

# Shared Parental Leave Policy

## What is its purpose?

This policy ensures that all ted Learning Group employees are clear about entitlements to Shared Parental Leave (SPL), the process that should be followed for arranging leave and the terms that apply during and after SPL.

## Why is it important to us?

ted Learning Group are committed to ensuring all employees are treated fairly. This policy ensures the correct processes are in place.

## Why is it important to our clients and learners?

This policy provides assurance to our clients and learners that we treat our employees fairly and consistently.

## Who within the organisation does it apply to?

All ted Learning Group employees

## When will it be effective from?

January 2020

## What are our responsibilities and accountabilities?

The statutory right to Shared Parental Leave and pay are contained in various employment-related legislation and ted Learning Group will fully comply with these rules. Some main provisions of the statutory entitlements are summarised below. In the case of any discrepancy between the provisions below and the statutory provisions, the statutory provisions will apply. [This policy is not intended to give you any rights different from those laid down in relevant legislation.]

In order to access the provisions outlined in this policy, employees must meet the formal requirements set out below and follow the required notification procedures.

### What is SPL and who qualifies for it?

SPL offers parents the flexibility to choose how to share the care of their child during the twelve months following the child's birth (or in the case of adoption, from the date when the child is placed with the family), giving qualifying employees up to 50 weeks SPL during those twelve months.

Employees will have the benefit of, and continue to be bound by, all normal terms and conditions of employment, except pay, throughout the SPL period. Employees will continue to accrue annual leave entitlement and can take this before or after the SPL period by following the usual holiday request procedure.

Employees can use SPL to take leave in blocks separated by periods of work, or take it all in one go, they can also choose to be off work together or to stagger the leave and pay.

A mother can start SPL after the first two weeks following childbirth. The father/partner can take SPL immediately after the child's birth, but may wish to exhaust paternity leave and pay entitlements first, as these rights are lost if any SPL or Shared Parental Pay (ShPP) is taken first.

The number of SPL weeks is calculated by looking at how many weeks the mother has reduced her maximum 52-week maternity leave entitlement by. For the same number of

weeks of the reduction, the mother and/or their partner may opt-in and take those weeks as SPL. A mother can reduce their entitlement to maternity leave by returning to work before the 52 weeks has been taken, or by giving notice that their leave will end on a set future date.

If a mother gives notice of maternity leave ending on a set date before the maximum entitlement, the mother's partner can take leave while the mother is still on maternity leave and/or receiving maternity pay.

Only the mother and either the father of the child or the partner of the child's mother can qualify for SPL. Both parents must share the main responsibility of childcare at the time of birth and:

- the mother must be entitled to statutory maternity leave or statutory maternity pay or maternity allowance and have ended or given notice to reduce maternity entitlements.
- Individuals must still be working for ted Learning Group at the start of each period of SPL
- Individuals must pass the 'continuity test' which means they have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date
- Individual's partners must meet the 'employment and earnings test' which means in the 66 weeks immediately before the child's expected due date they have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks; and
- Individuals must correctly notify us of your entitlement and provide evidence as required.

#### Notification process

Employees must notify us of their entitlement to SPL and Shared Parental Pay (ShPP) and book any SPL by giving us notice. Employees can do both of these things at the same time but they must do both at least eight weeks before SPL is taken.

Employees are encouraged to informally discuss their entitlement and intention to take SPL with their Line Manager as early as possible, in order that we can best support the request. If employees formally notify us that they are entitled to SPL, we may meet with them informally to discuss this, if we have not already.

Whether or not an informal discussion has taken place, to notify us of entitlement to SPL, employees must write to their line manager at least eight weeks before the SPL start date stating:

- name
- the name of the other parent
- the start and end dates of any maternity leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available
- the date on which the child is expected to be born and the actual date of birth
- the amount of SPL they and their partner each intend to take (SPL can only be taken in complete week blocks, but can start on any day of the week)
- a non-binding indication of when they expect to take the leave.

Employees must also provide us with a signed declaration stating:

- that they meet or will meet the conditions to take SPL
- that all of the information they have given is correct, full and accurate
- that if they are not the mother of the child, that they are the father of the child or partner of the mother of the child

- that if for any reason they become ineligible for SPL, they will immediately inform us.

Employees must provide a signed declaration from their partner stating:

- their name, address and national insurance number (or confirmation they do not have a national insurance number)
- that they are the mother, father or partner of the mother of the child
- that they satisfy the employment and earnings test and at the date of the child's birth shared parental responsibility with our employee
- that they consent to the amount of SPL our employee is requesting to take
- that they consent to us processing the information in the declaration form
- if they are the mother, that they will inform us immediately if they are no longer eligible.

You can use forms created by acas to provide all of the above documentation, these can be found here <https://www.gov.uk/shared-parental-leave-and-pay/applying-for-leave-and-pay>

Within 14 days of your SPL request we may require further evidence of your eligibility, which you will need to provide to us within 14 days of our request, this might be:

- a. your partner's name and their employer's business address, or your partner's details if they are no longer employed; and/or
- b. a copy of the child's birth certificate.

If we have reasonable suspicion that fraudulent information has been provided, or have been informed by HMRC that a fraudulent claim has been made, we will investigate this and start our disciplinary procedure as we deem necessary.

Employees are entitled to a maximum of three requests to book or vary SPL and may book a continuous block of SPL, which provided the requirements in this policy are met and the evidence requested is provided, will be confirmed by us to the employee within 14 days.

#### Discontinuous SPL

Employees can book two or three blocks of discontinuous leave and work in between, provided they have agreement from us to do this on the dates they request. If they have notified us they wish to take discontinuous leave, which does not require further discussion, agreement to the SPL will be confirmed in writing within 14 days. If further discussion is required, we will usually contact them in writing within 14 days to arrange a meeting (giving at least two days' notice) where they can be accompanied by a colleague or trade union representative.

The purpose of such a meeting is to discuss what will happen in their absence and how we can meet their discontinuous SPL request and if we cannot, whether we can agree a different pattern of leave.

All discontinuous leave notifications will be considered carefully on their individual merits and benefits to the employee as well as negative impacts on the business will be looked at in detail before a decision is made to grant or refuse the leave. No decision made about one employee's discontinuous SPL shall impact another employee's request, leave requests will be considered individually at the time they are made.

If a discontinuous leave request is refused by us, employees have the right to withdraw notification within 15 days of giving it, or taking SPL in a continuous block. They have until the 19th day after giving the original notification to choose when SPL starts, but this must be at least eight weeks after the original notification date. If they do not state a start date, SPL will start on the first date given in the original notification.

Employees can vary or cancel agreed and booked SPL, provided that they advise us in writing at least eight weeks before the date the leave was supposed to start and give eight weeks notice of the new start date for the SPL.



A variation to SPL because of a child being born early or agreed by an employee on our request, will not reduce the number of new notifications they have the right to make.

### Shared Parental Pay (ShPP)

If eligible, employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother reduces their maternity pay period or maternity allowance period. ShPP may be payable during some or all of SPL depending on the length and timing of SPL.

If eligible, employee will receive statutory ShPP, at the rate set by the government for the relevant tax year.

To receive ShPP, employees must qualify for SPL and satisfy the following criteria:

- the mother must be/have been entitled to statutory maternity pay or maternity allowance and must have reduced their maternity pay period or maternity allowance period;
- employees must intend to care for the child during the week in which ShPP is payable
- employees must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date of not less than the lower earnings limit in force for national insurance contributions
- employees must remain in continuous employment until the first week of ShPP has begun
- employees must give proper notification as stated in this policy.

Employees must give their Line Manager at least eight weeks written notice of their entitlement to ShPP and where possible this notice should be given as part of their notice of entitlement to take SPL.

Notice of entitlement to ShPP must also include:

- the start and end dates of any maternity pay or maternity allowance
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding idea of when they expect to claim ShPP
- a signed declaration that the information given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform us should they become ineligible.

Employee's partners must also sign a declaration to go with the notice of entitlement to ShPP and this must include:

- their agreement to our employee claiming ShPP and for us to process any ShPP payments to them
- (in the case where the partner is the mother) that they have reduced their maternity pay or maternity allowance
- (in the case where the partner is the mother) that they will immediately inform our employee should they become ineligible.

The forms available on the link above can also be used for ShPP notification purposes.

### Contact during SPL

Before SPL begins, we will discuss means of keeping in touch during the leave. We have the right to make reasonable contact with employees during SPL to discuss matters, which might include: updates on business developments, possible promotion opportunities, or special arrangements to be made or training to be given upon return to work and how



employees will return to work.

Employees can agree to work for us for up to 20 days during SPL without bringing their SPL to an end or affecting their right to claim ShPP. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day counts as a day's work under this policy. SPLIT days are in addition to any KIT days for employees on Maternity leave.

Employees are not obliged to carry out any work, and we are not obliged to offer any work, during your SPL. Any work undertaken must be agreed between us. If employees work a SPLIT day they will receive full pay for any day worked, so if they are receiving ShPP at the time, this will be 'topped up' by the usual pay. Employees do not gain extra SPL by working a SPLIT day.

#### Returning to work after SPL

Employees will be informed in writing of the end date of their SPL and should return on the working day after that date to avoid late return being treated as an unauthorised absence. If employees cannot return on the agreed date, they should notify us of this in advance. If employees cannot work due to sickness or injury, the absence notification procedure detailed in the team member manual should be followed.

If employees wish to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give us at least eight weeks notice of their new return date. This will count as one of their notifications. If they have already used their three notifications to book and/or vary leave then we do not have to accept the notice to return early.

On returning to work after SPL, employees are entitled to return to the same job if their total statutory maternity/paternity leave and SPL amounts to 26 weeks or less: they will return to the same job on the same terms and conditions, as if they had not been absent. If their maternity/paternity leave and SPL amounts to 26 weeks or more in total, employees have the right to return to the same job, or, if this is not reasonably practicable, to a suitable and appropriate job on terms and conditions no less favourable.

If employees also take a period of unpaid parental leave of four weeks or less this will have no effect on their right to return to the same job if the total weeks of maternity/paternity and SPL do not exceed 26 weeks.

If employees take five weeks of unpaid parental leave, even if the total number of weeks taken on maternity/paternity and SPL do not exceed 26 weeks, they will be entitled to return to the same job, or, if this is not reasonably practicable, to another suitable and appropriate job on terms and conditions no less favourable.

If an employee's situation changes before or during SPL, or they have any questions about anything relating to this policy they should contact their line manager.

#### **Any terms, acronyms or abbreviations used within the policy that require explanation:**

SPL – Shared Parental Leave

ShPP – Shared Parental Pay

#### **Sources of further knowledge to support understanding and personal development**

<https://www.gov.uk/shared-parental-leave-and-pay>

#### **Related documents and procedures**

ted Learning Group Paternity Policy

ted Learning Group Maternity Leave Policy

ted Learning Group Parental Leave Policy



## **Governance**

The ted Learning Group Board have overall responsibility for the implementation of this policy.

## **Impact and effectiveness**

The Group People & Learning Director is responsible for the management and monitoring of effectiveness of this policy.