

SHARED PARENTAL LEAVE

Section B – Non Contractual Policy

Shared Parental Leave

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity/adoption leave and opt in to shared parental leave and pay at a later date.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave. We provide a separate policy on ordinary parental leave.

We recognise that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is LSH's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with the HR department to ensure that they are followed correctly.

The essential features of shared parental leave (SPL) are:

- eligible employees will be able to bring maternity/adoption leave to an early end and share the remaining leave entitlement
- eligible employees will have a certain amount of flexibility to decide which parent takes leave and when, including being on leave at the same time
- the maximum amount of leave to be shared is 50 weeks
- leave may be taken in minimum blocks of one week
- eligible employees may make up to three requests for leave, including any changes to previously booked leave

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------

- a request for a continuous period of leave becomes fixed
- a request for discontinuous leave is subject to agreement with LSH.

Eligibility requirements

In order to take SPL, both the employee and their partner must meet certain eligibility criteria.

You must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- have 26 weeks' service at the end of the 15th week before the expected week of childbirth (EWC) or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- have a partner who meets the employment and earnings test (see below)
- share the primary responsibility for the child with the other parent at the time of the birth/adoption
- have made the required notifications in respect of their entitlement and have provided the necessary declarations and evidence
- be working for LSH until the week before any leave is taken.

Employment and earnings test

Your partner must have, in the 66 weeks before the EWC, worked for at least 26 weeks and earned on average at least £30 a week in any 13 weeks.

Amount and timing of SPL

Parents cannot take more than 52 weeks of leave in total made up of maternity or adoption leave and shared parental leave, but excluding paternity leave which is a standalone entitlement.

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------

If the mother is entitled to statutory maternity/adoption pay/maternity allowance but not maternity/adoption leave, the maximum number of weeks of shared parental leave to be taken is the remainder of 52 weeks' minus the number of weeks' pay received.

Mothers are not able to share compulsory maternity leave entitlement of two weeks. This is a statutory requirement enabling the employee to recover from the birth and is to be taken exclusively by her. Correspondingly, adopters may share a maximum of 50 weeks' leave.

Shared parental leave can only be taken in minimum blocks of one week; it is not possible to take a day's shared parental leave. The minimum amount that can be taken is one week.

Entitlement to Shared Parental Pay

Shared Parental Pay (ShPP) can be paid to both parents for a maximum of 39 weeks in total. This includes any weeks in which statutory maternity or adoption pay was received, and the timing of pay will be decided between the parents.

To be eligible to receive ShPP, you must:

- have been continuously employed for at least 26 weeks up to and including the “qualifying week” (the 15th week prior to the expected week of childbirth or placement for adoption)
- have average earnings not less than the lower earnings limit calculated over the eight weeks prior to the qualifying week
- comply with the notification requirements.

All ShPP is paid at the lower of the standard rate or 90 per cent of the employee’s normal weekly earnings.

Notification requirements

Notice of entitlement and intention to take leave and pay

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------

At least eight weeks before any leave is to be taken, the employee must provide the following information to their Line Manager and HR Operations:

- name of employee
- name of partner
- the start and end dates of maternity/adoption leave (or pay if employee was not entitled to leave)
- the total amount of shared parental leave available
- the expected week of childbirth/placement (or the actual date of birth/placement if this has taken place)
- a non-binding indication of how the employee and their partner think they will split and take shared parental leave.

If you are the mother, you must also provide a signed declaration confirming that you meet the eligibility requirements for taking leave and produce a signed declaration from the other parent confirming:

- his/her name and address
- that he/she meets the eligibility requirements
- that he/she consents to the employee taking the amount of leave it has been notified they intend to take
- that he/she permits LSH to process his/her information and
- that immediate notification will be made if any of the eligibility requirements cease to be met.

Curtailment notice

Maternity/adoption leave must be curtailed (ended early) if shared parental leave is to be taken. The mother/main adopter must inform their Line Manager and HR Operations that

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------

maternity/adoption leave will be brought to an end by providing a curtailment notice at the same time as the notice of entitlement is provided. The curtailment notice will give eight weeks' notice of leave (or pay in the event that the employee is not entitled to leave) being brought to an early end.

A notice of curtailment can only be revoked in the following specific circumstances:

- where it is discovered in the eight weeks following the notice that neither the mother/adopter nor their partner has any entitlement to shared parental leave or pay
- in the event of the death of the partner
- if the notice was given before the birth, and the mother revokes her maternity leave curtailment notice in the six weeks following the birth.

Notice of curtailment must be provided to Jobcentre Plus if the mother is not entitled to maternity pay but instead received maternity allowance.

Notice to take a specific period of SPL and ShPP

Although an indication of leave dates will have been given in previous notices, a period of leave is not fixed (unless stated to the contrary) until a period of leave notice is submitted. A maximum of three period of leave notices are permitted, which will include any notices to amend a period of leave already booked. A period of leave notice gives eight weeks' notice to LSH that you intend to take leave on the specified dates. The date that leave will start should be given unless the period of leave notice is given before the birth of a child, in which case the start date may be expressed as, for example, 'two weeks' after the birth, to last for 'four weeks'.

You should also indicate in this notice whether you intend to allocate ShPP to the period of leave.

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------

It is important that all of the relevant information is provided according to the set timelines. If it is not, we cannot guarantee that the leave will be granted.

Confirmation of SPL and ShPP

If you request one continuous block of leave in a period of leave notice, you are entitled to take this period of leave and we will confirm the dates to you in writing.

However, if you request more than one period of leave ie discontinuous blocks of leave in one period of leave notice, LSH will make a decision on whether this can be accommodated. Your Line Manager will arrange a meeting with you at which the request will be discuss with you. The outcome of the request will be one of the following:

- agreement to the request
- proposal of alternative leave dates or
- refusal of the request.

If no agreement can be reached within two weeks of the period of leave notice being submitted, the default provisions will apply which means you are able to withdraw the request any time up to the 15th day after it was made.

If the request is not withdrawn, you can take the leave in one continuous block to start on the first date of leave specified in the notice. Alternatively, the leave can be taken in one block on a new date notified by you within 19 days of the original request.

Varying a period of leave

Once a period of leave notice has been submitted, you may change the dates on which leave is to be taken by submitting a request to vary a period of leave giving eight weeks’ notice. These notice provisions are waived in the event of an early birth and your leave will start the same length of time after the birth as it would have started had the baby not come early. In this case,

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------

notice should be given as soon as reasonably practicable. In all other cases, the following applies:

- in this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child
- in order to change the start date of leave, you must give eight weeks' notice counted back from the earlier of either the original date or the new date
- to change the duration of a period of leave, you must give eight weeks' notice of the original start date.

You may also request that a continuous period of leave is separated into a discontinuous period, or that a discontinuous period is consolidated into a continuous period.

Submitting a variation notice will count towards your maximum three notices unless it is made as a result of the child being born earlier or later than the expected week of childbirth.

If you are submitting a variation notice subsequent to a request to do so LSH, it will not count as one of the maximum three notices.

Evidence requirements

In order for us to verify the information you have provided, you may be required to produce:

- a copy of the child's birth certificate
- and the name and address of the other parent's employer.

If the other parent is not employed, a declaration must be signed to this effect.

Within 14 days of our receipt of your notice of entitlement in relation to an adoption, you may be required to produce documents from the adoption agency which show the following:

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------

- the adoption agency's name and address
- the date you were notified of being matched with the child
- the expected date of placement.

Where requested, the information above must be provided within 14 days. Where you are unable to provide a birth certificate because it has not yet been issued, you will be required to sign a declaration to that effect which also includes the date and location of the child's birth.

'SPLIT' days

During shared parental leave, you may work for up to 20 shared parental leave 'in touch' days (SPLIT days) without statutory payments being affected. We recognise the benefit of SPLIT days and encourage you to use them, however, they are optional: you are not obliged to use them and we are not obliged to permit them.

You will be paid at normal rate for work on a SPLIT day. Any work done on one day will count as one SPLIT day.

Your entitlement to 20 SPLIT days is not affected by your entitlement to 10 KIT days during maternity or adoption leave.

Rights during shared parental leave

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Salary/wages will be replaced by statutory shared parental pay if the employee is eligible for it.

This means that, while sums payable by way of wages/salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid. Life assurance and private medical insurance schemes will remain.

Contact during shared parental leave

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------

LSH reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

An employee can agree to work for LSH (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

LSH has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and LSH.

If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you for each hour that you work during a SPLIT day at the rate of your normal hourly payment rate.

Returning to work following shared parental leave

The employee has the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory maternity leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.

If the employee is returning to work from shared parental leave and the period of leave taken is more than 26 weeks, when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave, the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------

reasonably practicable LSH to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for him/her.

V2022-V1	Policy Reviewer HR Operations	Policy Owner Sarah Mason	Date 01/05/2022	Next Review 01/03/2023
----------	----------------------------------	-----------------------------	--------------------	---------------------------