

TRUST GUIDELINE
SHARED PARENTAL LEAVE

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FOR USE BY:

This Guideline is to be followed by all staff of Gloucestershire Hospitals NHS Trust and Gloucestershire Managed Services

FAST FIND:

This guideline works in conjunction with the following:

- [Maternity, Paternity and Adoption Leave policy](#)
- [Requesting Shared Parental Leave flowchart](#)
- [Notification of SPL by Mother – including Curtailment Notice](#)
- [Notification of SPL by Partner](#)

1. INTRODUCTION / RATIONALE

- Shared Parental Leave enables eligible parents to choose how to share the care of their child during the 52 weeks following 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. There may also be an entitlement to some Shared Parental Pay. This document sets out the statutory and occupational rights and responsibilities of employees who wish to take Shared Parental Leave (SPL) and Shared Parental Pay (ShPP).

2. DEFINITIONS

Word/Term	Descriptor
Discontinuous leave	A set number of weeks of leave over a given period of time, with breaks between the leave where the employee returns to work, e.g. the employee takes six weeks of shared parental leave and works every other week for a period of twelve weeks.
SPL	Shared Parental Leave
ShPP	Shared Parental Pay
SPLIT Days	Shared Parental Leave In Touch Days
Maternity Leave	A period of up to 52 weeks' leave (paid and unpaid), to which a woman is legally entitled, during the months immediately before and after childbirth
Adoption Leave	A period of up to 52 weeks' leave (paid and unpaid), to which an adopter is legally entitled, during the months immediately before and after adoption.
Paternity Leave	A period of up to 2 weeks' paid leave granted to a father after or shortly before the birth / adoption of his child
Parental Leave	A period of up to 18 weeks' unpaid leave available to parents of children up to the age of 18, to look after a child's welfare

3. ROLES AND RESPONSIBILITIES

Post/Group	Details
Director of People & Organisational Development	<ul style="list-style-type: none">Review and maintenance of this guideline
HR Advisory Team	<ul style="list-style-type: none">Provide assistance and advice to line managers and employees
Line Managers	<ul style="list-style-type: none">Respond to notifications and requests for shared parental leave in a timely fashionAgree periods of shared parental leave with employeesMaintain appropriate contact with employees on shared parental leave
Employees	<ul style="list-style-type: none">Inform line managers of entitlement to shared parental leaveGive appropriate notice of requests for shared parental leaveMaintain appropriate contact with the Trust whilst on shared parental leave

4. ELIGIBILITY

4.1 Who is Eligible?

- The mother/adopter of the child
- The father of the child, or the spouse, civil partner or partner of the child's mother/adopter
- Both parents must share the main responsibility for the care of the child at the time of the birth/adoption placement

4.2 Eligibility Criteria

The employee requesting shared parental leave must satisfy all of the following:

- Must be/have been entitled to statutory maternity/adoption leave, **or** statutory maternity/adoption pay or maternity allowance **and** must have ended or given notice to end any maternity/adoption entitlements
- Still be working for the Trust at the start of each period of shared parental leave
- Have a minimum of 26 weeks' continuous service at the end of the 15th week before the child's expected due date/matching date
- Notify the Trust that they are entitled and provide appropriate evidence
- The employee's **partner** must meet the employment and earnings test – must have worked for at least 26 weeks of the last 66 weeks before the child's due date/matching date **and** have earned at least £30 (gross) per week in any 13 of those weeks.

5. ENTITLEMENT

5.1 General Information

- Eligible employees may be entitled to take up to 50 weeks' shared parental leave between them during the child's first year in their family
- Must be taken within one year from the birth or placement for adoption, providing two weeks' compulsory maternity or adoption leave has been taken first
- Parents can take leave separately, or together.
- The entitlement is calculated from the mother's/adopter's entitlement to maternity/adoption leave
- If the employee chooses to end their maternity/adoption leave early, they or their partner may opt-in to the shared parental leave system and take any remaining weeks as SPL.
- The mother/adopter can return to work before the end of their 52 weeks maternity/adoption leave, or can give 8 weeks' notice to end their leave at a specified future date.
- Payment will not exceed more than 26 weeks, which comprises of 8 weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay, to employees accessing occupational maternity or adoption or shared parental pay in aggregate to an eligible couple. This is irrespective of whether one or both parents are NHS employees as shared parental leave and pay is a joint entitlement.

5.2 Starting Shared Parental Leave

- The mother can take shared parental leave after the legally required two weeks' maternity leave immediately following the birth of the child.
- The adopter can take shared parental leave after at least two weeks' adoption leave
- The father/partner/spouse can take shared parental leave immediately following the birth/placement, but may want to use their paternity leave entitlement first (paternity pay cannot be made once shared parental leave has started)
- Where a mother/adopter gives notice to end their maternity/adoption leave, the partner can commence shared parental leave while the mother/adopter is still using their maternity/adoption entitlements
- Shared parental leave will generally start on the employee's chosen start date, or in any written notification which varies this date
- Shared parental leave must end no later than one year after the birth/placement of the child. Any leave remaining is lost after this date

6 NOTIFICATION

6.1 Notification of Intention to Take Shared Parental Leave

- An employee intending to take shared parental leave must notify their manager at least eight weeks in advance.
- Notification must be in writing using the [appropriate forms](#)
- The employee may submit up to three notifications of the leave periods they are intending to take.
- Each notification may contain either a) a single period of leave, or b) two or more weeks of "discontinuous" leave, i.e. where the employee intends to return to work between periods of leave.
- Shared parental leave may only be taken in complete weeks, but may begin on any day of the week. Where an employee takes more than one period of leave, these can start on any day of the week as long as complete weeks are taken
- The total amount of shared parental leave taken must not exceed the employee's entitlement

6.2 Requesting Further Evidence of Eligibility

- The Trust may request the following within 14 days of receiving notification of intention to take shared parental leave:
 - Name and address of partner's employer (or their own contact details if they are no longer employed, or are self-employed)
 - A copy of the child's birth certificate or adoption documentation
- The employee must produce this information within 14 days of the Trust's request.

7. DISCUSSING SHARED PARENTAL LEAVE

- The HR department are able to provide information and advice about shared parental leave
- Line managers/HR may wish to meet with an employee submitting a notification of intention to take shared parental leave.
- Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can be approved without further discussion, a meeting may not be necessary.
- All requests for discontinuous leave must be considered but may be turned down if there is likely to be a significant impact on service delivery.
- Meetings must take place in private, be arranged in advance and allow the employee the opportunity to be accompanied by a trade union representative or work colleague
- The meeting should discuss the leave proposed, how and when it is likely to be taken and arranging appropriate cover for the period(s) that the employee is away from their job.

8. RESPONDING TO REQUESTS FOR SHARED PARENTAL LEAVE

- The line manager must respond to requests within 14 days and confirm whether the leave is granted or refused.
- All notices for continuous leave must be approved and will be confirmed in writing
- All requests for discontinuous leave will be considered on a case by case basis.
- Where a request for discontinuous leave is refused, the Trust may propose alternatives.
- If a request for discontinuous leave is refused, the employee may withdraw the request within 15 days of submitting it, or take continuous leave instead.
- If the employee chooses to take continuous leave, they must inform their line manager of the date they wish their leave to start, no later than the 19th day after the date of their original request. If they do not choose a start date, the leave will begin on the first leave date stated in their original request.

9 VARIATIONS TO SHARED PARENTAL LEAVE ARRANGEMENTS

- The employee may vary or cancel an agreed period of shared parental leave if they inform the line manager in writing at least 8 weeks in advance. The new start date cannot be less than 8 weeks from the date of the variation request
- Any variation or cancellation made by the employee will count as one notification (see 7.1 above), except if the baby is born early
- If the Trust request a change to the dates, this will not count as one of the three notifications

10. SHARED PARENTAL LEAVE PAY

- Where an employee intends to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below. The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity pay or statutory or occupational adoption pay in respect of the child. Where such pay (excluding pay during the compulsory two-week maternity/adoption leave period) has been received by either parent, the maximum joint entitlement set out below will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent, or notified as intending to be taken by either parent.
 - i) for the first six weeks of absence the employee will receive full pay. Full pay is inclusive of any ShPP. The total receivable cannot exceed full pay;
 - ii) for the next 18 weeks of absence the employee will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay;
 - iii) for the next 13 weeks, the employee will receive any ShPP that they are entitled to under the statutory scheme.
 - iv) for the final 13 weeks, the employee will receive no pay.
- Employees may be entitled to take up to 37 weeks statutory shared parental pay (ShPP) whilst taking shared parental leave. The entitlement will depend on the amount of maternity/adoption pay already received by the mother/adopter prior to the start of shared parental leave.
- ShPP may be payable during some or all of the shared parental leave period, depending on the length and timing of the leave.
- The eligibility requirements are:
 - The mother/adopter must already be entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period
 - The employee must intend to care for the child during the week(s) in which ShPP is claimed
 - The employee's average weekly earnings must be more than the lower earnings limit for National Insurance contributions for the period of eight weeks leading up to and including the 15th week before the child's expected due date

- The employee must remain in continuous employment until the first week of ShPP has begun
- The employee must give proper notification as above
- All ShPP due will be paid at the current statutory rate set by the government.

11. TERMS AND CONDITIONS DURING SHARED PARENTAL LEAVE

During shared parental leave:

- The employee's contract of employment will continue as usual and they are entitled to receive all of their contractual benefits (e.g. use of lease car, mobile phone), **except for salary**
- Contractual annual leave entitlement will continue to accrue
- Pension contributions will be made while statutory shared parental leave pay is being received, but **not** during unpaid shared parental leave. Employee contributions will be based on actual pay, while the employer's contributions will be based on the employee's **usual** salary.

12. CONTACT DURING SHARED PARENTAL LEAVE

Before an employee's SPL begins, the manager will discuss the arrangements for them to keep in touch during their leave. The Trust reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

12.1. Shared Parental Leave in Touch (SPLIT) days

- An employee can agree to work for the Trust (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- The Trust has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the Trust and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
- SPLIT days may also be used to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.

13. RETURNING TO WORK AFTER SHARED PARENTAL LEAVE

- The employee is expected to return on the next working day after their last day of SPL, unless they notify the Trust otherwise. If they are unable to attend work due to sickness or injury, the Trust's normal arrangements for sickness absence will apply.
- If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks' notice of their date of early return. 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.
- On returning to work after SPL, the employee is entitled to return to the same job if their total maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing leave, on the same terms and conditions of employment as if they had not been absent. If the employee also takes a

period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return.

- If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more, or if the employee has taken a period of 5 weeks or more unpaid parental leave, 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.

14. TRAINING

Trust staff are required to have an awareness of this guideline.

15. MONITORING OF COMPLIANCE

Do the systems or processes in this document have to be monitored in line with national, regional or Trust requirements?	NO
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16. REFERENCES

In this document you will find links to external websites. Although we make every effort to ensure these links are accurate, up to date and relevant, Gloucester Hospitals NHS Trust cannot take responsibility for pages maintained by external providers.

Yeovil District Hospital Shared Parental Leave Policy

www.gov.uk/shared-parental-leave-and-pay/overview

NHS Employers

<https://www.nhsemployers.org/news/2019/02/nhs-terms-and-conditions-update-on-enhanced-shared-parental-leave-and-child-bereavement-leave>

BMA

<https://www.bma.org.uk/advice/work-life-support/working-parents/shared-parental-leave/enhanced-shared-parental-leave-for-junior-doctors>

SHARED PARENTAL LEAVE GUIDELINE

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RELATED TRUST DOCUMENTS	Maternity, Paternity and Adoption Leave policy ; Requesting Shared Parental Leave flowchart ; Notification of SPL by Mother – including Curtailment Notice ; Notification of SPL by Partner
OTHER RELEVANT DOCUMENTS	Parental Leave Action Card
EXTERNAL COMPLIANCE STANDARDS AND/OR LEGISLATION	The Shared Parental Leave Regulations 2014