



7. Shared Parental Leave And Pay (Adoption)

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This policy outlines the arrangements for shared parental leave and pay in relation to the adoption of a child. If an employee or their partner is pregnant or has given birth please see the Shared Parental Leave (Birth) 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 any employee's contract of employment and the Company may amend it at any time.

7.1 Frequently Used Terms

The definitions in this paragraph apply in this policy.

- **Partner:** the employee's spouse, civil partner or someone living with them in an enduring family relationship at the time the child is placed for adoption, but not the employee's sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- **Qualifying Week:** the week the adoption agency notifies the employee that they have been matched with a child for adoption.

7.2 What Is Shared Parental Leave?

Shared parental leave (SPL) is a form of leave that may be available where a child is placed with an employee and/or their partner for adoption on or after 5 April 2015.

It gives the employee and their partner more flexibility in how to share the care in the first year after the child is placed with them for adoption rather than simply taking Adoption Leave and Paternity Leave. Assuming they 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.

7.3 Entitlement

Employees may be entitled to SPL if an adoption agency has placed a child with them and/or their partner for adoption, or where a child is placed with them and/or their partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme. The employee must intend to share the main responsibility for the care of the child with their partner.

The following conditions must 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;
- their partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
- the employee and their partner must give the necessary statutory notices and declarations as summarised below, including notice to end Adoption Leave or Statutory Adoption Pay (SAP).

Either the employee or their partner must qualify for Statutory Adoption Leave and/or SAP and must take at least two weeks of Adoption Leave and/or Pay.

If the employee's partner is taking Adoption Leave and/or claiming SAP, the employee may be entitled to two weeks' Paternity Leave and Paternity Pay (see our Paternity Leave Policy). Employees should consider using this before taking

SPL. Paternity leave is additional to any SPL entitlement an employee may have, but they will lose any untaken Paternity Leave entitlement once they start a period of SPL.

The total amount of SPL available is 52 weeks, less the weeks of Adoption Leave taken by either the employee or their partner (or the weeks in which their partner has been in receipt of SAP if they were not entitled to Adoption Leave).

7.4 Opting in to Shared Parental Leave and Pay

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

- their name and partner's name;
- if the employee is taking Adoption Leave, their Adoption Leave start and end dates;
- if the employee is not taking Adoption Leave, their partner's Adoption Leave start and end dates, or if their partner is not entitled to Adoption Leave, the start and end dates of their SAP;
- the total SPL available, which is 52 weeks minus the number of weeks' Adoption Leave or SAP taken or to be taken by the employee or their partner;
- how many weeks of the available SPL will be allocated to the employee and how many to their partner (they can change the allocation by giving us 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 SAP taken or to be taken);
- how many weeks of the available ShPP will be allocated to the employee and how many to their partner (they 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 7.8 and paragraph 7.9 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 their partner that they both meet the statutory conditions to enable them to take SPL and ShPP.

7.5 Ending Adoption Leave

If the employee is taking or intends to take Adoption Leave and wants to opt into the SPL scheme, they must give the Company at least eight weeks' written notice to end their adoption leave (a curtailment notice). The notice must state the date their Adoption Leave will end. They can give the notice before or after Adoption Leave starts, but they must take at least two weeks' Adoption Leave.

They must also give the Company, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see paragraph 7.4) or a written declaration that their partner has given their employer an opt-in notice and that they have given the necessary declarations in that

notice.

If their partner is eligible to take SPL from their employer they cannot start it until the employee has given us their curtailment notice.

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

- if the employee realises that neither they nor their partner 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's partner has died.

Once the employee has revoked a curtailment notice they will be unable to opt back in to the SPL scheme.

7.6 Ending the Partner's Adoption Leave or Pay

If the employee's partner is taking adoption leave or claiming SAP from their employer, an employee will only be able to take SPL once their partner has either:

- returned to work;
- given their employer a curtailment notice to end adoption leave; or
- given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

7.7 Evidence of Entitlement

Employees must provide on request:

- One or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
- The name and address of their partner's employer (or a declaration that they have no employer).

7.8 Booking SPL Dates

Having opted into the SPL system, employees must book their leave by giving the Company a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.

The period of leave notice can either give the dates the employee wants to take SPL or, if the child has not been placed with them yet, it can state the number of days after the placement that they want the SPL to start and end. This may be particularly useful if they intend to take Paternity Leave starting on the date of placement and wish to take SPL straight afterwards.

Leave must be taken in blocks of at least one week.

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

If the period of leave notice requests split periods of SPL, with periods of work in between, the Company will consider their request as set out in paragraph 7.9, below. Employees 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 7.10). In exceptional circumstances the Company may

allow employees to give more than three period of leave notices but there is no obligation for the Company to do so.

7.9 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.

If employees want to request split periods of SPL, they must set out the requested pattern of leave in the period of leave notice. The Company will either agree to the request or start a two-week discussion period. At the end of that period, the Company will confirm any agreed arrangements in writing. If we have not reached 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 the employee requested three separate periods of four weeks each, 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 us 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 the employee may submit a new one if they choose).

7.10 Changing the Dates or Cancelling the 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 by notifying the Company in writing at least eight weeks before the original start date and the new start date.

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 change 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.

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 clause 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 placed with the employee earlier or later than the expected placement date;
- the variation is at the Company's request; or
- The Company agrees otherwise.

7.11 Shared Parental Pay

Employees may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SAP claimed by the employee or their partner) provided 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 at a rate set by the government each year.

Employees should tell the Company in their period of leave notice(s) whether they intend to claim ShPP during their leave (and if applicable, for what period). If it is not in their period of leave notice they can inform the Company in writing, at least eight weeks before they want ShPP to start.

7.12 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 the employee is a member of the pension scheme, the Company will make employer pension contributions during any period of paid SPL, based on their

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.

7.13 Keeping in Touch

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

Employees may ask or be asked to work (including attending training) on up to 20 "keepingin- touch" days (known as SPLIT days) during their SPL. This is in addition to any KIT days that they may have taken during Adoption Leave. KIT 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 Shared Parental Pay entitlement. Alternatively, they may agree with the Human Resources Department to receive the equivalent paid time off in lieu.

7.14 Returning to Work

If an employee wants 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 an employee wants to extend their SPL, assuming they still have unused SPL entitlement remaining, they must give the Company a written 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 their SPL without the Company's agreement. They may instead be able to request annual leave or ordinary Parental Leave (see the Parental Leave Policy), subject to the needs of our business.

Employees are normally entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for the Company to allow an employee to return into the same position, the Company may give them another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- if their SPL and any Adoption or Paternity Leave they have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- if they took SPL consecutively with more than four weeks of ordinary Parental Leave.

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.