

Shared Parental Leave Policy

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1. Preamble to the Policy

Equal Opportunities

The College shall comply with all statutory duties in respect of equal opportunities in the areas of sex, race, age, disability, sexual orientation, gender identity, religion, belief, pregnancy, maternity and paternity, marriage and civil partnership and the rehabilitation of offenders. The college shall also comply with the Human Rights Act 1998 and any subsequent enactments or modifications.

Sustainability

The college will comply with all statutory duties in respect of sustainable development by seeking to improve the long-term economic, social and environmental wellbeing of people and communities. This needs to be done in ways which promote social justice, equality of opportunity and which enhance the natural and cultural environment while respecting its limits.

Welsh Language

The College will comply with its Welsh Language Scheme, which is a statutory document, in all of its activities. This includes conducting Welsh Language Impact Assessments for all new and revised policies and initiatives.

2. Introduction

The Shared Parental Leave Regulations 2014 provides a statutory right for all eligible parents to take shared parental leave (ShPL) and statutory shared parental pay (ShPP) in connection with the birth of a child, or placement of an adopted child on or after 5 April 2015.

ShPL enables eligible parents to choose how to share the responsibility of working and caring for a child during the first year of birth or adoption by providing the opportunity to share leave and pay more flexibly. A mother/birth parent or primary adopter will be able to end their maternity/adoption leave early and choose to opt in to ShPL and share the remaining leave with their partner provided they both meet the eligibility requirements.

This policy applies to all employees regardless of gender. Reference to a partner throughout this policy may be a partner of a different sex or the same sex.

3. Eligibility

Shared parental leave

To qualify for ShPL, the employee must share the main responsibility for care of the child and be either:

- The mother/birth parent or biological father/parent of the child
- The mother's/birth parent's husband, or same sex spouse, or civil partner or partner (including same sex) living in an enduring family relationship but who is not an immediate relative of the child
- A joint adopter or parent through surrogacy who is eligible for a parental order

The employee must also:

- Have at least 26 weeks' continuous service with the College at the 15th week before the expected week of childbirth or by the date they are matched with their adopted child
- Still be working for the College when they take ShPL
- Have given the College the correct notice including a declaration that their partner meets the employment and income requirements set out below

The employee's partner must have:

- Worked for at least 26 weeks out of the 66 weeks before the expected week of childbirth whether employed, self-employed or as an agency worker
- Earned at least £30 gross salary per week for any 13 of those weeks (as at 2015, this may change annually)

The employee's partner does not have to work for the College but they must satisfy the above employment and earnings criteria. Where an employee's partner is not entitled to take ShPL themselves (e.g. if they are self-employed) they may still meet the above employment and earnings criteria which allow the employee to qualify for ShPL and/or ShPP.

Statutory shared parental pay

The employee will also qualify for ShPP if one of the following applies:

- They qualify for statutory maternity pay
- They qualify for statutory paternity pay and have a partner who qualified for statutory maternity pay or maternity allowance or statutory adoption pay

ShPP may be payable during some or all of ShPL, depending on the length and timing of the leave.

4. Entitlement

Eligible employees may be entitled to take up to a maximum of 50 weeks ShPL. Where the mother/birth parent or primary adopter curtails their 52 weeks maternity/adoption leave they and/or their partner may opt to take any remaining weeks as ShPL. Eligible employees may also be entitled to receive up to a maximum of 37 weeks ShPP while taking ShPL. The amount of weeks available will depend on the amount by which the mother/birth parent or primary adopter curtails their 39 weeks maternity/adoption pay period or maternity allowance period. Please note that the mother/birth parent must take a minimum of 2 weeks' compulsory maternity leave following the birth of the child. The primary adopter can opt in to take ShPL after taking at least two weeks of adoption leave. This therefore reduces the maximum number of weeks available for ShPL from 52 weeks to 50 weeks and ShPP from 39 weeks to 37 weeks.

ShPP will be paid as per the maternity policy, taking into account where the ShPP commenced.

ShPL can;

- Start on any day of the week
- Only be taken in complete weeks
- Be taken in blocks of a week either simultaneously by both parents, consecutively or with gaps between leave periods
- Be taken by the partner, while the mother/birth parent or primary adopter is still on maternity/adoption leave if they have given notice curtailing their entitlement

The partner may choose to exhaust any paternity leave entitlement as they will not be able to take paternity leave or pay once they have taken any ShPL or ShPP.

ShPL must end no later than one year after the birth/placement of the child. Any ShPL not taken by the first birthday or first anniversary of placement for adoption will be lost.

5. Ending maternity or adoption leave

For ShPL to commence, the employee intending to take ShPL must submit a maternity/adoption leave curtailment notice, giving at least 8 weeks' notice which states that they or the mother/birth parent or primary adopter have either:

- Ended their maternity or adoption leave by returning to work
- Provided 'binding notice' of the date when they will end their maternity or adoption leave (a decision that cannot normally be changed)
- Ended their maternity pay or maternity allowance (if they are not entitled to maternity leave e.g. they are an agency worker or self-employed)

The mother/birth parent or primary adopter may be able to change their decision to end maternity or adoption leave early if:

- The planned end date had not passed; and
- They have not already returned to work

One of the following must also apply:

- It is discovered during the 8 week notice period that neither partner is eligible for either ShPL or ShPP
- The employee's partner has died
- It is less than 6 weeks after the birth (and the mother/birth parent gave notice before the birth)

ShPL and ShPP will immediately cease where the employee is no longer caring for the child.

6. Notice requirements

An employee intending to take ShPL must submit a notice of their entitlement and intention to take ShPL. This may be submitted at the same time as the maternity/adoption curtailment notice or at a later date but it cannot be later than weeks before the date of the first period of ShPL.

The notification must be in writing and include:

- Their full name
- Their partner's full name
- The maternity / adoption leave or pay, or maternity allowance start and end dates
- The expected week of childbirth or date of placement
- The total amount of ShPL and ShPP available and how much they and their partner each intend to take
- An indication as to when they intend to take ShPL

The employee must provide the College with a signed declaration confirming that:

- They are eligible for shared parental leave
- Should they cease to be eligible they will immediately inform the College
- The information contained within the notification is accurate

It must also include a signed declaration from the employee's partner confirming:

- Their name, address and National Insurance number
- They satisfy the qualifying requirements for their partner to take ShPL and ShPP
- They consent to their partner taking ShPL and ShPP
- They consent to the College processing the information contained in the notification
- They will immediately inform their partner should they cease to satisfy the eligibility conditions

After receiving this notice the College may, within 14 days, request:

- A copy of the child's birth certificate or where one has not been issued, a declaration as to the time and place of birth or the adoption / parental order
- The name and business address of their partner's employer

In order to be entitled to ShPL, the employee must produce this information within 14 days of the College's request.

Employees who make a false declaration maybe subject to the College's Disciplinary Procedure.

7. Requesting Leave

In addition to notifying the College of their Entitlement to ShPL/ShPP, an employee must also give notice to take the leave. A notice to book ShPL must be submitted at least 8 weeks before any period of leave can begin. Notices must be in writing and clearly set out what leave the employee intends to take. If the employee requests a continuous block of ShPL e.g. taking an unbroken period of leave, the College must agree to this request.

If the employee requests a discontinuous block of ShPL e.g. taking leave over a period of time, with breaks between the leave where the employee returns to work, the College may:

- Agree to the request
- Decline the request due to organisational need
- Confirm an agreed modification to a leave notification

Once a request for discontinuous leave is made the employee and line manager will have a discussion period of 14 calendar days to consider and talk about the request. If a request for a discontinuous block is not agreed then the total amount of leave in the request will become one continuous block unless the employee withdraws the notice and submits a new request. Up to three separate notification requests for periods of ShPL and three withdrawal notices may be submitted. Any periods of leave that have been declined do not count towards these totals.

8. Vary / Cancel Leave

The employee is permitted to vary or cancel an agreed and booked period of ShPL by providing at least 8 weeks' notice before the date of any variation in writing. Any new start date cannot be sooner than 8 weeks' from the date of the variation request. Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification, reducing the employee's right to book/vary leave by one.

9. Shared parental Leave in touch days (SPLIT)

Both parents who are eligible for ShPL may take up to a maximum of 20 SPLIT days each without bringing the ShPL to an end. SPLIT days can be taken as single days or in blocks of days and must be taken within 12 months of the baby's birth or placement date. They can be used either to undertake work, or for instance, to attend meetings, team events or training. Any work undertaken is a matter for agreement between the line manager and the employee. This is in addition to the 10 Keep in Touch (KIT) days already available to the mother/birth parent or primary adopter during a period of maternity or adoption leave.

The employee will be paid for the hours they work at the rate they would usually receive. This will be offset by any ShPP the employee would have received for that week against the total.

10. Return to work

An employee is entitled to return to the same job after taking a period of ShPL if the period of leave, when added to any period of statutory maternity, paternity or adoption leave taken by the employee in relation to the same child is 26 weeks or less.

Where the number of maternity/paternity/adoption and ShPL exceeds 26 weeks the employee is entitled to return to the same job, or if this is not reasonable practicable, to another job which is suitable and appropriate role on terms and conditions that are no less favourable.

An employee will be consulted in line with College Policy if their post could be affected by any organisational changes while they are on ShPL.

11. Annual leave

The employee will still accrue annual leave while on ShPL.

12. Multiple births / adoptions

The employee is not entitled to additional ShPL or ShPP if expecting more than one child.

13. What support & advice are available

Further advice can be obtained from Human Resources by

Email: HR@cymoedd.ac.uk

Direct Line: 01443 663277