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School of
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Shared Parental Leave Policy

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1. Introduction and Purpose

- 1.1 The purpose of this policy is to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.
- 1.2 Shared Parental Leave (SPL) enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could mean that the mother or adopter shares some of the leave with her partner, perhaps returning to work for part of the time and then resuming leave at a later date.

2. Key Points

- 2.1 Parents will remain entitled to Maternity, Paternity and Adoption leave. However, an eligible mother or adopter may now choose to end their maternity/adoption leave early and, with her partner or the child's father, opt for Shared Parental Leave.
- 2.2 Paid Paternity Leave of two weeks will continue to be available to fathers and a mother's or adopter's partner; however Additional Paternity Leave will be replaced by Shared Parental Leave.
- 2.3 A birth mother must take at least two weeks maternity leave following the birth of a child (four weeks for manual work in a factory environment) 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.
- 2.4 The father/partner/spouse can take SPL immediately following the birth/placement of the child but may first choose to exhaust any paternity leave entitlements (as paternity leave/pay cannot be taken once they have taken any SPL).
- 2.5 Eligible employees can take one continuous block of SPL or stop and start their SPL (discontinuous blocks) and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave.

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2.6 SPL must be taken before the child's first birthday (this does not apply for adoption).

3. Eligibility

3.1 Shared Parental Leave (SPL) can only be used by two people:

- i) the mother/adopter;
- ii) the father of the child (in case of birth) or the spouse, civil partner or partner of the child's mother/adopter.

3.2 Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

3.3 To trigger the right to SPL for one or both parents the mother must:

- i) have a partner;
- ii) be an employee;
- iii) be entitled to maternity/adoption leave; or to statutory maternity/adoption pay or maternity allowance;
- iv) have given notice to reduce or end their maternity/adoption leave or has returned to work;
- v) have properly notified their employer of their entitlement (See Section 5) and have provided the necessary declarations and evidence.

3.4 A parent wanting to take SPL must have worked continuously for PSCA for at least 26 weeks at the end of the 15th week before the child's due date/matching date and is still working for the employer at the start of each leave period.

3.5 Their partner must meet the employment and earnings test - in the 66 weeks leading up to the baby's due date/matching date, have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 weeks.

3.6 Sometimes only one parent will be eligible. For example a self-employed parent will not be entitled to SPL themselves but

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they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

4. How Much Shared Parental Leave You Can Take

- 4.1 The maximum amount of leave that can be shared between the parents is 50 weeks. The leave can be taken during the 12 months following the birth of the child but cannot begin earlier than two weeks following the child's birth.
- 4.2 Any period of maternity leave taken by the mother prior to SPL will be deducted from the period of 50 weeks' SPL with the balance available to be shared between the parents.
- 4.3 You can split your SPL in up to three separate blocks instead of taking it all in one go even if you are not sharing the leave with your partner. You can request a continuous block, which means a number of weeks taken in a single unbroken period of leave. Requesting a discontinuous block means asking for leave over a period of time with breaks between the leave where you return to work.
- 4.4 One other option (should your Line Manager give agreement) could be to split a block of leave into shorter periods of at least one week. For example, you could work every other week during a 12-week block, using a total of 6 weeks of your SPL.
- 4.5 If both parents are taking SPL they can take their leave at the same time as each other or at different times.

5. Notifying PSCA of Eligibility for SPL

- 5.1 If an employee is eligible for, and intends to take SPL they must first provide PSCA with a notice of entitlement to take SPL.

The notice of entitlement must be submitted at least eight weeks before the employee intends to take a period of SPL.

- 5.2 The notice of entitlement to take SPL must be in writing and include:

- i) maternity/adoption leave start and end dates;
- ii) partner's name;

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- iii) how much SPL both parents/partner are entitled to take;
- iv) how much SPL each parent/partner intends to take;
- v) when they expect to take their leave;
- vi) the due date (or actual date) of the child's birth or the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- vii) the signatures of both parents/partner.

5.3 A letter template is available in [Appendix 1](#).

5.4 The notice of entitlement must be accompanied by a declaration from the employees partner that at the time of the birth they:

- i) share the main responsibilities for the care of the child with the employee;
- ii) confirm their name, address and national insurance number;
- iii) 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;
- iv) meet the employment and earnings test (see 3.3);
- v) consent to the employee taking the number of weeks of SPL and ShPP specified in the employee's notice of entitlement.

5.5 A letter template is available in [Appendix 1](#).

5.6 The Notification of Entitlement should then be sent through to your Line Manager and HR. On receipt of this HR will write to you confirming your entitlement to SPL.

5.7 You will also be given the opportunity to have an informal discussion with HR (and possibly Line Manager) to talk about your plans and how you currently expect to use your SPL entitlement and how PSCA might be able to support you. At the meeting you may, if you wish, be accompanied by a workplace colleague, trade union representative or a personal friend or family member.

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6. Notifying PSCA of SPL Booking

- 6.1 An employee must then give PSCA notification of their SPL booking. This can be done at the same time as giving PSCA notification of their entitlement to SPL or at a later date.
- 6.2 An employee is entitled to submit three separate notices to book leave during the child's first year.
- 6.3 A notice to book SPL must be submitted at least eight weeks before any period of leave begins. The notice must be in writing, dated and clearly set out what leave the employee intends to take.
- 6.4 A letter template is available in [Appendix 2](#).
- 6.5 If the child has not yet been born then a booking can specify that it will commence after a period of time following birth. For example an employee could book two weeks' leave to begin "two weeks after the child's birth"
- 6.6 SPL can also only be used after the mother has given notice to PSCA that reduces their maternity/adoption leave or confirms when it will come to an end.
- 6.7 Notice is binding and so cannot be withdrawn except in certain circumstances (contact HR for more details).
- 6.8 The notice to book leave must be sent through to HR and employee's Line Manager.

7. Making a Decision

- 7.1 A notice to book a block of *continuous* (unbroken) leave cannot be refused. On receipt of this HR will confirm arrangements by e-mail with the employee and their Line Manager. The Line Manager will also need to consider how this period will be covered.
- 7.2 Upon receiving a notice to book a *discontinuous* block of leave the Line Manager must meet with the individual within 10 days to discuss the proposal and consider whether the request, or a modified version of it, can be agreed. The Line Manager must

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then confirm the outcome to HR who will give a written response within 14 calendar days of the request being submitted.

7.3 The Line Manager may wish to consider:

- i) what impact the leave arrangements would have on the organisation and whether this could be mitigated;
- ii) any challenging/busy periods coming up;
- iii) how the leave would be covered;
- iv) impact on young people;
- v) would modifying the leave reduce the impact on the organisation and would the employee be agreeable to this?
- vi) would other considerations help achieve a mutually beneficial agreement?
- vii) what the likely outcome might be if the request for discontinuous leave is not agreed.

7.4 An employer can refuse to agree to a discontinuous leave request. If so, the entitlement remains and the number of weeks requested in the notice will default to a single block of continuous leave unless the employee withdraws their notice and submits a new request.

7.5 Each request 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.

8. Outcome

8.1 The Line Manager should inform HR of the outcome after having met with the employee (within 10 days of the receipt of the request) to consider and discuss the request to book SPL.

8.2 The possible outcomes are:

- i) unconditionally accept an SPL leave request (all *continuous* leave notifications must be accepted);

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- ii) agree a modification to an SPL leave request (*discontinuous* leave only);
- iii) refuse a leave notification (*discontinuous* leave only).

8.3 HR will then take the following action according to each of the above outcomes respectively:

- i) Confirm the agreement in writing within 14 calendar days of the date the notification was received, confirming leave dates;
- ii) If the discontinuous leave request has not been agreed, the following should be confirmed in writing, again within 14 days:
 - a) proposed alternative dates for the employee to consider;
 - b) confirmation of their refusal;
 - c) clear information on what options are now available to the employee (e.g. move to default provisions or agree modified arrangement).

9. Variations to Arranged SPL

9.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise PSCA in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

9.2 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. However, a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

10. Statutory Shared Parental Pay (ShPP)

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- 10.1 Eligible employees may be entitled to take up to 37 weeks ShPP. The amounts of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period. The remaining 13 weeks will be unpaid.
- 10.2 ShPP is paid at the rate of £140.98 per week or 90% of an employee's average weekly earnings, whichever is lower.
- 10.3 In addition to meeting the eligibility requirements for SPL an employee seeking to claim ShPP must further satisfy each of the following criteria:
- i) the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
 - ii) the employee must intend to care for the child during the week in which ShPP is payable;
 - iii) The employee 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/matching date are not less than the lower earnings limit in force for NI contributions;
 - iv) the employee must remain in continuous employment until the first week of ShPP has begun;
 - v) the employee must give proper notification in accordance with the rules set out below.
- 10.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their Line Manager and HR Coordinator written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.
- 10.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- i) the start and end date of any maternity/adoption pay or maternity allowance;

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- ii) the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim and an indication of when the employee expects to claim ShPP;
- iii) a signed declaration from the employee confirming that the information they have given is correct and that they meet, or will meet, the criteria for ShPP and that they will immediately inform PSCA should they cease to be eligible.

10.6 This must be accompanied by a signed declaration from the employee's partner confirming:

- i) their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee;
- ii) (if partner is mother/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

11. Shared Parental Leave In Touch (SPLIT) Days

11.1 An employee can work up to 20 days during SPL without bringing it to an end.

11.2 SPLIT days are optional – both the employee and Line Manager must agree to them. An employee taking a SPLIT day will receive full pay for any day worked. Any SPLIT days worked do not extend the period of SPL.

12. Returning to Work after Shared Parental Leave

12.1 If the employee wishes to return to work earlier than the expected return date, they may provide at least eight weeks' written notice to change the date. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

12.2 On returning to work after SPL, the employee is entitled to return to the same job (and on the same terms and conditions of employment) if the employee's aggregate total statutory

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maternity/paternity/adoption leave and SPL amounts to 26 weeks or less.

- 12.3 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they 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.

Appendix 1

LETTER TEMPLATE FOR NOTIFYING PSCA OF ELIGIBILITY FOR SHARED PARENTAL LEAVE

Your Name
Address
Address
Address
Date

Dear *(This should be to your Line Manager and HR)*

I am writing to provide PSCA with my notice of entitlement to take Shared Parental Leave.

I can confirm the following information *(Please add the information below)*:

- My maternity/adoption leave will start on..... and end on.....
- My partner's name is.....
- My partner and I are entitled to take the following amount of SPL:
.....

-
- My partner and I intend to take the following amount of SPL:
.....
 - We expect to take our leave on the following dates:
 - The due date of our child's birth is.....
 - Adoption only: The date on which you were notified of having been matched with the child and the date of the placement is.....

Declaration from the Employee's Partner

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In this letter I (the Employee's Partner) also declare that at the time of the birth I:

- share the main responsibilities for the care of the child with.....*(add employee's name)*
- am the mother/adopter of the child OR the father of the child OR the spouse, civil partner or partner of the mother/adopter *(please delete as applicable)*
- meet the employment and earnings test (See Section 3.4 in policy)
- give consent to the above named employee taking the number of weeks of Shared Parental Leave and Shared Parental Pay as specified in their notice of entitlement

I can also confirm my details as follows....

- **Name:**
- **Address:**
- **NINO:**

My signature below confirms that the information I have given above is accurate. If I cease to be eligible for Shared Parental Leave I will inform PSCA immediately.

I now await to hear from HR that my entitlement to Shared Parental Leave is confirmed.

Yours sincerely,

(Please print and sign the names of both parents here)

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Appendix 2

LETTER TEMPLATE FOR NOTIFYING PSCA OF INTENTION TO BOOK SHARED PARENTAL LEAVE

Your Name
Address
Address
Address

Date

Dear *(This should be to your Line Manager and HR)*

I am writing to give PSCA notification of my Shared Parental Leave booking.

I can confirm the following information *(Please add the information below)*:

If taking one continuous block of Shared Parental Leave:

- I intend to be away from work on Shared Parental Leave from until *(please enter dates)*

If taking more than one discontinuous blocks of Shared Parental Leave:

- I intend to take (max of three) discontinuous blocks of Shared Parental Leave and return to work between each period.
- The dates for these are as follows...
 - **Block 1:** I intend to be away from work from.....until.....
 - **Block 2:** I intend to be away from work from.....until.....
 - **Block 3:** I intend to be away from work from.....until.....

If you intend to split any of the blocks of leave into shorter periods please give details below:

If seeking to claim Statutory Shared Parental Pay please complete the following:

I can confirm the following information:

- My maternity/adoption pay/allowance will start on..... and end on.....
- The total amount of ShPP available to me is.....
- The amount of ShPP my partner and I intend to claim is.....

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- I intend to claim ShPP from.....
- My partner and I are entitled to take the following amount of SPL:
.....
- My partner and I intend to take the following amount of SPL:
.....
- We expect to take our leave on the following dates:

Declaration from the Employee’s Partner

In this letter I (the Employee’s Partner) also declare that at the time of the birth I:

- agree to the employee named above claiming ShPP and for PSCA to process any ShPP payments to the employee
- will immediately inform the above named employee if I should cease to satisfy the eligibility conditions

My signature below confirms that the information I have given above is correct and that I meet, or will meet, the criteria for ShPP. If I cease to be eligible for Shared Parental Leave or ShPP I will inform PSCA immediately.

I now await to hear from HR or my Line Manager

Yours sincerely

(Please print and sign the names of both parents here)

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Date	Purpose of changes made	By
July 2018	New policy setting out the entitlements and responsibilities in relation to Shared Parental Leave	Fern O'Neill - in consultation with Jeff Stratton (Staff Performance & Welfare Folio Holder)
19/9/18	Approved by Governing Body	

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