



5. Shared Parental Leave and Pay (Birth)

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This policy outlines the arrangements for shared parental leave and pay in relation to the birth of a child. If an employee is adopting a child they should refer to the Shared Parental Leave (Adoption) Policy instead.

This policy applies to employees. It does not apply to agency workers or self-employed contractors.

This policy does not form part of an employee's contract of employment and the Company may amend it at any time.

5.1 Frequently Used Terms

The definitions in this paragraph apply in this policy.

- **Expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects the employee's child to be born.
- **Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- **Partner:** the employee's spouse, civil partner or someone living with the employee in an enduring family relationship, but not the employee's sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- **Qualifying Week:** the fifteenth week before the EWC.

5.2 What Is Shared Parental Leave?

Shared Parental Leave (SPL) is a form of leave that gives the employee and their partner more flexibility in how to share the care of their child in the first year after birth rather than simply taking maternity and paternity leave. Assuming the employee and their partner are both eligible, they will be able to choose how to split the available leave between them, and can decide to be off work at the same time or at different times. They may be able to take leave in more than one block.

5.3 Entitlement to SPL

An employee is entitled to SPL in relation to the birth of a child if

- the employee is the child's mother, and shares the main responsibility for the care of the child with the child's father (or partner, if the father is not the employee's partner);
- the employee is the child's father and shares the main responsibility for the care of the child with the child's mother; or
- the employee is the mother's partner and shares the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The following conditions must also be fulfilled:

- the employee must have at least 26 weeks continuous employment with the Company by the end of the Qualifying Week, and still be employed by the Company in the week before the leave is to be taken;
- the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- the employee and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any Maternity Leave, Statutory Maternity Pay (SMP) or maternity allowance (MA) periods.

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on Maternity Leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to Maternity Leave).

If the employee is the mother she cannot start SPL until after the Compulsory Maternity Leave period, which lasts until two weeks after birth.

If the employee is the child's father or the mother's partner, they should consider using their two weeks' Paternity Leave before taking SPL. Once an employee starts SPL they will lose any untaken Paternity Leave entitlement. SPL entitlement is additional to employees' Paternity Leave entitlement.

5.3.1 Interaction Between Paternity Leave and SPL

Employees who are eligible for both **paternity leave** and **Shared Parental Leave (SPL)** should be aware that once they commence SPL, they will lose any remaining entitlement to paternity leave.

It is important to note that **paternity leave** and **SPL** are **separate entitlements**, and employees may find it beneficial to **use their full paternity leave** entitlement before starting SPL. Paternity leave can provide an opportunity for fathers or partners to take time off immediately following the birth of their child, before transitioning to the more flexible SPL arrangements.

If an employee chooses to take SPL without first using their full paternity leave, they will forfeit the remaining weeks of paternity leave.

5.4 Opting in to Shared Parental Leave and Pay

Not less than eight weeks before the date that the employee intends SPL to start, they must give the Company a written opt-in notice giving

- their name and the name of the other parent;
- if the employee is the child's mother, the start and end dates of their Maternity Leave;
- if the employee is the child's father or the mother's partner, the start and end dates of the mother's Maternity leave, or if she is not entitled to Maternity Leave, the start and end dates of any SMP or MA period;

- the total SPL available, which is 52 weeks minus the number of weeks' Maternity Leave, SMP or MA period taken or to be taken;
- how many weeks of the available SPL will be allocated to the employee and how many to the other parent (the employee can change the allocation by giving the Company a further written notice, and they do not have to use their full allocation);
- if the employee is claiming Statutory Shared Parental Pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken);
- how many weeks of available ShPP will be allocated to the employee and how much to the other parent (the employee can change the allocation by giving the Company a further written notice, and they do not have to use their full allocation);
- an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave (see paragraph 5.8 and paragraph 5.9 for information on taking leave). This indication will not be binding at this stage, but the employee should give as much information as they can about their future intentions; and
- declarations by the employee and the other parent that they both meet the statutory conditions to enable them to take SPL and ShPP.

5.5 Ending Maternity Leave

If the employee is the child's mother and they want to opt into the SPL scheme, they must give the Company at least eight weeks' written notice to end their Maternity Leave (a curtailment notice) before they can take SPL. The notice must state the date their Maternity Leave will end. The employee can give the notice before or after giving birth, but they cannot end their Maternity Leave until at least two weeks after birth. Please note that eligible

employees will only receive Woodhurst Company Maternity Pay (CMP) during weeks when they are on Maternity Leave. Payment of CMP will stop immediately when an employee's Maternity Leave ends, even if the employee has not used her full entitlement.

The employee must also give the Company, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see paragraph 5.4) or a written declaration that the other parent has given their employer an opt-in notice (and that the employee has given the necessary declarations in that notice).

The other parent may be eligible to take SPL from their employer before the employee's Maternity Leave ends, provided the employee has given the Company the curtailment notice.

The curtailment notice is binding and cannot usually be revoked. The employee can only revoke a curtailment notice if Maternity Leave has not yet ended and one of the following applies:

- if the employee realises that neither they nor the other parent are in fact eligible for SPL or ShPP, in which case the employee can revoke the curtailment notice in writing up to eight weeks after it was given;
- if the employee gave the curtailment notice before giving birth, they can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- if the other parent has died.

Once the employee has revoked a curtailment notice they will be unable to opt back into the SPL scheme, unless they revoked it in the circumstances above.

5.6 Ending the Partner's Maternity Leave or Pay

If the employee is not the mother, and the mother is still on Maternity Leave or claiming SMP or MA, the employee will only be able to take SPL once the mother has either:

- returned to work;
- given her employer a curtailment notice to end her maternity leave;
- given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

5.7 Evidence of Entitlement

The employee must also provide on request:

- A copy of the birth certificate (or if the employee has not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- The name and address of the other parent's employer (or a declaration that they have no employer).

5.8 Booking SPL Dates

Having opted into the SPL system the employee will need to give a period of leave notice telling the Company the start and end dates of their leave. This can be given at the same time as the opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of the leave period. The employee must also state in their period of leave notice the dates on which they intend to claim ShPP, if applicable.

If the period of leave notice gives dates for a single continuous block of SPL the employee will be entitled to take the leave set out in the notice.

An employee can give up to three period of leave notices. This may enable them to take up to three separate blocks of SPL (although if they give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice; see paragraph 5.10).

In exceptional circumstances the Company may allow an employee to give more than three period of leave notices but there is no obligation for the Company to do so.

5.9 Procedure for Requesting Split Periods of SPL

In general a period of leave notice should set out a single continuous block of leave. It is best to discuss this with management and HR in good time before formally submitting a period of leave notice. This will give the Company more time to consider the request and hopefully agree a pattern of leave from the start.

The employee must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If the Company is unable to agree to the request straight away, there will be a two-week discussion period. At the end of that period, the Company will confirm any agreed arrangements in writing. If the Company has not reached an agreement, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in the notice (for example, if three separate periods of four weeks each were requested, they will be combined into one 12-week period of leave). Alternatively, the employee may:

- choose a new start date (which must be at least eight weeks after the original period of leave notice was given), and tell the Company within five days of the end of the two-week discussion period; or
- withdraw the period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and they may submit a new one if they choose).

5.10 Changing the Dates or Cancelling SPL

Employees can cancel a period of leave by notifying the Company in writing at least eight weeks before the start date in the period of leave notice.

Employees can change the start date for a period of leave, or the length of the leave, by notifying the Company in writing at least eight weeks before the original start date and the new start date.

Employees do not need to give eight weeks' notice if they are changing the dates of their SPL because their child has been born earlier than the EWC, where they wanted to start their SPL a certain length of time (but not more than eight weeks) after birth. In such cases the employee should notify the Company in writing of the change as soon as they can.

Employees can change the end date for a period of leave by notifying the Company in writing at least eight weeks before the original end date and the new end date.

Employees can combine split periods of leave into a single continuous period of leave by notifying the Company in writing at least eight weeks before the start

date of the first period.

Employees can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. The Company will consider any such request as set out in paragraph 5.9.

A notice to change or cancel a period of leave will count as one of the three period of leave notices, unless:

- the variation is a result of the child being born earlier or later than the EWC;
- the variation is at the Company's request; or
- The Company agrees otherwise.

5.11 Shared Parental Pay

Employees may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP or MA claimed by them or their partner) if they have at least 26 weeks' continuous employment with the Company at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.

5.12 Other Terms during Shared Parental Leave

Employees' terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

If an employee is a member of the pension scheme, the Company will make employer pension contributions during any period of paid SPL, based on the employee's normal salary, in accordance with the pension scheme rules. Any employee contributions the employee makes will be based on the amount of any shared parental pay they are receiving, unless they inform the Human Resources Department that they wish to make up any shortfall.

5.13 Keeping in Touch

The Company may make reasonable contact with employees from time to time during their SPL although we will keep this to a minimum. This may include contacting them to discuss arrangements for their return to work.

Employees may ask or be asked to work (including attending training) on up to 20 keeping touch days (known as SPLIT days) during SPL. This is in addition to any KIT days that the employee may have taken during Maternity Leave. SPLIT days are not compulsory and must be discussed and agreed with the Human Resources Department.

Employees will be paid at their normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any ShPP entitlement. Alternatively, the employee may agree with the Human Resources Department to receive the equivalent paid time off in lieu.

5.14 Returning to Work

If employees want to end a period of SPL early, they must give the Company eight weeks' written notice of the new return date. If they have already given the Company three period of leave notices they will not be able to end their SPL early without the Company's agreement.

If they want to extend SPL, assuming they still have unused SPL entitlement remaining, they must give the Company a written period of leave notice at least eight weeks before the date they were due to return to work. If they have already given the Company three period of leave notices they will not be able to extend SPL without the Company's agreement. They may instead be able to request annual leave or ordinary Parental Leave (see our Parental

Leave Policy), subject to the needs of the business.

If an employee decides that they do not want to return to work they should give notice of resignation in accordance with their contract of employment.

5.15 Redundancy Protection During Shared Parental Leave

Employees taking Shared Parental Leave (SPL) are entitled to enhanced redundancy protection. This protection mirrors the protections afforded to

employees on maternity leave and extends for **up to 18 months after the birth or adoption** of their child.

Key Protections:

- If a redundancy situation arises while an employee is on SPL, they will be entitled to **priority consideration** for any suitable alternative employment within the Company.
- The Company is required to offer any suitable alternative role that is available to the employee **before any other employees at risk of redundancy**. The terms and conditions of the alternative role must be no less favourable than the employee's existing position.
- This protection starts from the date the employee opts into the SPL scheme and continues for **18 months following the birth or adoption**.

If no suitable alternative employment is available, the Company will follow its standard redundancy procedure, ensuring that the employee is consulted and that their redundancy is handled fairly and in compliance with employment law.