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance
- have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).

A parent intending to take Shared Parental Leave must;

- be an employee
- share the primary responsibility for the child with the other parent at the time of birth or placement of adoption
- have properly notified their employer of their entitlement and have provided the necessary declarations and evidence.

A parent wishing to take Shared Parental Leave is required to satisfy the **continuity of employment test**² and their partner must meet the **employment and earnings test**³.

¹ See definitions in appendix A

7.3 Eligibility for Shared Parental Pay

A mother will be entitled to maternity/adoption pay (statutory and/or occupational maternity pay) subject to the eligibility criteria outlined in the Trust's Maternity Policy. If the mother gives notice to reduce their entitlement before they have received it for 39 weeks then any remaining weeks could become Shared Parental Pay.

To qualify for Shared Parental Pay an employee needs to have met the continuity of employment test and their partner must meet the employment and earnings test⁴. In addition the employee must have also earned above the 'lower earnings limit' in the eight weeks leading up to and including the 15th week before the child's due date/matching date and still be employed at the start of the first period of Shared Parental Pay.

Shared Parental Pay will be paid at the Statutory Shared Parental Pay rate. The maximum number of weeks that Shared Parental Pay will be paid is 39 weeks (less any weeks already received by the mother). The remaining weeks of the shared parental leave will be unpaid.

7.4 Procedure for managing the notification for Shared Parental Leave

As soon as an employee notifies their line manager that either they or their partner are expecting a child or adoption, line managers should have informal discussions with the individual to notify them of the Shared Parental Leave Policy and to understand their future plans in relation to SPL.

Shared Parental Leave can only be taken after the mother has;

- a) already returned to work, or
- b) given notice to their employer that reduces their maternity/adoption leave, confirming when their maternity/adoption leave will come to an end. Notice is binding and cannot be withdrawn.

7.4.1 Step 1 – Notification of intention to take Shared Parental Leave

The notification of intention to take Shared Parental Leave must be submitted at least eight weeks before the employee wishes to take a period of Shared Parental Leave.

The Notification of Leave Form and Declaration Form must be completed in full and submitted in to the line manager. This form is available in the Shared Parental Leave Toolkit.

7.4.2 Step 2 – Acknowledgement of receipt

The line manager must acknowledge receipt of the notification of intention. If the form is incomplete this should be returned to the employee for completion.

Template letter can be found the Shared Parental Leave Toolkit.

² See definitions in appendix A

³ See definitions in appendix A

⁴ See definitions is appendix A

7.4.3 Step 3 – Hold a meeting to discuss the Shared Parental Leave request

Continuous Leave request

A notification for continuous leave cannot be refused, however holding a meeting with the individual to discuss the arrangements for their Shared Parental Leave should take place. The purpose of the meeting is to discuss the practicalities around the absence and enables discussion to take place in relation to how the work will be covered and arrangements for keeping in touch/communication whilst on leave.

Discontinuous Leave request

At the meeting the Shared Parental Leave request should be discussed. The Line Manager will need to consider the impact that the request has on the ability to deliver patient care. Consideration should be given to alternative patterns of leave and what arrangements could be put in place to balance the needs of the service and the individual. Both the line manager and individual should be open minded in seeking to reach a mutually agreeable outcome. However if the proposed pattern of leave cannot be accommodated the line manager is able to decline the request.

There are a number of possible outcomes to the meeting;

a) Unconditionally accept the leave notification

Within 14 days of the date the notification was received the line manager must write to the employee to confirm the period of Shared Parental Leave (Template letter can be found the Shared Parental Leave Toolkit)

b) Confirm and agree a modification to the leave notification

If a different discontinuous leave arrangement is to the original one requested is agreed this must be confirmed in writing to the employee and the employee must confirm their agreement to this revised period of leave. (Template letter can be found the Shared Parental Leave Toolkit).

c) Refuse the leave notification

If following the meeting, the discontinuous leave request and/or a modification to the leave cannot be agreed confirmation must be provided within 14 days of the notification of leave was given.

The outcome letter should;

- Propose the alternative dates for the employee to consider
- Confirm the refusal of the original request
- Provide clear information on the options now available (consider the modified leave if this is possible, move to the default position or withdraw their notification).

Template letter can be found the Shared Parental Leave Toolkit

d) Fail to respond to the notification

It is a requirement for line managers to respond to Shared Parental Leave requests. If in an exceptional case a response is not provided, the following will apply.

Discontinuous leave – if a response is not provided to a request for discontinuous leave it will be regarded as having been refused. The default provisions will apply.

This differs from requests for **continuous leave** as the employee has the right to take the leave as outlined in the notification.

7.4.4 Step 4 – Default provisions for Discontinuous Leave only

In circumstances where a discontinuous leave notification is refused or a modified agreement cannot be reached the default provision may apply;

Within 15 calendar days of the original notification if no agreement is reached the employee may withdraw the request and it will not count as one of their three notices to book leave.

If the employee does not withdraw their request, the discontinuous leave notification will automatically default to a period of continuous leave.

Within 19 calendar days of the original notification the employee can choose when the continuous leave will commence but it cannot start sooner than eight weeks from the date of the original notification was given. If the employee does not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started.

7.5 Cancelling or varying booked Shared Parental Leave Employee request

Any request to vary or cancel a period of booked leave will require eight weeks written notice. This notice should make it clear what change the employee is seeking. A notice to vary booked shared parental leave will count as a further notification (the employee can make a maximum of three notifications).

Line manager request

In circumstances where a line manager proposes a variation to leave, and this is mutually agreeable, this will not count as a further notification of leave. Any mutually agreed changes should be confirmed in writing.

7.6 Maintaining contact with the employee during a period of Shared Parental Leave

The line manager must agree with the individual the frequency, type and method of communication with the individual while they are on their period of shared parental leave. This should be agreed prior to the period of leave commencing. The line manager must ensure that individuals are kept informed of everyday issues for example changes to staffing and job opportunities.

7.7 Shared Parental Leave in Touch Days (SPLIT) Days

During a period of Shared Parental Leave an employee can agree up to 20 SPLIT days. These are voluntary and there is no obligation for the line manager to offer these or for the employee to agree to them.

SPLIT days may be used for work related activities for example attending training days, team meetings, or to work part of the week to phase the employee to return to their role in a gradual way.

SPLIT days will be paid at the normal pay rate. The line manager must complete a change form to ensure that the employee is paid correctly for the hours/days worked.

7.8 Returning to work following a period of Shared Parental Leave

An employee is entitled to return to the same job if their combined leave period (maternity/adoption/paternity and shared parental leave) totaling 26 weeks or less. For those employees whose leave exceeds 26 weeks, they are entitled to return to the same job unless it is not reasonably practicable, in which case they must be offered a suitable and appropriate job on terms and conditions that are no less favourable.

7.9 Annual leave during Shared Parental Leave

Annual leave is accrued during the period of Shared Parental Leave in line with the Maternity/Adoption and Paternity Leave Policies.

7.10 Early birth

If the child is born before their expected due date and the employee had booked to take shared parental leave within the first eight weeks of the due date, they may take the same period of time off after the actual birth without having to provide eight weeks' notice by submitting a notice to vary their leave as soon as it is practicable.

7.11 Death of the child before or during the birth, or within the first year

In the event of the death of a child prior to the parents submitting a notice of entitlement to take shared parental leave then they cannot opt into shared parental leave as a qualifying condition is caring for the child. The mother will remain entitled to maternity leave and the mother's partner could still qualify for paternity leave.

If the parents have opted into shared parental leave, and they have pre-booked leave, they will still be entitled to take this booked leave. No further notice booking of leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block.

7.12 Circumstances when a partner is no longer caring for the child

If an employee ceases to be responsible for caring for the child they must inform their line manager immediately. Their entitlement to shared parental leave and pay will cease with immediate effect.

In circumstances where the employee has shared parental leave arranged within eight weeks of their entitlement ceasing the line manager can still require them to take the leave if it is not reasonably practicable for the employee to return to the workplace for example because of the cover arrangements are in place. If this is not the case the employee will be expected to return to work immediately after their entitlement to leave ceases.

If the remaining parent will be continuing to care for the child, they will be eligible to take their shared parental leave entitlement. If the other parent (the one who ceased to have caring responsibilities) has any outstanding entitlement to shared parental leave, this leave can transfer to the remaining parent's entitlement subject to signed written agreement from the other parent.

Further advice and guidance can be sought from Human Resources on specific change in circumstances which may have an impact on entitlements to shared parental leave.

8 Consultation

This policy confirms how the Trust will ensure that the statutory entitlement to Shared Parental Leave requests will be managed. The policy will be consulted via Staff Partnership Forum and LNC.

9 Training

This Shared Parental Leave does not have a mandatory training requirement or any other training needs. HR advice and guidance can be obtained via the Employee Relations Team.

10 Monitoring Compliance and Effectiveness

This policy confirms the procedure that must be followed to enable staff to benefit from Shared Parental Leave and Pay in line with the statutory regulations.

11 Links to other Organisational Documents

- Maternity Leave Policy
- Flexible Working Policy
- Shared Parental Leave Toolkit

12 References

- Advisory, Conciliation and Arbitration Service (ACAS) – “Shared parental leave: a good practice guide for employers and employees”
- Chartered Institute of Personnel and Development (CIPD): “Shared parental leave factsheet” (December 2014)
- Department for Business and Innovation and Skills; “Shared Parental Leave and Pay – Employers Technical Guide to Shared Parental Leave and Pay” (December 2014)
- <https://www.gov.uk/shared-parental-leave-and-pay>

13 Appendices

Financial and Resourcing Impact Assessment on Policy Implementation

NB this form must be completed where the introduction of this policy will have either a positive or negative impact on resources. Therefore this form should not be completed where the resources are already deployed and the introduction of this policy will have no further resourcing impact.

Document title	Shared Parental Leave Policy
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Totals	WTE	Recurring £	Non-Recurring £
Manpower Costs	0	0	0
Training Staff	0	0	0
Equipment & Provision of resources	0	0	0

Summary of Impact: None identified

Risk Management Issues: None identified

Benefits / Savings to the organisation:

Equality Impact Assessment

- Has this been appropriately carried out? **YES/NO**
- Are there any reported equality issues? **YES/NO**

If "YES" please specify:

Use additional sheets if necessary.

Please include all associated costs where an impact on implementing this policy has been considered. A checklist is included for guidance but is not comprehensive so please ensure you have thought through the impact on staffing, training and equipment carefully and that ALL aspects are covered.

Manpower	WTE	Recurring £	Non-Recurring £
Operational running costs	0	0	0
Totals:	0	0	0

Staff Training Impact	Recurring £	Non-Recurring £
	0	0

Totals:	0	0
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Equipment and Provision of Resources	Recurring £ *	Non-Recurring £ *
Accommodation / facilities needed	0	0
Building alterations (extensions/new)	0	0
IT Hardware / software / licences	0	0
Medical equipment	0	0
Stationery / publicity	0	0
Travel costs	0	0
Utilities e.g. telephones	0	0
Process change	0	0
Rolling replacement of equipment	0	0
Equipment maintenance	0	0
Marketing – booklets/posters/handouts, etc.	0	0
Totals:	0	0

- Capital implications £5,000 with life expectancy of more than one year.

Funding /costs checked & agreed by finance:	
Signature & date of financial accountant:	
Funding / costs have been agreed and are in place:	
Signature of appropriate Executive or Associate Director:	



Equality Impact Assessment (EIA) Screening Tool

Document Title:	Shared Parental Leave Policy
Purpose of document	The policy document will support employees to understand their rights in line with the legislation and to ensure that there is fair and consistent application.
Target Audience	<i>Employees</i>
Person or Committee undertaken the Equality Impact Assessment	<i>Senior HR Manager</i>

1. To be completed and attached to all procedural/policy documents created within individual services.
2. Does the document have, or have the potential to deliver differential outcomes or affect in an adverse way any of the groups listed below?

If no confirm underneath in relevant section the data and/or research which provides evidence e.g. JSNA, Workforce Profile, Quality Improvement Framework, Commissioning Intentions, etc.

If yes please detail underneath in relevant section and provide priority rating and determine if full EIA is required.

		Positive Impact	Negative Impact	Reasons
Gender	Men	✓		All eligible Shared Parental Leave requests must be considered fairly and consistently. The toolkit provides standard templates for line managers to use as a resource to ensure that they consider requests in accordance with the regulations.
	Women	✓		<i>As above</i>
Race	Asian or Asian British People	✓		<i>As above</i>
	Black or Black British People	✓		<i>As above</i>

	Chinese people	✓		All eligible Shared Parental Leave requests must be considered fairly and consistently. The toolkit provides standard templates for line managers to use as a resource to ensure that they consider requests in accordance with the regulations.
	People of Mixed Race	✓		As above
	White people (including Irish people)	✓		As above
	People with Physical Disabilities, Learning Disabilities or Mental Health Issues	✓		As above
Sexual Orientation	Transgender	✓		As above
	Lesbian, Gay men and bisexual	✓		As above
Age	Children	✓		As above
	Older People (60+)	✓		As above
	Younger People (17 to 25 yrs.)	✓		As above
Faith Group		✓		As above
Pregnancy & Maternity		✓		As above
Equal Opportunities and/or improved relations		✓		As above

Notes:

Faith groups cover a wide range of groupings, the most common of which are Buddhist, Christian, Hindus, Jews, Muslims and Sikhs. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

3. Level of Impact

If you have indicated that there is a negative impact, is that impact:			
		YES	NO

Legal (it is not discriminatory under anti-discriminatory law)		
Intended		

If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.

3.1 Could you minimise or remove any negative impact that is of low significance? Explain how below:	
3.2 Could you improve the strategy, function or policy positive impact? Explain how below:	
3.3 If there is no evidence that this strategy, function or policy promotes equality of opportunity or improves relations – could it be adapted so it does? How? If not why not?	
Scheduled for Full Impact Assessment	Date:
Name of persons/group completing the full assessment.	
Date Initial Screening completed	