

## Additional Information



| <b>Shared Parental Leave – Additional Information</b>   |   |                         |   |
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| <b>J-Pr-052</b>   |   |                         |   |
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| <b>Associated Policies</b>  | J-P-034 – Family Leave Policy<br>J-P-052 – Shared Parental Leave Policy |                         |   |
| <b>Procedure Summary</b>  |   |                         |   |
| Shared Parental Leave (SPL) is a statutory entitlement for eligible parents to share leave in the first year after the birth, adoption, or issuance of a parental order of a child. It provides both parents with the opportunity to choose the best arrangement to care for their child during the child’s first year. |   |                         |   |
| We welcome any comments or suggestions you wish to share about the content or implementation of this procedure. If you would like to make contact to discuss further, please email: <a href="mailto:.Policies@dorset.PNN.police.uk">.Policies@dorset.PNN.police.uk</a>  |   |                         |   |

## **Introduction**

Shared Parental Leave (SPL) is a statutory entitlement for eligible parents to share leave in the first year after the birth, adoption, or issuance of a parental order of a child. It provides both parents with the opportunity to choose the best arrangement to care for their child(ren) during the child(ren)'s first year. Please click to view the HR Privacy Notice ([D&C](#)) / ([Dorset](#)).

For the purpose of this document the following definitions will apply:

**Mother / birth parent / primary adopter:** The person who gives birth to a baby or the primary adopter / intended parent (surrogacy) (the primary adopter / intended parent means the person who is eligible for adoption leave and any associated pay).

The **Partner** may be one of the following:

- The mother / birth parent / primary adopters' husband, wife, or civil partner or partner with whom they are living in an enduring relationship.
- The child's other parent.

## **Associated Timescales**

SPL must be taken between the baby's birth and their first birthday, within the first year of adoption or within the first year of obtaining a parental order in the case of surrogacy.

A new mother / birth parent is required to take a minimum of two weeks compulsory maternity leave following the birth of their child (referred to as the 'protected period'). Where the mother opts to only take the two weeks compulsory maternity leave, this will leave a maximum of 50 weeks leave which, where eligibility criteria are met, can be taken as SPL. Of the 50 weeks, the mother and the partner may be eligible to receive a maximum of 37 weeks of ShPP.

In order to convert maternity/adoption leave into SPL, the mother/primary adopter must either end the maternity/adoption leave early and return to work or provide a 'notice of curtailment' to end maternity or adoption leave early.

Any remaining weeks of maternity/adoption leave can be taken as SPL which will be remunerated by the receipt of Shared Parental Pay (ShPP), where the individuals meet the eligibility criteria, for up to a maximum of 37 weeks.

## **Eligibility Criteria**

The full eligibility criteria for SPL and ShPP are outlined within the Shared Parental Leave policy statement, however a summary of eligibility requirements provided by ACAS is detailed below:

### **'Shared Parental Leave**

To get Shared Parental Leave (SPL), there must be two parents or adopters sharing responsibility for a child.

For either parent to get SPL, the birth parent or primary adopter must do one of the following:

- end their maternity or adoption leave and return to work
- give their employer notice to end ('curtail') their maternity or adoption leave early

The birth parent must still take at least two weeks maternity leave by law.

The parent who is to take SPL must:

- be sharing responsibility with the other parent from the day of the child's birth or adoption placement
- be legally classed as an employee
- pass the 'continuity of employment test' and their partner must pass the 'employment and earning test'

They then have to give their employer notice of SPL entitlement.

**Continuity of employment test:**

The parent who is to take SPL must:

- have worked for the same employer for at least 26 weeks by the end of the 15<sup>th</sup> week before their baby is due or their adoption match date
- still be working for the same employer at the start of each block of leave they take

**Employment and earnings test:**

Up to the expected birth date or adoption match date, the other parent must have:

- worked for at least 26 of 66 weeks
- earned an average of at least £30 a week in any 13 weeks

If both parents are eligible, they can choose how to use SPL between them.'

Source: The above extract is based on information provided by ACAS – 'Shared Parental Leave and Pay'

Sometimes only one parent will be eligible. For example, a self-employed parent will not be entitled to SPL themselves, but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

Agency staff are not entitled to SPL but may be eligible to get ShPP through their respective recruitment agency.

Where both parents are employees or in the service of the Force and both meet the qualifying requirements, there will be a joint entitlement and the parents will have to determine how to divide the leave once the mother or primary adopter has decided to curtail their maternity/adoption leave.

If an individual stops sharing responsibility for the child, they must notify the Force straight away as their entitlement to SPL or ShPP will cease and they may be required to return to work subject to operational requirement.

**Shared Parental Pay (ShPP)**

Individuals can claim ShPP for any remaining weeks after the mother/primary adopter stops their maternity/adoption pay or maternity allowance so long as they provide written notice to the Force. For example, a mother is entitled to 39 weeks maternity pay but stops it after 30 weeks. They, or the other parent, could receive ShPP for the remaining nine weeks.

To qualify for ShPP an individual must meet the 'continuity of employment test' and their partner must meet the 'employment and earnings test', just like SPL. In addition, the individual must also have earned above the 'lower earnings limit' in the eight weeks

leading up to and including the 15<sup>th</sup> week before the baby's due date/matching date and still be employed with the same employer at the start of the first period of ShPP

### **How can the leave be taken?**

Individuals can request SPL in either continuous or discontinuous blocks. Requests for continuous leave cannot be declined as this is a legislative entitlement, whereas requests for discontinuous leave can be declined (see discontinuous leave below).

This guidance has been developed based on a default position of statutory 'continuous' leave which enables individuals to take SPL in up to three blocks.

#### **a) Continuous leave**

The length of each leave block will be determined by the parents and separate leave notices will need to be submitted for each. SPL can be taken in varying formats. Below are some examples based upon maternity and assume all eligibility criteria and notice periods have been met. These examples apply equally to adoption and surrogacy.

#### ***Example 1 – SPL in one continuous block***

The mother has 52 weeks maternity leave available (two of which must be taken immediately following the birth). They decide to take eight weeks maternity leave and convert the remaining 44 weeks to SPL. The mother takes 22 weeks SPL and their partner takes 22 weeks SPL. **Please note:** This can be taken either at the same time or the parents may choose to take leave at different times. If circumstances change and the individual wishes to take their SPL in more than one block, they can submit up to three variation requests, with at least eight weeks' notice from the date on which they wish the change to take effect.

#### ***Example 2 – SPL taken in three blocks***

The mother has 52 weeks maternity leave available (two of which must be taken immediately following the birth). They decide to take eight weeks maternity leave and convert the remaining 44 weeks to SPL. The mother opts to take 15 weeks SPL in three blocks of five weeks; the remaining balance of 29 weeks will be taken by their partner. **Please note:** This can be taken either at the same time or the parents may choose to take the leave separately.

#### ***Example 3 – Both parents taking SPL at the same time***

Both parents opt to be off together for the first eight weeks following the birth to support each other and to share in the experience of becoming a family. The mother takes two weeks compulsory maternity leave following the birth, followed by six weeks SPL. The balance of the 52 weeks maternity leave (50 weeks) is converted to SPL. The partner takes two weeks ordinary paternity leave, followed by six weeks SPL, alongside the mother. The mother then takes the balance of the SPL (38 weeks) when their partner returns to work.

#### **Please note:**

- SPL requests are legislatively bound. Provided the individual meets the eligibility criteria and has given the correct notice, line managers cannot decline the request.
- Where an individual is not sharing their leave, they can still choose to end their maternity or adoption leave early and take the balance as SPL, enabling them to take the remainder of the leave in up to three blocks.

### **b) Discontinuous leave**

Discontinuous leave is when parents request to take blocks of SPL on and off throughout the first year of a child's birth or placement and can be requested under one leave notice.

#### **Example – SPL in multiple discontinuous blocks**

The mother has 52 weeks maternity leave available (two of which must be taken immediately following the birth). They decide to take eight weeks maternity leave and convert the remaining 44 weeks to SPL.

Over the course of the next few months the mother takes a block of four weeks SPL and their partner then takes four weeks SPL; they repeat this pattern for a further three occasions, after which the mother and partner alternate taking blocks of two weeks until the leave is exhausted.

Individuals have the right to request SPL in discontinuous blocks and the Force will consider all requests. However, it should be noted that such requests can be declined based upon the same guidance provided by ACAS for considering flexible working applications.

- 'the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business'.

Source: ACAS Code of Practice – Handling in a reasonable manner requests to work flexibly.

It is the line managers responsibility to fairly assess the application against the criteria ensuring no unlawful discrimination occurs when making the decision to approve or decline the request.

#### **Booking the leave and notice**

A minimum eight weeks' notice is required in order to take any block of SPL (or to vary the existing agreement). However, if the baby is born eight weeks or more early, the notice period can be shorter. Each eligible parent can book a block of SPL or vary the dates of already booked SPL up to a maximum of three occasions. Under exceptional circumstances following referral by the line manager to HR Operations – Admin, the Force may allow for a further notice of variation to be submitted. The individual must provide eight weeks' notice for each occasion they want to book SPL and book their leave in blocks of weeks starting on any day of the week. For example, if the first day of a week's leave started on a Wednesday, the last day of leave would be the following Tuesday.

In the case of discontinuous leave, the individual and the Force should come to an agreement within 14 calendar days of the date of request. Where agreement is not reached, the individual can either withdraw their request or take continuous leave instead. If the individual withdraws their request on or before the 15<sup>th</sup> day, it will not count as one of their three notices to book or vary leave. Withdrawing the request after the 15<sup>th</sup> calendar day will count as a notice to vary leave, totalling two notices used.

### **Cancellation of the decision to end maternity / adoption leave**

The mother / primary adopter can change their mind, so long as the planned maternity or adoption leave end date has not passed and the individual has not already returned to work. To do this, one of the following criteria must also apply:

- The individual establishes during the notice period that neither they or their partner is eligible for SPL or ShPP
- The mother or primary adopter's partner has died
- When notice was given before the birth or adoption of the intent to take SPL, this request may be withdrawn without a reason in the six weeks following birth or adoption.

### **A-Z of additional information**

Individuals will continue to benefit from all of the contractual terms and conditions that would have applied had they been at work with the exception of remuneration.

### **Annual and bank holiday leave**

Individuals continue to accrue their annual leave entitlement whilst on SPL, including public/bank holidays as they arise. Accrual of annual leave entitlements during the period of SPL is based on the individual's hours immediately prior to the commencement of SPL.

For additional information on annual leave and SPL, please see the procedural document 'Annual Leave and Shared Parental Leave' available via the Annual Leave Toolkit via the People Portfolio intranet pages.

### **Attendance at court**

If an individual is required to attend court whilst on SPL, they must do so unless certified unfit by a doctor. **Please note:** This might apply in the case of maternity. Line managers should refer to the maternity leave step by step for guidance relating to risk assessments. Attendance at court as a police witness is classed as duty. The individual should contact Payroll to advise them of the requirement to attend court and to clarify pay arrangements.

### **Childcare vouchers**

Childcare vouchers are a government supported scheme designed to make childcare more affordable for working parents. The childcare voucher scheme closed to new applicants on 5 October 2018 (please see information under Tax-free Childcare, subject to eligibility criteria). Individuals who joined the childcare scheme on or before 4 October 2018 may still be eligible to continue to receive vouchers. For more information please see the Payroll intranet pages.

### **Flexible working arrangements on return from SPL**

If the individual wishes to return to work on a part time basis or a flexible working pattern, they should complete a flexible working request (following the guidance set out in the flexible working procedure) ensuring the completed approved request reaches HR Operations – Admin for processing at least 28 days prior to the end of their SPL. Individuals should contact their line manager who will provide them with copies of the procedural guidance and associated forms.

### **Keeping in contact**

Line managers and individuals should, ahead of the leave commencing, agree the frequency and method of keeping in touch during the period of SPL. It is the responsibility of both parties to ensure reasonable contact is maintained.



## **Pay and pensions**

Subject to the required eligibility criteria being met, parents may be entitled to 37 weeks ShPP between them. ShPP is paid at the prevailing rate or 90% of your average weekly earnings, whichever is lower. (Source: [ShPP GOV.UK](#))

### **a) Officers**

The first 52 weeks SPL is reckonable for the purposes of pay increments, leave and for inclusion in any period of probationary service. For pension purposes, any period of SPL when police officers are in receipt of ShPP shall be reckonable.

#### **Please note:**

- Where an officer upon returning to work opts to buy back any relevant service from a period of unpaid SPL, the period of service bought back is reckonable from a service perspective.
- Any unpaid leave within the first 26 weeks of SPL is automatically pensionable and does not need to be bought back.
- Where an officer opts to take one or more period of SPL (for the same pregnancy/adoption), any return to duty (excluding SPLIT days) will not count towards the 52 weeks reckonable for pay and leave purposes. An example to demonstrate this point is:  
Where an officer chooses to take their SPL in two 20 week blocks (sharing the remaining 12 weeks with their partner), with an interim return to duty for 12 weeks in the middle of the two blocks, the period of return (12 weeks) will not count towards the 52 week period reckonable for pay and leave purposes.

During any unpaid SPL, an officer can elect to make up the pension contributions that would have been paid during this period. Where an officer elects to make such contributions, Payroll will write to the officer confirming arrangements for the repayment of the contributions in question. **Please note:** An opportunity for an officer to elect to pay pensions contributions will be given prior to the officer commencing SPL.

### **b) Staff**

The first 39 weeks of SPL will be regarded as continuous employment for pension purposes. Members of the Local Government Pension Scheme (LGPS) will continue to have their pensions contributions deducted during the period they receive ShPP (up to 39 weeks). During any period of unpaid SPL, an employee can elect to make the pension contributions that would have been paid during this time. Payroll will write to the employee to confirm whether they wish to make these contributions. **Please note:** An opportunity for the employee to elect to pay the pension contributions will be given prior to them commencing SPL.

## **Returning to work from SPL**

Following their return to work from SPL, the individual has the right to return to the same job under the same terms and conditions as applied prior to undertaking SPL.

In the case of a mother, the line manager must undertake a risk assessment for new/breastfeeding mothers to identify any risks or requirements prior to their return. If any significant risks are identified that cannot be resolved via adjustments, the line manager would then need to liaise with their local health and safety representative to agree the way forward. Line managers should refer to the maternity leave step by step for guidance relating to risk assessments.

It is the line managers responsibility to either update GRS or inform the relevant [Resource Management Unit / CMCU Resource Planning / Duties](#) team of the individual's return from SPL.

### **Support**

It is the line manager's responsibility to provide appropriate support for individuals who are on shared parental leave. Additional support can be accessed via the [Family Support Group](#), [Support Networks](#), the Police Federation, trades unions and the Employee Assistance Programme.

### **Tax-Free Childcare**

Individuals unable to join the Childcare Vouchers scheme may be eligible, subject to meeting the relevant criteria, to apply for [Tax-Free Childcare](#), a government scheme offering up to £500 every three months (£2,000 per year) per child, to help with the costs of childcare.

### **Useful Links**

[ACAS – Shared Parental Leave and Pay](#)

[GOV.UK – Shared Parental Leave and Pay](#)

[GOV.UK – Family Leave Eligibility Calculator](#)

Managers should contact [HR Operations - Admin \(D&C\)](#) or [.HR Ops Dorset – Admin \(Dorset\)](#) if the situation they are managing does not appear to be straightforward.



| <b>1. Associated Documents</b>  |
|---|
| <ul style="list-style-type: none"> <li>• <a href="#">Mission &amp; Values</a> (DCP)</li> <li>• <a href="#">Values</a> (DP)</li> <li>• <a href="#">Human Rights Legislation</a></li> <li>• <a href="#">Records Management</a> (DCP)</li> <li>• <a href="#">Records Management</a> (DP)</li> <li>• <a href="#">Freedom of Information Act 2000 (FOIA)</a></li> <li>• <a href="#">Government Security Classification (GSC)</a></li> <li>• <a href="#">General Data Protection Regulations /Data Protection Act 2018</a></li> <li>• <a href="#">National Decision Model</a></li> <li>• <a href="#">Code of Ethics</a> (DCP)</li> <li>• <a href="#">Code of Ethics</a> (DP)</li> <li>• <a href="#">Police Staff Council Standards of Professional Behaviour</a></li> <li>• <a href="#">Authorised Professional Practice (APP)</a></li> <li>• J-P-034 – Shared Parental Leave Policy</li> <li>• J-P-052 – Shared Parental Leave Step By Step</li> </ul> |

| <b>2. Document History</b>  |                                       |
|---|---------------------------------------|
| <b>Present portfolio holder</b>   | Head of HR Operations                 |
| <b>Present document owner</b>   | Senior ER Officer, Employee Relations |
| <b>Present owning department</b>  | People Portfolio                      |
| <b>Below details required for version 1.0 and major amendments only</b> |                                       |
| <b>Name of board</b>  | Strategic People Board                |
| <b>Date approved</b>  | 21/10/2021                            |
| <b>Chief Officer approving</b>  | J Mosley & A Poole                    |

| <b>3. Version History</b> |             |                              |                   |
|---------------------------|-------------|------------------------------|-------------------|
| <b>Version</b>            | <b>Date</b> | <b>Reason for Amendments</b> | <b>Amended by</b> |
| 1.0                       | 26.10.2021  | Initial Document             |                   |
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