



SHARED PARENTAL LEAVE POLICY

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What is Shared Parental Leave?

The Society is committed to helping working parents balance work and family life whilst managing the operational needs of the business.

Shared Parental Leave (ShPL) enables eligible parents to choose how to share the care of their child during the first year after birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave.

Qualifying

To qualify employees must satisfy the following:

ShPL can only be used by two people:

- The mother/adopter **and**
- 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/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee will qualify for ShPL, only if the employee and the partner meet the following minimum work and earnings conditions.

- The employee seeking to take ShPL must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which the adopter was notified of having been matched with a child or adoption) and is still employed in the first week that a period of Shared Parental Leave is to be taken.
- The partner must have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold at the prescribed rate set by the Government at the start of each tax year in 13 of the 66 weeks.

Shared Parental Leave entitlement

Eligible employees may be entitled to take up to 50 weeks ShPL during the child's first year. If an employee decides to end their maternity/adoptive leave then they and/or their partner may opt-in to ShPL and take any remaining weeks as ShPL.

ShPL can commence as follows:

- The mother can take ShPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take ShPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take ShPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave

entitlements (as the father/partner cannot take paternity leave or pay once they have taken any ShPL or Shared Parental Pay).

Where a mother/adopter has committed to end their maternity/adoption entitlement early, at a specified future date, then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

ShPL must end no later than one year after the birth/placement of the child. ShPL will run continuously from the initial leave date until all has been exhausted or unless the mother or partner/adopter opts to end this by returning to work early.

Notifying the organisation of an entitlement to Shared Parental Leave

An employee entitled and intending to take ShPL must complete the ShPL1, ShPL2 and ShPL3 forms and return them to the People and Performance department, **at least eight weeks** before they can take **any** period of ShPL.

The ShPL1, ShPL2 and ShPL3 forms are enclosed in the Shared Parental Leave pack which is available from Sharepoint, your line manager or from the People and Performance department. Please telephone the People and Performance department on 0131 335 4447 to request this.

Requesting further evidence of eligibility

Within 14 days of the ShPL entitlement notification being received the Society may request:

- the name and business address of the partner's employer (where the partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to ShPL, the employee must produce this information within 14 days of the employer's request.

Failure to provide the relevant information will lead to a request for Shared Parental Leave being rejected.

Fraudulent claims

The Society can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in line with the Society's Disciplinary Policy and Procedures.

Shared Parental Leave – Procedure

Informal stage

An employee considering ShPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement and to talk about their plans.

The People and Performance department may, upon receiving the completed forms, contact you to discuss your intentions and how you plan to use your ShPL entitlement. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Society, and what the outcome may be if no agreement is reached.

Formal stage

An employee intending on taking Shared Parental leave must complete the Society's ShPL1, ShPL2 (where applicable) and ShPL3 forms. The employee must also contact the People and Performance department by telephone to notify them of their intention on 0131 335 4447.

The employee has the right to submit three notifications specifying leave periods they are intending to take. All periods of leave must be in complete week blocks (or multiples of weeks). Each notification may contain either:

- a single period of leave; or
- two or more periods of discontinuous leave, where the employee intends to return to work between periods of leave.

The employee must request ShPL by giving the correct notification **at least eight weeks** before the date on which they wish to start the leave and (if applicable) receive ShPP.

Continuous leave notifications

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of ShPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take nine weeks of ShPL, return to work for eight weeks and request a further nine weeks of ShPL).

The Society will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can withdraw it, without detriment, within the 15th day of making the request. Alternatively the employee can take the leave in a single continuous block. If the employee chooses to take the leave in a single continuous block, they must choose when they want their leave period to begin; this must be decided by the 19th day from the date the original notification was given. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

Responding to a Shared Parental Leave notification

Once the People and Performance department receive the completed ShPL1, ShPL2 (where applicable) and ShPL3 forms, the request will be dealt with as soon as possible. All notices for ShPL will be confirmed in writing no later than 14 days after the leave request was received.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of ShPL.

Variations to arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of ShPL, provided that they advise the Society in writing **at least eight weeks before the date of any variation**. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will count as a new notification reducing the employee's right to alter their leave by one request. A change to ShPL will not count as a notification if this is as a result of:

- a child being born early, or
- a result of changes being made and agreed for business reasons.

Any variation will be confirmed in writing by the Society.

Statutory Shared Parental Pay (ShPP)

The amount of weeks available for eligible employees will depend on the amount of maternity/adoption pay remaining from the total statutory 37 weeks (39 weeks minus two weeks compulsory maternity leave). ShPP must be taken within the first year of the birth/placement of the child regardless of whether an employee opts to take periods of continuous and/or discontinuous leave.

In addition to meeting the eligibility requirements for ShPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- to qualify for Shared Parental Pay (ShPP) the employee must still be working continuously for the Society at the start of each period of ShPL;
- the employee must have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date that are not less than the lower earnings limit in force for national insurance contributions;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee must correctly notify the Society of their entitlement and provide evidence as required.

Where an employee is entitled to receive ShPP they must complete the ShPL1 and ShPL2 form (where applicable). Both forms must be completed and sent to the People and Performance department **at least eight weeks** before receiving any ShPP.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

Benefits maintained during ShPL

Holidays

Employees continue to accrue Society holidays over the duration of their Shared Parental Leave. We encourage employees to take Society holidays prior to their maternity/adoption/paternity leave or following their Shared Parental leave, subject to discussion and agreement with the employees Manager.

Bonus

Employees who are on Shared Parental leave or have been on Shared Parental leave during the financial year prior to a bonus being awarded will be considered for bonus subject to meeting the standard criteria. If the member of staff meets the bonus criteria they will receive a payment on a prorated basis to reflect the proportion of time the employee was working, after the 5th October 2008 the two weeks compulsory maternity leave (and four weeks if maternity leave had to start early due to sickness) will be included with working time.

Company Cars

If an employee has a company car they can continue to use this during their Shared Parental leave. In the case of pool car's which are purely for business use these are retained by the Society.

Mobile Phone

Employees who have a company mobile phone can continue to use this during their Shared Parental leave. Employees should pay for personal calls in the same way as during working time.

Medical Cover/health insurance/ Life Insurance

Medical cover, health insurance and life insurance that employees may hold with the Society will be maintained throughout the paid portion of Shared Parental leave – up to 39 weeks.

Pensions

Cash balance pension

If an employee is a member of the Cash Balance pension scheme and they are receiving Shared Parental Pay their contributions will be based on the Shared Parental Pay they receive over the paid period of leave, not their normal pensionable pay. The Society will top up the employees contributions during the paid part of their Shared Parental Leave to their normal pension contribution. Employees cannot contribute towards their pension during the unpaid part of their Shared Parental Leave. Employees should contact the Pensions Manager to discuss their details further – on 0131 335 4434.

NEST pension

If an employee is a member of the NEST pension scheme and they are receiving Shared Parental Pay their contributions will be based on the Shared Parental Pay they receive over the paid period of leave, not their normal pensionable pay. Employees cannot contribute towards their pension during the unpaid part of their Shared Parental Leave. Employees should contact the Pensions Manager to discuss their details further – on 0131 335 4434.

Continuous Service

An employee will maintain continuous service throughout their Shared Parental leave. This means it counts towards continuous service for redundancy calculations and other length of service benefits / calculations.

Contact during Shared Parental Leave

Before an employee's ShPL begins, the Society will discuss the arrangements for them to keep in touch during their leave. The Society reserves the right in any event to maintain reasonable contact with the employee from time to time during their ShPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any training to be given to ease their return to work or simply to update them on developments at work during their absence.

Shared Parental Leave in Touch days

An employee can agree to work for the Society (or attend training) for up to 20 days during ShPL without bringing their period of ShPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The organisation has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's ShPL. Any work undertaken is a matter for agreement between the organisation and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of ShPL.

An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during ShPL. The organisation and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of ShPL or to trial a possible flexible working pattern.

Returning to work after Shared Parental Leave

The employee will have been formally advised in writing by the Society of the end date of any period of ShPL. An employee should make contact with their Manager before their return to work, to discuss arrangements for their return. The Manager and employee should discuss any changes in the place of work and handover arrangements. It is important to have this discussion as early as practicably possible.

The employee is expected to return on the next working day after this date, unless they notify the organisation otherwise. If they are unable to attend work due to sickness or injury, the Society's Absence Policy will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Society at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications.

An employee is entitled to return to work to the same job on the same terms and conditions, as if they had not been absent, unless a redundancy situation has arisen, if the employee's total leave amounts to 26 weeks or less (total statutory maternity/paternity/adoption leave and ShPL).

If an employee's total leave amounts to 26 weeks or more, the employee is entitled to return to the same job on the same terms and conditions, as if she had not been absent, unless a redundancy situation has arisen. However if there is a reason other than redundancy which mean that it is not reasonably practicable, they can return to

another job which is both suitable and appropriate and on terms and conditions no less favourable.

Unpaid Parental Leave and Shared Parental Leave

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job if the total amount of maternity/paternity/adoption and ShPL does not exceed 26 weeks.

If a parent takes 5 weeks or more unpaid parental leave, where the total weeks of maternity/paternity/adoption and ShPL does not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

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