

## Shared Parental Leave (Birth) Policy

Ben's Centre for Vulnerable People (Sheffield)  
Charity Number: 1087606.

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### Introduction

This policy sets out the rights of employees to shared parental leave and pay following the birth of their child. If you are adopting a child, please refer to our Shared Parental Leave (Adoption) Policy.

Shared parental leave should not be confused with ordinary parental leave, which is the separate entitlement to up to 18 weeks' unpaid leave.

The following definitions are used in this policy:

- 'Mother' means the mother or expectant mother of the child.
- 'Partner' means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of whatever sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece, or nephew.
- 'Expected week of childbirth' means the week, starting on a Sunday, during which the mother's doctor or midwife expects them to give birth.
- 'Qualifying week' means the 15th week before the expected week of childbirth.

The policy does not form part of your contract of employment, and we reserve the right to amend it at any time.

### Scope

This policy applies to employees employed by us. It does not apply to workers, contractors, consultants, or any self-employed individuals working for us.

### How does shared parental leave work?

Shared parental leave enables a mother to end their maternity leave early and share the remaining weeks of leave with a partner. It is aimed at giving parents more flexibility over how they share childcare between them during the first year of their child's life. Shared parental leave can be taken at the same time as an eligible mother/partner or separately. Leave must be taken in blocks of at least 1-week.

You can request to take shared parental leave in one continuous block, in which case we must accept your request as long as you are entitled to shared parental leave and meet the notice requirements.

Alternatively, you can request to take shared parental leave in a number of discontinuous blocks of leave, separated by periods of work, in which case you may need our agreement.

### Entitlement to shared parental leave if you are the mother

If you are a mother, you are entitled to shared parental leave if:

- you have at least 26-weeks' continuous employment with us at the end of the qualifying week;
- you remain in continuous employment with us until the week before any period of shared parental leave that you take;
- apart from the partner, you have main responsibility for the care of the child at date of the child's birth;
- you are entitled to statutory maternity leave in respect of the child;
- you have brought your statutory maternity leave to an end by giving a maternity leave; curtailment notice, or returned to work before the end of your statutory maternity leave period;

- you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the partner must:

- have been employed or been a self-employed earner for at least 26 of the 66-weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold in any 13 of those 66-weeks;
- and apart from the mother, have main responsibility for the care of the child at date of the child's birth.

### **Entitlement to shared parental leave if you are the partner**

If you are a partner, you are entitled to shared parental leave if:

- you have at least 26-weeks' continuous employment with us at the end of the qualifying week;
- you remain in continuous employment with us until the week before any period of shared parental leave that you take;
- apart from the mother, you have main responsibility for the care of the child at date of the child's birth;
- and you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the mother must:

- have been employed or been a self-employed earner for at least 26 of the 66-weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold in any 13 of those 66-weeks;
- apart from the partner, have main responsibility for the care of the child at the date of the child's birth;
- be entitled to statutory maternity leave, statutory maternity pay, or maternity allowance in respect of the child; and
- have brought their statutory maternity leave to an end by giving a maternity leave curtailment notice, or returned to work before the end of their statutory maternity leave period.

### **Amount of shared parental leave available**

The amount of shared parental leave that you can split between you is 52-weeks, minus the amount of maternity leave taken by the mother. If you are a mother, you must take compulsory maternity leave immediately after the child is born. This means that you cannot start your shared parental leave until 2-weeks after birth of your child.

If you are a partner, you can begin a period of shared parental leave at any time from the date of the child's birth. However, you are entitled to take up to two weeks' paternity leave following the birth of your child, which you will lose if shared parental leave is taken first.

All shared parental leave must be taken within the first 52-weeks following the birth of the child.

### **Notice requirements**

If you wish to take shared parental leave, you must ensure that you submit the required notices to your line manager within the timescales set out in this policy. The notices are:

- Maternity leave curtailment notice (if you are the mother);
- Notice of entitlement and intention; and,
- Period of leave notice.

The notice periods set out in this policy are the minimum required by law. However, the earlier you inform us of your intentions, the more likely it is that we will be able to accommodate your wishes, particularly if you want to take periods of discontinuous leave.

If you have already decided the pattern of shared parental leave that you would like to take, you can provide more than one type of notice at the same time.

### **Maternity leave curtailment notice**

If you are the mother who is employed by us, you must give your line manager a maternity leave curtailment notice, unless you have already returned to work from maternity leave. This is for you to confirm the date on which you intend to end your maternity leave.

Your notice must be received by us at least 8-weeks before you or your partner intend to start the first period of shared parental leave.

You should complete and submit to your line manager using the form titled:

- Shared Parental Leave, Maternity Leave Curtailment Notice

Additionally, you must at the same time submit to your line manager one or the other of the forms titled:

- Shared Parental Leave, Notice of Entitlement, and Intention (Mother) if you intend to take the first period of shared parental leave, or you and the partner intend to take it together; or,
- Shared Parental Leave, Mother's Declaration of Consent and Entitlement for Partner to take leave if your partner will be taking the first period of shared parental leave alone.

If you are the partner who is employed by us, you cannot take shared parental leave until the mother has given a maternity leave curtailment notice to their own employer or returned to work before the end of their statutory maternity leave period.

### **Revoking your maternity leave curtailment notice**

We urge you to think carefully before submitting your maternity leave curtailment notice. Once a maternity leave curtailment notice is submitted, you can only revoke it if:

- you discover that neither you nor the partner are entitled to shared parental leave or statutory shared parental pay and you withdraw your notice in writing within 8-weeks of the date on which submitted;
- notice was given before the birth of the child, and you withdraw your notice in writing within 6-weeks of the child's birth; or
- the partner has died.

If you wish to revoke your notice, you will need to complete and submit the form titled:

- Shared Parental Leave, Revocation of Maternity Leave Curtailment Notice

### **Notice of entitlement and intention**

Before you can book a period of shared parental leave, you must give your line manager a notice of entitlement and intention. This declares that you are entitled to shared parental leave and confirm that you intend to take it. Your notice must be received by us at least 8-weeks before you intend to start the first period of leave.

If you are the mother who is employed by us, you should submit the form titled:

- Shared Parental Leave, Notice of Entitlement, and Intention (Mother)

If you are the partner who is employed by us, you should submit the form titled:

- Shared Parental Leave, Notice of Entitlement, and Intention (Partner)

These forms contain declarations that will need to be signed by both the mother and the partner.

### **Varying or cancelling the dates in your notice of entitlement and intention**

You can vary or cancel the proposed shared parental leave dates set out in your notice of entitlement and intention by providing us with written notice.

To do this you will need to submit to your line manager the following form:

- Shared Parental Leave, Variation of Period of Leave Notice

### **Limit on number of variations in the notice of entitlement and intention**

There is no limit on the number of variations that you can make as a notice of entitlement and intention is non-binding until you submit a period of leave notice.

### **Period of leave notice**

Once you have provided a notice of entitlement and intention, you must also provide your line manager with a period of leave notice. This is for you to book each period of shared parental leave that you wish to take. Your notice must be received by us at least eight weeks before you start the first period of leave. It may be given at the same time as your notice of entitlement and intention.

You need to submit to your line manager the form titled:

- Shared Parental Leave, Period of Leave Notice

Your period of leave notice may state the start and end dates for each period of leave that you wish to take. Alternatively, if your child has not been born yet, your notice may state that you would like your shared parental leave to start either on the day on which your child is born, or a specified number of days after the child's birth.

Shared parental leave must be booked in blocks of at least 1-week.

You can book one continuous period of leave; in which case we must accept your request as long as you are entitled to shared parental leave and meet the notice requirements.

Alternatively, you can book discontinuous periods of leave, separated by periods of work, in which case we will consider your request but reserve the right to refuse it.

### **Varying or cancelling the dates in your period of leave notice**

You can vary or cancel the shared parental leave dates in your period of leave notice by providing us with notice at least 8-weeks before any period of leave varied or cancelled is due to start.

To do this you need to submit to your line manager the form titled:

- Shared Parental Leave, Variation of Period of Leave Notice

### **Limit on number of period of leave notices**

You can submit three period of leave notices per pregnancy. However, any notice to vary or cancel the dates in your period of leave notice will count towards this total.

### **Booking continuous leave**

If you submit a period of leave notice requesting a continuous period of leave, we must accept your request as long as you are entitled to shared parental leave and meet the notice requirements.

### **Booking discontinuous leave**

If you submit a period of leave notice requesting discontinuous periods of leave, separated by periods of work, we will consider your request but reserve the right to refuse it.

In such cases, your line manager will start a 2-week discussion period with you. Your line manager may agree to your request, refuse your request, or propose alternative dates. If agreement cannot be reached within that 2-week period, you may take the leave as one continuous period of leave on:

- the start date given in your original period of leave notice; or
- a new start date that is at least 8-weeks after the start date given in your original period of leave notice (in which case you must notify your line manager of that new start date within 5-days of the end of the 2-week discussion period).

Alternatively, if you withdraw your period of leave notice on or before the 15th day after the notice was submitted, it will not count towards the limit on the number of period of leave notices that you are entitled to submit, and you may submit a new period of leave notice.

### **Request for further information**

We may, within 14-days of receiving your notice of entitlement and intention, ask you to provide:

- a copy of the child's birth certificate or a signed declaration stating the date and place of birth if the birth certificate is not available; and
- the name and address of the mother or partner's employer, or a declaration that they have no employer.

You must provide this information within 14-days of our request.

### **Statutory shared parental pay**

Statutory shared parental pay is available for an eligible mother and partner to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available will depend on how much statutory maternity pay or maternity allowance the mother has been paid when their maternity leave or pay period ends. A total of 39-weeks' statutory maternity pay, or maternity allowance is available to the mother.

There is compulsory maternity leave period of 2-weeks.

This means that a mother who ends their maternity leave at the earliest opportunity could share up to 37-weeks' statutory shared parental pay with a partner. Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of your average weekly earnings, whichever is lower. It is up to the mother and partner as to who is paid the statutory shared parental pay and how it is allocated between them. If you intend to receive statutory shared parental pay, you should give notice at the same time that you submit your notice of entitlement and intention.

### **Entitlement to shared parental pay if you are the mother**

If you are a mother, you are entitled to shared parental pay if:

- you have at least 26 weeks' continuous employment with us at the end of the qualifying week;
- you remain in continuous employment with us until any period of shared parental pay begins;
- your average weekly earnings for a period of eight weeks ending with the qualifying week are not less than the lower earnings limit for national insurance contributions;
- apart from the partner, you have main responsibility for the care of the child at the date of child's birth;
- you are absent from work and intend to care for the child during each week in which you receive statutory shared parental pay; and
- you are entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced; and
- you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the partner must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold in any 13 of those 66-weeks;
- and apart from the mother, have main responsibility for the care of the child at the date of child's birth.

### **Entitlement to shared parental pay if you are the partner**

If you are a partner, you are entitled to shared parental pay if:

- you have at least 26-weeks' continuous employment with us at the end of the qualifying week;
- you remain in continuous employment with us until any period of shared parental pay begins;
- your average weekly earnings for a period of eight weeks ending with the qualifying week are not less than the lower earnings limit for national insurance contributions;
- apart from the mother you have main responsibility for the care of the child at date of the child's birth;

- you are absent from work and intend to care for the child during each week in which you receive statutory shared parental pay; and
- you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the mother must:

- have been employed or been a self-employed earner for at least 26 of the 66-weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold in any 13 of those 66-weeks;
- apart from the partner, have main responsibility for the care of the child at the date of child's birth; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

### **Your rights during shared parental leave**

During shared parental leave, all the terms and conditions of your contract except normal pay will continue. Your pay will be replaced with statutory shared parental pay if you are eligible. However, other benefits such as holiday entitlement and pension contributions will continue as set out below.

### **Holiday entitlement**

You will continue to accrue your holiday entitlement during your shared parental leave. You should make every effort to take any outstanding holiday entitlement before commencing shared parental leave or immediately after your shared parental leave has ended if your leave is likely to extend into the next holiday year.

Any holiday entitlement that has not been taken because of shared parental leave may be carried over into the next holiday year with the agreement of your line manager.

### **Pension contributions**

We will continue to make pension contributions based on your normal pay during any period of paid shared parental leave. The contributions that you make will be based on the actual pay that you receive during your shared parental leave. Our pension contributions will cease during any period of unpaid shared parental leave.

### **Contact during shared parental leave**

We reserve the right to maintain reasonable contact with you during your shared parental leave.

This may be to discuss your plans for returning to work, to discuss any special arrangements to be made or training to be given to ease your return to work, or to update you on developments at work during your absence.

### **Shared parental leave in touch days (SPLIT)**

You can agree to work or attend training for up to 20-days during shared parental leave without that work bringing your shared parental leave period or statutory shared parental pay to an end.

These are known as "shared-parental-leave-in-touch" (SPLIT) days.

SPLIT days are in addition to the 10 keeping-in-touch (KIT) days available to a mother during maternity leave. Any work carried out on a SPLIT day will count as a whole working day and you will be paid your normal rate of pay.

We have no right to require you to carry out any work and you have no right to undertake any work during your shared parental leave. Any work undertaken on SPLIT days is entirely a matter for agreement between you and your line manager.

### **Returning to work following shared parental leave**

You have the right to resume working in the same job and on the same terms and conditions when returning to work from shared parental leave if the period of leave when added to any other period of shared parental leave, statutory maternity or paternity leave taken by you in relation to the child is 26-weeks or less.

You have the right to return to the same job, wherever possible, if you have taken shared parental leave and the period of leave taken is more than 26-weeks when added to any other period of shared parental leave, statutory maternity or paternity leave taken by you in relation to the child.

However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.

If you decide that you do not wish to return to work, you must give written notice of resignation as soon as possible in accordance with the terms of your contract of employment.

### **Data protection**

When dealing with shared parental leave and pay, we will process any personal data collected in accordance with our Data Protection Policy and Policy on Processing Special Categories of Data. In particular, we will record only the personal information required and keep the information only for as long as necessary.

### **Review**

This policy may be reviewed at any time at the request of any member of staff, but it will be automatically reviewed 2-years after initial approval and thereafter on a triennial basis unless organisational changes, legislations, guidance, or non-compliance prompt an earlier review.

### **Definitions**

Ben's Centre ("we", "us", "our")

The Employee ("you")