



Shared Parental Leave Policy

Author:	Head of OD	Approved by:	GSMT
Version:	Final	Date of Approval:	8th June 2022
Equality Impact Assessed	Yes	Review Date:	July 2024

Contents

1. About this policy	3
2. Scope	3
Section 1 - Terminology, eligibility and shared parental leave and pay entitlement	4
1.1. Terminology	4
1.2 Eligibility for SPL	5
1.3 Shared Parental Leave entitlement.....	6
1.4 Shared Parental Pay entitlement	6
Section 2 - Process Applying for Shared Parental Leave	7
2.1 Notice to end maternity leave.....	7
2.2 Notice to end adoption leave.....	7
2.3 Revoking a binding notice to end maternity leave	7
2.4 Providing notification for SPL	8
2.5 Fostering to adopt	9
2.6 Fraudulent claims.....	10
2.7 Booking your SPL	10
2.8 Continuous leave notifications	11
2.9 Discontinuous leave notifications	11
2.10 Responding to an SPL notification	11
2.11 Variations to SPL arrangements	12
2.12 Examples of SPL arrangements	13
2.13 Shared Parental Leave In Touch (SPLIT) days.....	13
2.14 Returning to work after SPL	13
2.16 Terms and conditions during SPL	15
Appendix A Forms	16

1. About this policy

Shared parental leave is a statutory right that enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for and bond with their child. All eligible employees have a statutory right to take Shared Parental Leave (SPL). There may also be an entitlement to Shared Parental Pay (ShPP) providing both employees are employed by us.

Following a minimum compulsory two weeks maternity/adoption leave immediately after the birth or adoption a mother or primary adopter can chose to bring their maternity/adoption leave to an end. The Mother and partner can then share any the remaining Shared Parental leave and Shared Parental Pay if appropriate entitlement with their partner.

This policy sets out the rights and responsibilities of employees who wish to take SPL and ShPP and the procedure to follow.

Shared parental leave/pay does not provide any additional leave for parents. Shared parental leave can only be created by the mother reducing (curtailing) her maternity leave/pay e.g., maternity leave/pay must be reduced by 3 months to create 3 months shared parental leave/pay. The option of taking shared parental leave and pay will not suit all families and it will depend on their circumstances.

Surrogate parents who meet the criteria to apply for a parental order will also be eligible for shared parental leave and pay subject to meeting the eligibility requirements.

Section 1: explains the terminology we use the eligibility criteria you and your partner have to meet and your entitlement to SPL and ShPP

Section 2: gives you more detail about how to apply and the effects of taking SPL.

SPL and ShPP processes are quite complex, can be difficult to understand and there are lots of different options, so please speak with HR if you have any queries.

2. Scope

This policy applies to all Capital City College Group employees. This policy does not apply to sub-contractors, agency workers, self-employed or consultants.

This policy does not form part of your contract of employment and may be amended at any time. This policy will be reviewed from time to time and amended as appropriate to ensure that it reflects our legal obligations and business needs.

Section 1 - Terminology, eligibility and shared parental leave and pay entitlement

1.1. Terminology

Mother: the woman (a person capable of giving birth) who gives birth to a child

Adopter the adopter means the person who is eligible for adoption leave and/or pay (they can be male or female and /or non-binary).

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

Parents: applies to both mother and partner.

SPL: Shared Parental Leave.

ShPP: Statutory Shared Parental Pay

Continuous leave: a period of leave that is taken in one block e.g., four weeks' leave.

Discontinuous Leave: a period of leave that is arranged around weeks where the employee will return to work e.g., an arrangement where an employee will work every other week for a period of three months.

SPLIT day: Shared Parental Leave in Touch Day.

Unpaid Parental Leave: This is separate to SPL, entitles employees to take up to 18 weeks off work to look after a child's welfare, (some of this time can be paid time off see our Special leave Policy).

Match: when an adopter is approved to adopt a named child or children.

Curtail: where an eligible mother brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early. This is sometimes

referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or Maternity Allowance period.

1.2 Eligibility for SPL & ShPP

SPL can only be used by two people the mother/primary adopter and one of the following:

- the father of the child in case of birth
- the spouse, civil partner of the child's mother/primary adopter.

You or your partner should take any paid/unpaid Paternity Leave before Shared Parental Leave.

To qualify for SPL/ShPP you must both share the main responsibility for the care of the child at the time of birth/placement.

The following rules apply:

- the mother / adopter of the child must be/have been entitled to statutory maternity / adoption leave or if not, they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity / adoption entitlements
- you must still be working for us at the start of each period of SPL
- you must have a minimum of 26 weeks' continuous service at the end of the 15th week before the child's expected due date/matching date
- your partner must meet the 'employment and earnings test', requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 gross per week for any 13 of those 66 weeks
- you must correctly notify us of your entitlement and provide evidence as required

Additionally, to qualify for statutory shared parental, pay, each parent's earnings for the eight-week period prior to the 15th week before the baby is due must be over the lower earnings limit.

1.3 Shared Parental Leave entitlement

The maximum amount of SPL available to a mother/primary adopter and her partner is 50 weeks. This is because the mother/primary adopter is required to take at least 2 weeks compulsory maternity/adoption leave after the birth or adoption. To calculate the actual amount of SPL available, any weeks of maternity/adoption leave taken must be deducted from the full entitlement of 52 weeks. The father/partner can take SPL immediately after the birth/placement of the child but may first choose to use up any paternity leave entitlement (See Special Leave Policy for CCCG employees) as this cannot be taken once they have taken any SPL. SPL must end no later than one year after the birth/placement of the child.

1.4 Shared Parental Pay (ShPP) entitlement

Subject to eligibility (see above) the number of weeks ShPP potentially available is 39 weeks in total.

Statutory - Shared Parental leave pay will be paid at a rate set by the Government for the relevant tax year currently at the rate of £151.97 (2021/22) a week or 90% of your average weekly earnings, whichever is lower. This is the same level as [Statutory Maternity Pay \(SMP\)](#) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum). However, the mother/primary adopter must take a minimum of 2 weeks compulsory maternity/adoption leave, so this leaves up to 37 weeks which can be paid as ShPP. The actual number of weeks available will depend on the amount by which the mother/primary adopter reduces their maternity adoption pay period.

Enhanced – We offer an enhancement to the statutory minimum ShPP, for staff who are directly employed by us (if both you and your partner meet the SPL qualifying criteria). This enhancement mirrors our maternity and adoption pay which means that it will be paid at the same rate as the enhancement applied to our maternity and adoption pay. This is currently 28 weeks full pay, but you should bear in mind that the first two of these weeks must be taken by the mother/primary adopter as a compulsory maternity/adoption leave period. So, there are potentially 26 weeks full pay that can be shared, followed by 11 weeks is paid at the Statutory rate. So, there are a total of 37 weeks paid SPL that you can choose to share. The Group's Enhanced ShPP cannot be 'carried over' to another next block of leave. Outside the first 28 weeks. For example, if you return to work during weeks 7 to 28 before going back on SPL in week 29, you will be paid statutory ShPP for the remainder of their ShPP period.

Section 2 - Process Applying for Shared Parental Leave

2.1 Notice to end maternity leave

A mother on maternity leave can end her maternity leave either by returning to work or by giving at least eight weeks' notice in writing to her manager that she will end her leave on a date following the compulsory two-week period after the birth of her child.

If the notice to end maternity leave is accompanied by the notification to take SPL, her notice to end maternity leave is binding. There will not be an option to go back onto maternity leave.

The maternity leave will end on that date unless you revoke any notice given prior to childbirth within six weeks following the birth.

Eligible parents can then share the remaining balance of leave as SPL up to 50 weeks and up to 37 weeks' pay.

2.2 Notice to end adoption leave

To end adoption, leave, primary adopters on adoption leave must give their manager at least 28 days' notice in writing and take the two weeks statutory adoption leave. This notice must also be at least one week before the last day of the statutory adoption leave period. Adoption leave will end on the date notified.

Eligible parents can then share the remaining balance of leave as SPL up to 50 weeks and up to 37 weeks' pay.

2.3 Revoking a binding notice to end maternity leave

To opt into SPL a birth mother will have given binding notice to end her maternity leave early without taking her full maternity entitlement.

She can revoke a binding notice given prior to childbirth, or up to six weeks following childbirth, providing she has not returned to work. This is because returning to work will automatically end her maternity leave.

Her partner must immediately inform their employer of any change to their entitlement to SPL.

If a birth mother has revoked her notice in the six weeks following childbirth, she can still submit binding notice to end maternity leave at a later date by giving eight weeks' notice.

2.4 Providing notification for SPL

If you are entitled and intending to take SPL you must give your manager at least eight weeks written notice that you intend to opt into SPL before you can take any period of leave. Your manager will notify HR.

You should do this by completing a Shared Parental Leave - Notice of entitlement and intention form (see Appendix A). This includes a non-binding indication of your expected leave pattern to give an early indication to your manager. Early notification will help you and your manager discuss and plan for your patterns of leave sooner.

This notice can be submitted at any time provided that a minimum of eight weeks' notice is given for each period of leave. The mother or primary adopter's maternity or adoption leave and pay period will cease on the day specified on the notice.

You must sign the declaration on the form to confirm:

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

You must provide your manager with a signed declaration from your partner confirming:

- their name, address, and national insurance number (or a declaration that they do not have a national insurance number)

- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter
- that they satisfy the employment and earnings qualifying criteria, and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with you
- that they consent to the amount of SPL that you intend to take
- that they consent to the organisation processing the information contained in the declaration form
- In the case where the partner is the mother/adopter, that they will immediately inform you should they cease to satisfy the eligibility conditions

Requesting further evidence of eligibility

HR may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of your partner's employer (if your 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 you were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, you must produce this information within 14 days of the request. CCCG reserves the right to contact the partners employers in order to confirm the details given.

2.5 Fostering to adopt

In fostering to adopt arrangements 'looked after children' are placed with approved foster parents who agree to adopt the child with little or no notice, if parental rights of the birth parents are terminated.

In these circumstances, you will be unable to provide the usual notice required prior to your absence on adoption leave. However, if you are a prospective parent in this

situation, you are encouraged to have early discussions with your manager to help prepare for absences at short notice.

2.6 Fraudulent claims

Where there is a suspicion that fraudulent information may have been provided or where we have been informed by HMRC that a fraudulent claim was made, we will investigate the matter further in accordance with our Disciplinary Policy.

2.7 Booking your SPL

In addition to notifying your manager of your entitlement to SPL/ShPP, you must also give notice of the dates you wish to take the leave. This can be given at the same time as your notice of opting-in, or later, as long as it gives the required notice of at least eight weeks before the start of your period of leave. You can use the Shared Parental Leave Notice of Entitlement and Intention Form to give your notice.

It is best to discuss your pattern of leave with your manager in advance of submitting any formal notice of leave. This will give us more time to consider your request and hopefully agree the pattern of leave with you from the start. If you are unable to reach agreement you are entitled to take your SPL in a single block commencing on a date specified by yourself.

You have the right to submit three notifications specifying the leave periods you are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where you intend to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL begins on a Tuesday it will finish on a Monday.

If you return to work between periods of SPL, the next period of SPL can start on any day of the week.

You must book SPL by giving the correct notification at least eight weeks before the date on which you wish to start the leave and (if applicable) receive ShPP.

2.8 Continuous leave notifications

A notification can be for a period of continuous leave, which means notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

You have the right to take a continuous block of leave notified in a single notification so long as it does not exceed the total number of weeks of SPL available to you (specified in the notice of entitlement) and we have been given at least eight weeks' notice.

You may submit up to three separate notifications for continuous periods of leave.

2.9 Discontinuous leave notifications

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period, with breaks between the leave where you return to work. For example, where you will take six weeks of SPL and work every other week for a period of three months.

Your manager and HR business partner will consider a discontinuous leave notification, but we have the right to refuse it. If the leave pattern is refused, you can either withdraw it within 15 days of giving it or you can take the leave in a single continuous block.

2.10 Responding to an SPL notification

If you have submitted notice for a continuous single block of leave you will be entitled to take the leave as set out in the notice. This will be confirmed to you in writing.

If your request is for separate blocks of discontinuous leave, it will be carefully considered, weighing up the potential benefits to you and to the organisation against any adverse impact to our business.

Requests 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 SPL.

Your manager and HR business partner will discuss your request and will inform you of their decision in writing no later than the 14th day after your leave notification was made.

Your request may be granted in full or in part, for example, your manager and HR may propose a modified version of the request.

If a discontinuous leave pattern is refused, you may withdraw your request without detriment on or before the 15th day after the notification was given; or you may take the total number of weeks in the notice in a single continuous block. If you choose to take the leave in a single continuous block, you have until the 19th day from the date the original notification was given to choose when you want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If you do not choose a start date, then leave will begin on the first leave date requested in the original notification.

2.11 Variations to SPL arrangements

Employees are permitted to vary or cancel an agreed and booked period of SPL, providing it is agreed with their manager. If agreed, employees must advise the HR team at least eight weeks before the date of any variation using the Variation of Shared Parental Leave form (appendix A form 3). Any new start date cannot be sooner than eight weeks from the date of the variation request. Employees should be aware that where subsequent changes are requested this could affect their entitlement to enhanced ShPP. If agreed these will be paid at the statutory rate only. This is to encourage early discussion and agreement between managers and employees to enable the management of planned absences. Any variation or cancellation notification made by an employee, including notice to return to work early, will usually count as a new notification reducing their right to book/vary leave by one. Notifications are not deducted from an employee's notification entitlement, and eligibility to enhanced SSP will not be affected, in the following circumstances: Their child is born early, or other unforeseeable complications arise following birth or adoption The manager requests a change and the employee agrees. The HR team will confirm any variation in writing.

2.12 Examples of SPL arrangements

- The mother could return to work for a period in the middle of the 52 weeks leave period with the father looking after the child during that time
- The mother could take the first eight months, with the father taking the remaining months.
- The parents could both stay at home together with the child for up to six months (minus any maternity leave taken).
- Subject to the employer's agreement one or both parents could take a discontinuous pattern of leave, for example taking leave for four weeks, then returning to work for four weeks, then taking leave for 4 weeks and so on.

2.13 Shared Parental Leave In Touch (SPLIT) days

You can agree to work (or attend training) for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to claim ShPP for that week. These are known as "SPLIT" days. Any work carried out on a day shall constitute a day's work for these purposes. We have no right to require you to carry out any work and we are under no obligation to offer you any work during your SPL. Any work undertaken is a matter for agreement between us and you. If you take a SPLIT day, you will receive full pay for any day worked. If a SPLIT day occurs during a week when you are receiving statutory ShPP or nil pay, this will be effectively 'topped up' so that you receive full pay for the day in question. Any SPLIT days worked do not extend the overall period of SPL.

You may, with the agreement of your manager, use SPLIT days to work part of a week during SPL. SPLIT days may also be used to assist your gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern for example.

2.14 Returning to work after SPL

You will have been formally advised in writing by HR of the end date of any period of SPL. You are expected to return on the next working day after this date, unless you notify us otherwise. If you are unable to attend work due to sickness or injury, the

normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If you wish to return to work earlier than the expected return date, you may provide a written notice to vary the leave and must give your manager and HR business partner at least eight weeks' notice of your date of early return. This will count as one of your notifications. If you have already used your three notifications to book and/or vary leave, then we do not have to accept the notice to return early but may do if it is reasonably practicable to do so.

On returning to work after SPL, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent if your total maternity / paternity / adoption leave and SPL amounts to 26 weeks or less in aggregate. This is unaffected by unpaid parental leave of up to four weeks being taken as well.

If your maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, you are entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If you take a period of five weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, you will be entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

If you leave our employment during a period of SPL you are no longer eligible for SPL and pay, however you are still entitled to receive statutory ShPP for any booked periods and to receive statutory ShPP after your employment has ended unless you are moving to new employment. In line with our maternity and adoption policies you are not required to pay back the enhanced element of ShPP if you leave.

If you are made redundant whilst on SPL, we will continue to pay statutory SHPP for the full period unless you commence a new job

2.15 Flexible working

If you wish to continue working on your return from SPL but would find it difficult to do this on a full-time basis, we will consider any written request to vary your work pattern, e.g., to part time or job sharing. We will treat your request as sympathetically as possible, however we are not obliged to accommodate all requests. For more information see the Flexible Working Policy

2.16 Terms and conditions during SPL

During the period of SPL, your contract of employment continues in force, and you are entitled to receive all contractual benefits except for your normal salary. You will continue to accrue your contractual annual leave entitlement.

Pension contributions will continue to be made during any period when you are receiving ShPP but not during any period of unpaid SPL (beyond 39 weeks). Your contributions will be based on actual pay, while the organisation's contributions will be based on the salary that you would have received had you not been taking SPL

Appendix A Forms

Form 1a- Shared Parental Leave (after maternity)

https://www.acas.org.uk/sites/default/files/2020-03/Shared-parental-leave-forms-for-maternity_1.docx

Form 1b - Shared Parental Leave (after adoption)

https://www.acas.org.uk/sites/default/files/2020-03/Shared-parental-leave-form-for-adoption_2.docx

Form 1c - Shared Parental Leave (Surrogacy)

<https://www.acas.org.uk/sites/default/files/2020-03/Shared-parental-leave-forms-for-parental-order.docx>

Form 2 - Template for notice to book SPL

<https://www.acas.org.uk/sites/default/files/2020-03/Notices%20to%20book%20SPL.docx>

Form 3 - Template to cancel or vary SPL booking

<https://www.acas.org.uk/sites/default/files/2020-03/Notice%20to%20cancel%20or%20vary%20leave.docx>