



SHARED PARENTAL LEAVE POLICY

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.

Shared Parental Leave Policy

1. Introduction

West Lothian Housing Partnership (WLHP) recognises that in order to meet the needs of our diverse workforce modern, flexible working practices are required to enable employees to combine their work and family responsibilities.

As a family friendly employer we have a range of leave and pay arrangements designed to help our employees balance their work and home life. The following policy is part of a suite of family friendly policies available to WLHP employees.

2. What is Shared Parental Leave?

Shared Parental Leave (SPL) allows eligible mothers, fathers, partners, civil partners, same sex couples and adopters to choose how to share time off work after their child is born or placed for adoption. SPL is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption.

Parents have the option of converting part of their Maternity Leave and Pay or Adoption Leave and Pay into Shared Parental Leave and Pay and sharing the remaining period of leave and pay between them.

SPL must be taken within 52 weeks following the birth of a child or date of adoption.

3. How Can Shared Parental Leave Be Taken?

3.1 Leave is Shared at the Same Time

An employee can choose to take leave at the same time as their partner. For example an employee could choose to end their maternity leave and transfer to shared parental leave allowing the employee and their partner a period of shared parental leave together; the partner returns to work and the employee concludes the period of shared parental leave.

Example 1 – Mother takes 49 weeks maternity/shared parental leave Partner takes 2 weeks of paternity and 3 weeks of shared parental leave

Nicola, a Housing Officer in WLHP and her partner Brad, who works for another organisation, want to take SPL. Brad's employer pays statutory pay for both paternity leave and SPL. Nicola chooses to take 4 weeks of maternity leave before her child is born. She then takes 2 weeks of compulsory leave after the baby is born while Brad takes 2 weeks paternity leave. Nicola then ceases to take maternity leave and both Brad and Nicola start 3 weeks of shared parental leave. At the end of this period Nicola and Brad have used 12 weeks of leave between SML and SPL. Brad then returns to work and Nicola continues to take the remaining 40 weeks of SPL.

| Nicola | | Brad | |
|------------------------------------|----------------|-------------------------|-------------------------|
| Leave | Pay | Leave | Pay |
| 4 weeks maternity leave | 4 weeks at 90% | At work | |
| Child is born | | | |
| 2 weeks compulsory maternity leave | 2 weeks at 90% | 2 weeks paternity leave | Statutory paternity pay |

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| Shared Parental Leave Commences | | | |
|---------------------------------|-----------------------------------|-------------------------------|-----------------------------------|
| 3 weeks Shared Parental Leave | 3 weeks at 50% of full pay + ShPP | 3 weeks Shared Parental Leave | 3 weeks at 50% of full pay + ShPP |
| 40 weeks Shared Parental Leave | 27 weeks at 50% of full pay + SMP | Returns to work | |
| Returns to work | | | |

3.2 Leave is Shared at Different Times

Alternatively an employee can choose to share the leave with their partner at different times to maximise the total amount of time with their child. For example a mother could decide to end her maternity leave and return to work allowing their partner to use the remaining leave as SPL.

Example 2 – Mother takes 26 weeks maternity/shared parental leave. Partner takes 2 weeks paternity leave and 13 weeks of shared parental leave

Jane an Area Housing Manager and her partner Lucy who works for another organisation want to take shared parental leave. Lucy's employer pays full pay for the first 26 weeks of maternity/shared parental leave, followed by 13 weeks SMP/ShPP. Lucy intends to return to work after 26 weeks. Jane notifies us that she would like to take a period of 13 weeks leave when her partner returns to work.

| Jane | | Lucy | |
|---------------------------------|-----------------|----------------------------|---------------------|
| Leave | Pay | Leave | Pay |
| At work | | 5 weeks of maternity leave | 5 weeks at full pay |
| Child is born | | | |
| 2 weeks paternity pay | Full pay | Compulsory maternity leave | 2 weeks full pay |
| Returns to work | | 19 weeks SML | 19 weeks full pay |
| Shared Parental Leave Commences | | | |
| 13 weeks | 50% of Full Pay | Returns to work | |

In this example Jane and Lucy could still choose to take a further 13 weeks of shared parental leave but, as they have exhausted the paid element of SPL, they will not be entitled to any shared parental leave pay.

3.3 Sharing Leave In Blocks

Employees can choose to take up to 3 separate blocks of SPL. The minimum period in one block must be one week. They can also stop and start their SPL and return to work between periods of leave. For example a mother and her partner could choose to take 3 separate blocks of leave to allow them to share the time at home with the child.

Example 3 – Partner takes X Partner Takes Y

John an Admin Officer within WLHP and his partner Mark who works for another organisation decide to take shared parental leave. Mark's organisation adoption leave pays full pay for the first 20 weeks and 30 weeks at half pay. They decide that John will take 6 weeks of adoption leave before returning to work. Mark will take 2

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weeks paternity leave then return to work. When Mark returns to work he will then take a block of 14 weeks before returning to work. John will then take a block of 13 weeks SPL before returning to work and Mark will take a further 13 weeks John will then take the final 6 weeks.

| John | | Mark | |
|---------------------------------|-----------------|-------------------------|------------------|
| Leave | Pay | Leave | Pay |
| 2 weeks adoption leave | 2 weeks at 90% | At work | |
| Child Born | | | |
| 2 weeks adoption leave | 2 weeks at 90% | 2 weeks Paternity Leave | 100% |
| 2 weeks adoption leave | 2 weeks at 90% | At work | |
| Shared Parental Leave Commences | | | |
| Returns to work | | 14 weeks SPL | 14 weeks at 100% |
| 13 weeks SPL | 13 weeks at 50% | Returns to work | |
| Returns to work | | 13 weeks SPL | 13 weeks at 50% |
| 6 weeks SPL | Unpaid | Returns to work | |

4. Am I Entitled to Take Shared Parental Leave?

Each parent qualifies separately for SPL and Shared Parental Pay (ShPP).

To qualify for SPL, the child's mother (or adoptive parent) must be eligible for either:

- Maternity leave or pay
- Adoption leave or pay
- Maternity Allowance

You must share responsibility for the child with one of the following:

- Your husband, wife, civil partner or joint adopter
- The child's other parent
- Your partner (if they live with you and the child)

You must also:

- Have worked for WLHP or any of the organisations within the Wheatley Group for at least 26 weeks by the end of the 15th week before the due date (or placement date in the case of adoption)
- Still be working for or any organisation within the Wheatley Group at the start of each period of Shared Parental Leave
- Provide WLHP with at least 8 weeks' notice to take a period of shared parental leave. This notice should also include a declaration that your partner meets the employment and income requirements which allow you to receive SPL.

During the 66 weeks before the week the baby's due (or the week you're matched with your adopted child) your partner must:

- Have been working for at least 26 weeks (they don't need to be in a row)
- Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row).

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- This can be as an employee, worker or self-employed person
- Your partner doesn't have to be working at the date of birth or when you start SPL or ShPP

If you do not meet the qualification requirements detailed above then you will be refused SPL. We will confirm in writing the reason for the refusal.

5. How Much Shared Parental Leave Can I Take?

If eligible and you or your partner ends maternity or adoption leave and pay early, then you can take the remaining leave as SPL:

- 52 weeks minus any weeks of maternity or adoption leave

N.B. a mother or adopter must take a minimum of 2 weeks' maternity/adoption leave following the birth/placing of the child.

6. What Shared Parental Pay Am I Entitled To?

6.1 Statutory Shared Parental Pay (ShPP)

All employees who meet the eligibility criteria outlined above are entitled to receive Statutory Shared Parental Pay (ShPP) as follows:

- 4 weeks at the rate of 90% of your average weekly earnings (before tax) calculated over the relevant period
- 33 weeks at £148.68 or 90% of your average earnings (whichever is lower) for the next 33 weeks

6.2 Enhanced Shared Parental Pay (EShPP)

In addition to ShPP WLHP also pays Enhanced Shared Paternity Pay (EShPP) as follows:

- 33 weeks at 50% of your average weekly earnings (before tax) calculated over the relevant period

Please note that when an employee has already received maternity pay or adoption pay and chooses to take SPL then no combination of payments will exceed a total of 6 weeks' pay at 90% of average weekly earnings plus 33 weeks at 50% plus SMP/SAP/ShPP.

Where both parents work for WLHP, the combined payment made to both employees as either Maternity Pay, Adoption Pay or Shared Parental Pay will not exceed a total of 6 weeks at 90% of average weekly earnings plus 33 weeks at 50% plus SMP/SAP/ShPP.

This benefit is available to all employees who intend to return to work at the end of their SPL leave. If you decide you are not going to return to work following your SPL you will not be entitled to receive EMP. If you indicate that you will return to work following SPL and do not physically return or do not remain in employment with

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WLHP for 3 months after the end of your SPL you will be required to refund Wheatley Group the amount of EShPP.

7. How Do I Start Shared Parental Leave?

For Shared Parental leave to start, the mother or adopter must do one of the following:

- End their maternity or adoption leave by returning to work
- Agree on the date on which their maternity or adoption leave ends. This date cannot, under normal circumstances, be changed
- End their maternity pay or Maternity Allowance (if they aren't entitled to maternity leave, e.g. they are an agency worker or self-employed)

N.B. The mother must give a minimum of 8 weeks' notice to end her maternity pay or Jobcentre Plus to end her Maternity Allowance. Adopters must give notice to their employer to end adoption pay.

SPL can start for the partner while the mother or adopter is still on maternity or adoption leave if she has agreed a date for her leave (or pay if she's not entitled to leave) to end early.

8. What Information Do I Need to Give WLHP to Take SPL?

Before making any request for SPL, you must give WLHP notice of your entitlement to take SPL.

You should do this by completing the Entitlement to SPL Form available on Holmes.

You will need the following information to complete this form:

- Your partner's name
- Maternity/adoption leave start and end dates
- The total amount of SPL and pay available and how much you and your partner intend to take
- The date on which the child is expected to be born or the actual date of birth. In the case of adoption, the date on which you have been notified of having been matched with the child and the date of placement of the child.
- A "non-binding" indication of when you are intending to take leave
- That you are sharing childcare responsibility with their partner

You must also include a signed declaration from your partner stating:

- Their name, address and National Insurance number

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- That they are the mother/adopter of the child or that they are the father of the child or are the spouse, civil partner or partner of the mother/adopter
- That, at time of birth/placement they had the main responsibility for the child, along with the employee
- That they satisfy the qualifying requirements
- That they agree to the amount of SPL and pay that you have indicated you wish to take

You will also be required to provide the following:

- A copy of the child's birth certificate
- The name and address of your partner's employer.
- In the case of an adopted child, documentary evidence of the name of the adoption agency, the date on which you were notified of having been matched with the child and the date of which the agency expects the child to be placed.

N.B. We will ask for this information within 14 days of receiving the signed declaration. You will have 14 days from receipt of this request to provide us with this information. If the baby has not been born at the time the notification of entitlement to shared parental leave is received, you must provide this within 14 days of the birth of the child.

9. Notification of Intention to take SPL

Employees must give at least 8 weeks' notice before a block of leave begins. The timing and duration of each block must be agreed in advance by the employee and their line manager. If this cannot be agreed then the leave will default to a single period of leave to commence on a date specified by the employee or, alternatively, the employee can withdraw their request. Where a request is withdrawn within 14 days of being submitted, it will not count as one of your three requests for SPL.

If the child is born more than 8 weeks early, this notice period can be shorter. Employees have a statutory right to a maximum of 3 separate blocks of leave but must submit a separate notice of entitlement to Shared Parental Leave for each block. A block of leave may only have one start and one end date ("Continuous" leave). SPL can only be taken in complete weeks but can start on any day of the week.

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If both parents are taking SPL then they can take their leave at the same time as each other or at different times.

N.B requests for continuous blocks of leave cannot be turned down provided the secondee is eligible and gives the correct amount of notice. Requests to split the block of leave into shorter periods (“Discontinuous” leave) can be turned down.

Secondees may cancel or vary a block of SPL that has already been agreed provided they provide notice to both their line manager and Employee Relations at least eight weeks before the original leave was due to start and/or end and (where a variation is being requested) eight weeks before the new start and/or end date.

Any request to cancel or vary an agreed block of leave will usually count as one of the three requests for shared parental leave.

10. Cancelling the decision to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early if:

- The planned maternity/adoption leave end date has not passed
and
- They have not returned to work

One of the following must also apply:

- It is discovered during the 8 week notice period that neither partner is eligible for either SPL or SHPP
- The secondee’s partner has died
- It is less than 6 weeks after the birth (and the mother gave notice before the birth)

11. Shared Parental Leave In Touch (SPLIT) Days

Employees can work up to 20 days during SPL without bringing it to an end. These days are known as Shared Parental Leave In Touch or SPLIT days.

These days are in addition to the 10 Keeping In Touch or KIT days already available to those on maternity or adoption leave.

Any SPLIT days worked do not extend the period of SPL.

These days are optional and must be agreed by both employee and their manager.

12. Antenatal appointments

All pregnant employees are entitled to time off with pay to attend antenatal appointments. Employees may be required to show their manager an appointment card or other documents showing appointment details.

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Fathers and partners of pregnant woman are entitled to unpaid time off to attend two antenatal appointments.

13. Annual Leave

SPL is granted in addition to an employee's normal annual leave entitlement. Where a SPL period overlaps two leave years the employee should discuss with their manager how their annual leave entitlement can be used to ensure that it is not untaken at the end of the leave year/carry over period.

14. Fraudulent claims

Any suspected fraudulent claims will be investigated in line with WLHP Disciplinary policy. Submission of Fraudulent claims may be regarded as gross misconduct.