





## Shared Parental Leave Policy

### Policy statement

This shared parental leave (SPL) policy sets out the Little Nick Nursery and Preschool's approach to arrangements for shared parental leave and pay in relation to the birth or adoption of a child. It is in keeping with the statutory rights and responsibilities of employees and is designed to provide a clear and transparent structure for dealing with any future requests for SPL from Little Nick Nursery and Preschool employees.

### Introduction

Subject to eligibility criteria, shared parental leave and pay is available to parents of babies due on or after 5 April 2015 and allows eligible women to curtail their right to maternity leave to enable their partner to take shared parental leave. Similar rules apply for adoptive parents of children being placed on or after 5 April 2015.

### Objectives

**The shared parental leave policy aims to:**

- let employees know their rights in respect of shared parental leave;
- provide guidance to employees, line managers, and owners as to the process to be followed when shared parental leave is sought;
- ensure that Little Nick Nursery and Preschool complies with its responsibilities under the Shared Parental Leave Regulations 2014



## General Principles

### Definitions

- Unless indicated otherwise, all criteria relating to the birth of a child will also apply to those adopting;
- Unless indicated otherwise, all references to “employee” include both nursery and centrally employed staff.

### Consistency of Treatment and Fairness

The relevant body is committed to ensuring consistency of treatment and fairness and will abide by all relevant employment and equality legislation.

### Little Nick Nursery and Preschool Shared parental leave policy

1. This policy outlines the arrangements for shared parental leave and pay in relation to the birth or adoption of a child.
2. This policy applies only to employees of Little Nick Nursery and Preschool and does not apply to self-employed contractors.
3. This policy does not form part of any employee's contract of employment and Little Nick Nursery and Preschool reserves the right to amend it at any time.

### Frequently used terms

4. 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 your 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:** your spouse, civil partner or someone living with you in an enduring family relationship, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew;
- **Qualifying Week:** the fifteenth week before the EWC.

### What is shared parental leave?

5. Shared parental leave (SPL) is a form of leave that may be available if your child is expected to be born, or a child is placed for adoption with you, on or after 5 April 2015.
6. It gives you and your partner more flexibility in how to share the care of your child in the first year after birth or adoption than simply taking maternity and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you, and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block.

### Entitlement to SPL

7. SPL can only be used by two people:
  - (a) The mother/adopter and
  - (b) One of the following: the father of the child (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopterBoth parents must share the main responsibility for the care of the child at the time of birth/ placement for adoption.
8. The following conditions must also be fulfilled:
  - (a) you must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
  - (b) 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 above a certain threshold (currently £30) during 13 of those weeks; and
  - (c) you 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.



9. The total amount of SPL available is not less than 52 weeks, less the weeks spent by the child's mother on maternity/ adoption leave (or the weeks in which the mother has been in receipt of SMP, SAP or MA if she is not entitled to maternity/adoption leave).
10. If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.
11. If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

#### **Opting in to shared parental leave and pay**

12. Not less than eight weeks before the date you intend your SPL to start, you must provide your line manager with a written opt-in notice giving the details listed below:
  - (a) your name and the name of the other parent;
  - (b) if you are the child's mother, the start and end dates of your maternity leave;
  - (c) if you are 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;
  - (d) the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
  - (e) how many weeks of the available SPL will be allocated to you and how many to the other parent (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
  - (f) if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP, SAP or MA period taken or to be taken);
  - (g) how many weeks of available ShPP will be allocated to you and how much to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);



- (h) an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- (i) declarations by you and the other parent that you both meet the statutory conditions to enable you to take SPL and ShPP.

### **Ending your maternity leave**

13. If you are the child's mother and want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth.
14. You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see paragraph 12) or a written declaration that the other parent has given their employer an opt-in notice and that you have given the necessary declarations in that notice.
15. The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.
16. The curtailment notice is binding and cannot usually be revoked. You can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:
  - (a) if you realise that neither you or the other parent are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given;
  - (b) if you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
  - (c) if the other parent/ partner has died.
17. Once you have revoked a curtailment notice you will be unable to opt back into the SPL scheme, unless you revoked it in the circumstances in paragraph 16 (b).



### **Ending your partner's maternity leave or pay**

18. If you are not the mother, and she is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once she has either:
- (a) returned to work;
  - (b) given her employer a curtailment notice to end her maternity leave;
  - (c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
  - (d) given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

### **Evidence of entitlement**

19. You must also provide on request:
- (a) A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
  - (b) The name and address of the other parent's employer (or a declaration that they have no employer).

### **Booking your SPL dates**

20. Having opted into the SPL system you will need to give a period of leave notice telling us the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim ShPP, if applicable.
21. If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.
22. You can give up to three period of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice).



### **Procedure for requesting split periods of SPL**

23. A period of leave notice may set out a single continuous block of leave or we may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between (a discontinuous block). It is best to discuss this with your line manager in good time before formally submitting your first period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.
24. You must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date.
25. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, no further discussion will be needed.
26. In certain situations a designated manager may arrange a meeting to discuss split periods of SPL. This should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone. At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative or even a personal friend or family member.
27. The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified reasonable arrangement would be agreeable to the employee and the organisation, and what the outcome may be if no agreement is reached.
28. Where Little Nick Nursery and Preschool is unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, depending on the impact to the setting you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for





example, if you requested three separate periods of two weeks each, they could be combined as one 6-week period of leave). Alternatively, you may:

- (a) choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
- (b) withdraw your 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 you may submit a new one if you choose).

### **Changing the dates or cancelling your SPL**

29. You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.
30. You can change the start date for a period of leave, or the length of the leave, by notifying us in writing at least eight weeks before the original start date and the new start date.
31. You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify us in writing of the change as soon as you can.
32. You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date and the new end date.
33. You can combine split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date of the first period.
34. You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request as set out in paragraph 24.
35. A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:



- (a) the variation is a result of your child being born earlier or later than the EWC;
- (b) the variation is at our request; or
- (c) we agree otherwise.

### **Shared parental pay**

- 36. You may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP, SAP or MA claimed by you or your partner) if you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your 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
- 37. Subject to meeting eligibility criteria, including continuous service of at least 12 months at the 11<sup>th</sup> week before the EWC, employees of Little Nick Nursery and Preschool may also be entitled to Occupational Shared Parental Pay, payable at an enhanced level for up to a total of 18 weeks (less any weeks of SMP, SAP or MA claimed by you or your partner).
- 38. Any claim for ShPP should ideally be made at the same time as an application for SPL so as to avoid duplication and in any case at least 8 weeks before the receipt of any ShPP.

### **Other terms during shared parental leave**

- 39. Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 40. If you are a member of the pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any shared parental pay you are receiving.



### **Keeping in touch**

41. We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.
42. You may ask or be asked to work (including attending training) on up to 20 "shared parental leave keeping-in-touch" days (SPLIT days) during your SPL. This is in addition to up to 10 KIT days that you may have taken during maternity leave. SPLIT days are not compulsory and must be discussed and agreed with your line manager.
43. You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

### **Returning to work**

44. If you want to end a period of SPL early, you must give us eight weeks' written notice of the new return date. If have already given us three period of leave notices you will not be able to end your SPL early without our agreement.
45. If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give us a written period of leave notice at least eight weeks before the date you were due to return to work. If you have already given us three period of leave notices you will not be able to extend your SPL without our agreement. You may instead be able to request annual leave or ordinary parental leave (see our Parental Leave Policy), subject to the needs of the business.
46. You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
  - (a) if your SPL and any maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or



(b) if you took SPL consecutively with more than four weeks of ordinary parental leave.

47. If you decide you do not want to return to work you should give notice of resignation in accordance with your contract. It is helpful if such requests are made as early as possible.

### **Relevant Legislation**

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014

Equality Act 2010