



Shared Parental Leave Policy

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The Trust will not tolerate unlawful discrimination on the grounds of the protected characteristics of: age, disability, race, nationality, ethnic or national origin, gender, pregnancy or maternity, marriage or civil partnership, religion, beliefs, sexual orientation and gender reassignment The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership, HIV status, political affiliation, domestic circumstances and social and employment status. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups.

Names and roles of contributors, user engagement etc.	
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Equality Impact Assessment	
Linked procedural documents	Flexible Working Arrangements Policy Special Leave Policy Annual Leave Policy Maternity Leave and Pay Policy Change Management, Redundancy and Redeployment Policy Adoption Leave and Pay Policy
Dissemination Requirements	All Trust employees by intranet

Contents

1 Policy Statement

- 1.1 This document outlines the Shared Parental Leave Policy for The East of England Ambulance Service NHS Trust (the Trust). This policy is written in accordance with the Shared Parental Leave Regulations 2014, The Shared Parental Leave Pay (General) Regulations 2014, Maternity & Adoption Leave (Curtailed of Statutory Rights) Regulations 2014, Employment Rights Act 1996, Children and Families Act 2014 and the Equality Act 2010.
- 1.2 This policy is applicable to staff who are new or expectant mothers/fathers/partners whose baby is due on or after 5th April 2015. It is also applicable to adoptive parents who are due to adopt a child on or after 5th April 2015.
- 1.3 This policy has been written in partnership by management and staff side.

2 Scope

- 2.1 This policy applies to employees who have responsibility for bringing up a child i.e. the biological and/or adoptive father, nominated carers, or the husband/civil partner/partner (including same-sex relationships) of the mother.

3 Access To The Procedure

- 3.1 All employees are entitled to access to this policy which is located in the HR Policies and Procedures Folders and/or on the Trust's Intranet. However, if you require this policy in any other format please seek guidance from the Human Resources Department, your line management or trade union representative.
- 3.2 Employees and Managers may also wish to consult related Trust policies such as Flexible Working Arrangements, Special Leave, Annual Leave, Maternity Leave and Pay, Change Management, Redundancy and Redeployment and Adoption Leave and Pay.

4 Roles And Responsibilities

- 4.1 The Human Resources Department is responsible for keeping the provisions within this policy in line with employment legislation, best practice people management principles and NHS guidelines.
- 4.2 Managers, HR staff and trade union representatives are responsible for providing advice and guidance to employees on the application of this policy and procedure.
- 4.3 Management and trade union representatives are responsible for bringing any mutually beneficial improvements to this policy to the attention of the Trust.
- 4.4 Employees are responsible for obtaining information and advice regarding their entitlements and for providing such information and documentation as is necessary in order to secure these entitlements .

5 What is Shared Parental Leave?

- 5.1 Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of 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. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).
- 5.2 The Trust recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. It is the Trust policy to encourage open discussion with employees to ensure questions and problems can be resolved as quickly as possible.

6 Eligibility

- 6.1 To be eligible for Shared Parental Leave (SPL) 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)
- 6.2 Additionally an employee seeking to take SPL must satisfy each of the following criteria:
- You or your partner must be eligible for maternity pay or leave, adoption pay or leave or maternity allowance.
 - Have been employed continuously by the Trust for at least 26 weeks by the end of the 15th week before the due date (or by the date you are matched with your adopted child.)
 - Stay with the Trust while you take 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) and 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).
- 6.3 Requesting Further Evidence of Eligibility- The Trust may, within 14 days of the SPL entitlement notification being given, request:
- The name and business address of the partner's employer (where the employee's 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 SPL, the employee must produce this information within 14 days of the Trust's request.

7 **Notification**

- 7.1 An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take SPL, at least eight weeks before they can take any period of SPL.
- 7.2 In order to be eligible for SPL the employee must complete all sections of Appendix 1 and 2. This includes a declaration that they meet all the eligibility criteria, should they cease to be eligible the employee must immediately inform the Trust.

8 **Shared Parental Leave Entitlement**

- 8.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.
- 8.2 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
- 8.3 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
- 8.4 SPL can commence as follows:
- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
 - The adopter can take SPL after taking at least two weeks of adoption leave
 - The father/partner/spouse can take SPL 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 SPL or ShPP).
- 8.5 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
- 8.6 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below). If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

- 8.7 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

9 Fraudulent Claims

- 9.1 The Trust can, where there is a suspicion that fraudulent information may have been provided or where the Trust has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Trust's Anti-Fraud and Bribery Policy and disciplinary procedures. In such cases a referral may be made to the Trust's Local Counter Fraud Specialist.

10 Discussions Regarding Shared Parental Leave

- 10.1 An employee considering/taking SPL is encouraged to contact Human Resources to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Trust to support the individual.
- 10.2 Human Resources may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.
- 10.3 Upon receiving a SPL Application Form (contained in Appendix 1 and 2), Human Resources will arrange a meeting with the employee and their manager to discuss if required.
- 10.4 At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.
- 10.5 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 arrangement would be agreeable to the employee and the Trust, and what the outcome may be if no agreement is reached.

11 Booking Shared Parental Leave

- 11.1 11.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.
- 11.2 11.2 The employee has a statutory right to submit three notifications specifying leave periods they are intending to take. However, the Trust will allow further notifications beyond this statutory minimum. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 11.3 11.3 SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

- 11.4 11.4 The employee must book SPL 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.

12 **Continuous leave notifications**

- 12.1 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).
- 12.2 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 SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.
- 12.3 The employee has a statutory right to submit three notifications specifying leave periods they are intending to take. However, the Trust will allow further notifications beyond this statutory minimum.

13 **Discontinuous leave notifications**

- 13.1 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 six weeks of SPL and work every other week for a period of three months).
- 13.2 Where there is concern over accommodating the notification, the Trust or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Trust (see "Discussions regarding Shared Parental Leave" above).
- 13.3 The Trust will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, a meeting will take place to discuss whether a modified arrangement would be agreeable to the employee and the Trust.

14 **Responding to a Shared parental Leave Notification**

- 14.1 Once the line manager receives the SPL Application Form (contained in Appendix 1 and 2), it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.
- 14.2 All notices for continuous leave will be confirmed in writing or via email.
- 14.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Trust against any adverse impact to the service needs. 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 SPL. The employee will be informed in writing or via email of the

decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.

- 14.4 If a discontinuous leave pattern is refused then the employee may either take the leave in a single continuous block or discuss whether a modified arrangement would be agreeable to the employee and the Trust. If the employee chooses to take the leave in a single continuous block, the employee has until the 14th day from the date of refusal to notify the Trust of when they want the leave period to begin.
- 14.5 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.

15 Variations to Arranged Shared Parental Leave

- 15.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Trust 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 will be confirmed in writing or via email by the Trust.

16 Statutory Shared parental Pay (ShPP)

- 16.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adoption reduces their maternity/adoption pay period or maternity allowance period.
- 16.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 16.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- The mother/adoption must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
 - The employee must intend to care for the child during the week in which ShPP is payable;
 - 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 are not less than the lower earnings limit in force for national insurance contributions;
 - The employee must remain in continuous employment until the first week of ShPP has begun;
 - The employee must give proper notification in accordance with the rules set out below.
- 16.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager notice in writing or via email advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

- 16.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- The start and end dates of any maternity/adoption pay or maternity allowance;
 - The total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
 - A signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible.
- 16.6 It must be accompanied by a signed declaration from the employee's partner confirming:
- Their agreement to the employee claiming ShPP and for the Trust to process any ShPP payments to the employee;
 - (In the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
 - (In the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 16.7 Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

17 Terms and Conditions during Shared Parental Leave

- 17.1 During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a lease car etc.) will continue and contractual annual leave entitlement will continue to accrue.
- 17.2 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the Trust's contributions will be based on the salary that the employee would have received had they not been taking SPL.

18 Annual Leave

- 18.1 SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) shared parental leave. The amount of annual leave to be taken this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

19 Contact During Shared Parental Leave

- 19.1 Before going on ShPP leave, the Trust and the employee should discuss and agree any arrangements for keeping in touch during the employee's period of ShPP leave. This may include:
- Any voluntary arrangements that the employee may find helpful to help their keep in touch with developments at work and facilitate their return;
 - Keeping the Trust in touch with any developments that may affect their intended date of return.

20 Shared Parental Leave in Touch Days

- 20.1 An employee can agree to work for the Trust (or attend training) for up to 20 days during SPL without bringing their period of SPL 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.
- 20.2 The Trust 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 SPL. Any work undertaken is a matter for agreement between the manager 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 SPL.
- 20.3 An employee, with the agreement of the Trust, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern

21 Returning to Work after Shared parental Leave

- 21.1 The employee will have been formally advised in writing or via email by the Trust of the end date of any period of SPL. 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 Trusts normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 21.2 If the employee wishes to return to work earlier than the expected return date, they may provide notice either in writing or via email to their line manager to vary the leave and must give the Trust at least 8 weeks notice of their date of early return.
- 21.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing

maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

- 21.4 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is 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 both suitable and appropriate and on terms and conditions no less favourable.
- 21.5 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employees right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
- 21.6 If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do 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.

22 Work During Shared Parental Leave

- 22.1 With the exception of shared parental leave in touch days within the employees substantive post, work on the Trust Bank or working anywhere outside the Trust during the employees contracted hours is not permitted during paid or unpaid Shared Parental Leave unless written approval has been obtained from their line manager. This could constitute gross misconduct and may lead to disciplinary action and referral to the Trust's Local Counter Fraud Specialist.

23 Policy Review

- 23.1 This policy will be reviewed on a three yearly basis or amended in the light of new employment legislation and/or relevant case law.

Appendix 1- Application for Shared Parental Leave

Name of employee:	
Job title:	
I wish to inform you that I intend to take Shared Parental Leave as follows:	
Expected date of childbirth or the date notified that a child has been matched for adoption:	
Child's date of birth or date of placement for adoption:	
Expected date SPL period to commence:	
Expected Return to Work date:	
Dates of paid annual leave to be taken before and/or after SPL (In agreement with your Line Manager):	
<p><i>It is your responsibility to ensure that all accrued annual leave is taken prior to commencing, if this is not possible you will be required to take it directly at the end of the SPL.</i></p>	
<p>If, during your SPL leave, you change your mind about when you intend to return to work, you must give us at least 8 weeks' notice of your new intended date of return.</p>	
<p>Please confirm the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> I am the baby's biological father/ married to the mother/ living with the mother in an enduring family relationship, but am not an immediate relative (please delete as appropriate) <input type="checkbox"/> I have responsibility for the child's upbringing <input type="checkbox"/> The purpose of the period of my SPL will be to care for the child whose birth/adoption certificate is provided with this form. <input type="checkbox"/> I confirm that my partner will be returning to work without using his/her full maternity/adoption leave period and has completed the consent form, which gives consent for his/her details to be processed. <input type="checkbox"/> I confirm that my partner will be returning to work without using his/her full maternity/adoption leave period and has completed the consent form, which gives consent for his/her details to be processed. <input type="checkbox"/> I state my intention to retain my right to return to work following my SPL leave. <input type="checkbox"/> If I wish to return to work earlier than my confirmed return date, I agree to inform my line manager at least 8 weeks before the earlier return date. If I wish to return after my confirmed return date I will give at least 8 weeks' notice in writing, prior to my confirmed date. <input type="checkbox"/> I will discuss the option of a maximum of 20 "SPLIT Days" with my Line Manager 	

DECLARATION

I have read and understood the Trust's Shared Parental Leave Policy, and agree to the following:

- a) I will respond within the required timescales to all Trust correspondence regarding my shared parental leave or I may, subject to my contract of employment, forfeit my right to return to work until relevant notice has been given.
- b) I enclose/have already provided a copy of my child's birth certificate, or confirmation of placement for adoption from my local authority (please delete as appropriate)
- c) I confirm that all details provided in this form to receive SPL or ShPP, are correct
- d) I also understand that whilst on Shared Parental Leave, apart from working on "Shared Parental Leave in Touch Days within my substantive post", I must not undertake paid work on the Trust Bank or outside the Trust, during my contracted hours [without the written approval of my line manager]. I also confirm that I have or I will seek written permission from my line manager if I intend to work for another employer outside of my contractual hours, during my paid Shared Parental Leave. Any breach of this clause could be classed as gross misconduct and may lead to disciplinary action and referral to the Trust's Local Counter Fraud Specialist.

To qualify for SPL you must complete and return this form to your Line Manager no later than 8 weeks prior to the date you wish your SPL to commence. Your partner must complete Appendix 2 in full and sign the declaration. Please provide a copy of your child's birth certificate/confirmation of placement from the adoption agency along with this form.

Signed:

Name (printed):

Dated:

For Line Manager's use only:

Signature of Line Manager: _____

Date Received: _____

For the Human Resources Department use only:

Date received by HR Dept: _____

Meeting arranged for: _____

Date letter issued: _____

Appendix 2 This section of the form must be completed by the partner of the member of staff applying for Shared Parental Leave

Name of employee:	
Job title:	
Details of Partner:	
Name:	
Place of Work and Contact Number:	
Home Address and Telephone Number:	
National Insurance Number (or a declaration that they do not have a NI number):	
I declare that I have now given notice to my employer that I am returning to work from my maternity/adoption leave and the relevant details are as follows:	
The start date of my maternity/adoption pay period was:	
I intend to return to work from my maternity/adoption period on:	
Total amount of shared parental leave available:	
<p>Please confirm the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> I confirm I am the mother/adopter of the child or the father of the child or the spouse, civil partner or the partner of the mother/adopter. <input type="checkbox"/> I confirm that I have been in receipt of either Statutory Maternity/Adoption Pay or Maternity Allowance, following the birth of my child/ placement of my child (please delete as appropriate) <input type="checkbox"/> I confirm that your employee named above is my child's biological father/ my spouse/ my partner or civil partner. <input type="checkbox"/> I confirm that I meet the employment and earnings test as outlines in Section 6.2 above. <input type="checkbox"/> I confirm that your employee named above has the main responsibility (apart from my responsibility) for the upbringing of my child. <input type="checkbox"/> I confirm that your employee named above is, to my knowledge, the only person exercising the entitlement to Shared Parental Leave, and is the sole applicant for Shared Parental Leave pay in respect of my child. <input type="checkbox"/> I consent to the amount of SPL your employee intends to take. <input type="checkbox"/> I will immediately inform my partner should I cease to meet the eligibility conditions. <input type="checkbox"/> I consent to the Trust processing the information contained in this form, and contacting my place of work if necessary. 	

Signed:

Name (printed):

Dated:

