

1989

SHARED PARENTAL LEAVE POLICY

The following policy sets out the statutory rights available to operational, support, part time, full time, temporary and fixed term employees and agency workers.

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OTHER (CROSS) REFERENCES:

[CFRS-#1181-Paternity Scheme Policy](#); [CFRS-#1180-Parental Leave Policy](#);
[CFRS-#1179-Adoption Leave Policy](#); [CFRS-#1225-Flexible Working Policy](#);
[CFRS-#1230-Pay and Recognition](#); [CFRS-#1660-Reorganisation and Redeployment Policy](#); [CFRS-#1157-Attendance Management](#); [CFRS-#1286-Expectant and Breast Feeding Mothers](#); [Children and Families Act 2014](#)

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PART 1 – POLICY SECTION

1. Introduction

- 1.1 This policy sets out the statutory rights available to Cheshire Fire and Rescue Service employees who may be entitled to Shared Parental Leave (SPL) and Pay. This policy should be read in conjunction with the Service's Maternity, Adoption, Paternity and Parental Leave policies.
- 1.2 Shared parental leave is a type of leave available to parents whose babies are due, or where a child is placed for adoption, on or after 5th April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay early and to share any untaken balance of leave and pay with their partner.
- 1.3 Shared parental leave should not be confused with parental leave. [Eligible employees are entitled to take up to 18 weeks unpaid leave]. Please refer to the [Parental Leave Policy 1180](#).
- 1.4 The purpose of this policy and associated procedures is to:
 - Outline the statutory entitlements for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP)
 - Provide clear guidance on employee rights and responsibilities prior to, during and after taking Shared Parental Leave
 - Set out the provisions for booking Shared Parental Leave.

2. Definitions under the Shared Parental Leave (SPL) Policy

- 2.1 For simplicity throughout this policy “**mother**” shall refer to the pregnant person who gives birth to a child or the main adopter (the main adopter being the person who is eligible for adoption leave and pay, regardless of gender).
“**Partner**” shall refer to the child’s biological father or the partner of the mother/adopter and can be a spouse, civil partner; or a partner who is living with the mother and has responsibility for the child.

Where this policy refers to spouse, partner or parent this is regardless of gender and includes same sex spouses, partners and parents. All reference to ‘mother’ includes all people who can become pregnant.

3. Roles and Responsibilities

- 3.1 **Employees** must adhere to the responsibilities outlined in the policy in relation to communication. They must recognise the importance of keeping management informed of their intentions

and circumstances at the earliest opportunity and provide any necessary documentation as required.

- 3.2** **Line Managers** are responsible for the day-to-day operation of the procedure and ensuring that it is adhered to consistently.
- 3.3** **People and Development** are responsible for ensuring this policy is implemented across the organisation and to provide advice and guidance on its interpretation.

4. Scope of Shared Parental Leave

This policy applies to employees of the Fire Service whether they are the mother or the partner of the child. If the mother is an employee of CFRS their partner must submit the relevant notifications to their own employer as set out in this policy if they wish to take a period of SPL.

If the partner is an employee of CFRS, then as above, the mother must submit any notifications to their own employer should they wish to take a period of SPL.

It is important to note that discussions should be held as soon as possible with each employer where shared parental leave is being considered to ensure requests for leave are handled as smoothly and quickly as possible.

5. Amount of Shared Parental Leave available

The amount of shared parental leave available is dependent upon when the mother chooses to end their maternity or adoption leave, known as the "curtailing" of leave. Any untaken weeks of maternity/adoption leave can then be transferred into shared parental leave.

Shared parental leave must be taken in blocks of at least one week. Employees can request one **continuous** block of leave i.e. six continuous weeks, or a number of **discontinuous** blocks i.e. two weeks in one month followed by a return to work then a further two weeks in another month. It should be noted that a continuous block of leave cannot be refused by the Service. Discontinuous blocks of leave require agreement and there may be instances where proposed dates cannot be accommodated by the Service. Where this situation arises a meeting will be held with the employee and their line manager to discuss alternative dates. Each parent can make up to **three** requests with their employer (per pregnancy).

The first two weeks following the birth/date of placement remain compulsory maternity/adoption leave and are reserved for the mother. The mother can therefore not curtail their maternity/adoption leave to

take any shared parental leave before the first two weeks which leaves a possible maximum balance of 50 weeks leave that may be shared.

The mother's partner can begin a period of SPL at any time following the birth. The partner needs to bear in mind that they are entitled to take up to two week's paternity leave following the birth/placement of their child (which will be lost if SPL is taken first). SPL must be taken within 52 weeks of the child's birth/placement i.e. before the child's first birthday.

6. Eligibility for Leave

For employees to be eligible to take SPL, **both parents** must meet certain eligibility requirements.

Mother's eligibility for shared parental leave: [where mother is employee of CFRS]

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/date of placement and remains in continuous employment with the organisation until the week before any period of shared parental leave is taken;
- has, at the date of the child's birth/placement, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity/adoption leave in respect of the child; and
- complies with the relevant "maternity/adoption leave curtailment" requirements (or has returned to work before the end of statutory maternity/adoption leave), and SPL "notice and evidence" requirements. (Further details regarding notice requirements are outlined in Part 2 of this policy – Procedures Section).

In addition, for the mother to be eligible for SPL, the **partner** [whether CFRS employee or not] must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth/placement;
- have average weekly earnings of at least the maternity allowance threshold [please check the DTI website for current rates] for any 13 of those 66 weeks; and
- have at the date of the child's birth/placement, the main responsibility, apart from the mother, for the care of the child.

Partner's eligibility for SPL: [where partner is employee of CFRS]

- have at least 26 weeks continuous employment ending with the 15th week before the expected week of childbirth/placement and remains in continuous employment with the organisation until the week before any period of SPL is taken;
- have, at the date of the child's birth/placement, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant SPL notice and evidence requirements.

In addition, for the partner to be eligible for SPL, the **mother** [whether CFRS employee or not] must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have an average weekly earnings of at least the maternity allowance (currently £30) for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance in respect of the child; and
- comply with the relevant maternity/adoption leave or pay curtailment requirements (or have returned to work before the end of statutory maternity/adoption leave).

7. Statutory Shared Parental Pay (ShPP)

ShPP is available for eligible parents to share whilst taking shared parental leave. The number of weeks' ShPP available to parents will depend on how much statutory maternity/adoption pay or maternity allowance the mother has been paid prior to ending their maternity/adoption leave.

A total of 39 weeks' statutory maternity/adoption pay or maternity allowance is available to the mother. As mentioned previously the mother has to take a minimum of two weeks compulsory maternity/adoption leave which leaves a balance of a maximum of 37 weeks pay which could then be shared with the partner.

Any ShPP due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower.

It is up to the parents to decide who is to be paid the ShPP and how it is apportioned between them. For example the mother could return to work (goes back into full pay) and the partner is paid the ShPP; both the mother and partner are off together and both receive ShPP; mother and partner alternate at different times so one parent is paid at normal rate

whilst the other receives ShPP and vice versa. A worked example is provided in [Section 3 of this policy - FAQ's](#).

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8. Eligibility for Statutory Shared Parental Pay (ShPP)

For employees to be eligible for statutory shared parental pay (ShPP), both parents must meet certain eligibility criteria:

Mother's eligibility for ShPP:

The mother [where mother is employee of CFRS] is eligible for ShPP if:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth or at the week in which the main adopter was notified of having been matched for adoption with the child and remains in continuous employment with the Service until the week before any period of ShPP that they get;
- has normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth/placement of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth/placement, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which they have received ShPP; and
- is entitled to statutory maternity/adoption pay or maternity allowance in respect of the child, but the maternity pay period has been reduced.

In addition, for the mother to be eligible for ShPP, the **partner** [whether CFRS employee or not] must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold [please check the DTI website for current rates] for any 13 of those 66 weeks.

Partner's eligibility for ShPP:

The partner [where partner is employee of CFRS] is eligible for ShPP if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/placement and remains in continuous employment until the week before any period of ShPP is received;
- have normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth/placement of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth/placement, the main responsibility, apart from the mother, for the care of the child; and
- is absent from work and intends to care for the child during each week in which they receive ShPP.

In addition, for the partner to be eligible, the **mother** [whether CFRS employee or not] must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/placement;
- have average weekly earnings of at least the maternity allowance threshold [check DTI website for current rate] for any 13 of those 66 weeks;
- have, at the date of the child's birth/placement, the main responsibility, apart from the partner, for the care of child; and
- be entitled to statutory maternity/adoption pay or maternity allowance in respect of the child, but the maternity/adoption pay period or maternity allowance period has been curtailed.

9. Rights during Shared Parental Leave

During SPL, all terms and conditions of the employee's contract [excluding remuneration] will continue.

Employees continue to accrue annual leave whilst on SPL, although employees will be encouraged to take annual leave within the current leave year wherever possible.

10. Contact during Shared Parental Leave

The Service reserves the right to maintain reasonable contact with employees during SPL. This may be to discuss employee's 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.

11. Shared Parental Leave in Touch (SPLIT) days

An employee can agree to return to work (or attend training) for up to 20 days during SPL without that work bringing the period of their SPL and/or pay to an end. These are known as "Shared Parental Leave in Touch" (SPLIT) days.

The Service has no right to require employees to carry out work and employees have no right to undertake any work during their SPL.

Employees are entitled to receive ShPP for any work undertaken during a SPLIT day(s). The Service will pay the employee their normal rate of pay (which will be offset by ShPP). Employees are required to complete a SPLIT claim form. [See procedure 8 for further details].

12. Returning to Work following Shared Parental Leave

Employees are entitled to return to the same job or a suitable alternative where this is not reasonably practicable on their return to work.

13. Further Guidance and Information

For further information regarding Shared Parental Leave and Statutory Shared Parental Pay, eligibility and entitlements please refer to the ACAS guidance [[click here to be directed to the ACAS website](#)] or the DTI website [[click here to be directed to DTI website](#)]. Employees can check their eligibility using the online calculator by clicking the link above.

PART 2 - PROCEDURES SECTION

Notice requirements

The notice that parents must give to their relevant employer to be able to take Shared Parental Leave are made up of three elements:

1. A “**maternity leave curtailment notice**” from the mother setting out when they propose to end their maternity leave (unless the mother has already returned to work from maternity leave);
2. A “**notice of entitlement and intention**” from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting [including a declaration from the partner stating eligibility for SPL and/or ShPP]; and
3. A “**period of leave notice**” from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

CFRS employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time.

Procedure 1

Mother's notice curtailing maternity/adoption leave

	Process/Action	Responsibility
1	Mother and partner discuss options regarding shared parental leave and check to see if they both meet the eligibility requirements. [Employees can check their eligibility via the direct.gov website using the online calculator].	Mother/partner
2	Mother decides to end their maternity/adoption leave early and confirms a return to work by either: having returned to work already (having provided eight weeks notice as per the maternity policy) or submits a “maternity leave curtailment notice” [Form 1]. Notes: The date at which the maternity/adoption leave is to end must be: <ul style="list-style-type: none">- After the two weeks compulsory maternity/adoption leave period;- At least eight weeks from the date the ‘curtailment’ form is submitted; and	Mother [employee]

	<ul style="list-style-type: none"> - At least one week before what would be the end of the additional maternity leave period. <p>This notice is binding and cannot be withdrawn (expect in certain circumstances – see procedure two below). Mother submits the form to their line manager.</p>	
2	Line manager acknowledges the 'maternity notice of curtailment', updates welfare log and forwards letter to their Human Resource Advisor (HRA).	Line manager
3.	HRA receives 'maternity leave curtailment notice' form; informs payroll of end of maternity/adoption date, updates HRPro, files document on employees PRF.	HRA
4.	Employee [mother is CFRS employee] must also submit a "notification of entitlement and intention" form at this point [see procedure 3 below].	Employee [if mother is CFRS employee]

Procedure 2

Revocation of 'maternity leave curtailment notice'

	Process/Action	Responsibility
1	Employee writes to line manager wishing to withdraw their 'maternity leave curtailment notice'. Withdrawal can only be accepted in certain circumstances and the employee [mother] must not have returned to work at this point.	Employee
2	Line manager checks that the withdrawal is for one of the following reasons before accepting: <ul style="list-style-type: none"> - it has been discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay; - notice has been given before the birth and is revoked within six weeks of the birth; - if the other parent dies. 	Line manager
3	Line manager forwards the withdrawal letter to their HRA and updates employee's Welfare Log.	Line manager
4	HRA receives notification and informs payroll. HRPro is updated and letter is filed on employees PRF.	HRA
5	Employee [remains on maternity/adoption leave, partner takes paternity leave [if eligible]].	Employee

Procedure 3

'Notice of Entitlement and Intention'

	Process/Action	Responsibility
1	<p>Employee [whether mother or partner of CFRS] provides line manager with a "notice of entitlement and intention" form. Form must be submitted at least eight weeks before the employee intends to take a period of SPL.</p> <p>Note: It is advised to discuss possible dates and intention to take shared parental leave as soon as possible with line manager/HRA.</p>	Employee
2	<p>Line manager receives the 'notice of entitlement and intention' form and checks the following details:</p> <ul style="list-style-type: none"> - eligibility of mother and partner; - that both the mother and partner have signed the form agreeing to take shared parental leave. <p>Line Manager records dates of intended leave on Welfare Log and forwards to HRA.</p> <p>Note: employee does not have to take these dates [unless they have stated that they wish them to be binding]. These dates are <u>an indication</u> of what leave they would like to take. A 'period of notice' form is required before any leave is confirmed.</p>	Line manager/HRA
3	HRA receives form, discusses with employee and line manager to establish if there are likely to be any problems with proposed dates, records notes of discussion on form and files on employees PRF.	Line Manager/Employee/ HRA
4	Employee can at this point also submit a ' period of leave notice ' form – procedure 5.	Employee

Procedure 4

Variation or Cancellation of 'Notice of Entitlement and Intention'

	Process/Action	Responsibility
1	Employee [mother or partner] decides to cancel proposed shared parental leave dates provided in the ' notice of entitlement and intention ' form, the form is non binding [unless employee has indicated that they wish the proposed dates to be binding].	Employee

2	Employee submits notice of variation of intention form to line manager. Line manager updates Welfare Log and forwards form to HRA.	Line manager
3	HRA receives variation form [further meeting held if required] and records on HRPro. Form is filed on PRF.	HRA

Procedure 5

Period of Leave Notice

	Process/Action	Responsibility
1	Employee completes a ' period of leave notice ' form setting out the start and end dates of each period of shared parental leave requested. This notice may be given at the same time the employee submits a ' notice of entitlement and intention form '. (Procedure 3).	Employee
2	The ' period of leave notice ' form must be submitted <u>at least eight weeks</u> before any period of leave is to begin. If the child has not yet been born then the booking should specify that it will commence after a period of time following the birth i.e. six weeks following the birth.	Employee
3	' Period of leave of notice ' form sent to line manager.	Employee
4	Line manager looks at ' leave of notice ' form and confirms if leave is <u>continuous or discontinuous</u> . Where continuous leave is requested, form is sent to HRA, approval letter is issued, HRPro updated, payroll notified, documents filed on PRF.	Line manager/HRA/Payroll
5	Where leave is discontinuous line manager contacts HRA to discuss further, arranges meeting [see procedure 7 below]. Note: Please be aware that there is a time limit to adhere to for discontinuous leave requests.	Line manager/ HRA
6	Employee can submit <u>up to three</u> ' periods of leave notice ' requests. Please follow procedure for each request.	

Procedure 6

Variation or Cancellation of Period of Leave Notice

	Process/Action	Responsibility
1	Employee decides to vary or cancel their proposed shared parental leave dates following submission of a period of leave notice form. The new dates must be <u>at least eight</u>	Employee

	<u>weeks</u> before the proposed new start date is due to commence. Form completed, employee forwards to line manager.	
2	Line manager receives form and checks proposed new date adhered to timescale i.e. at least 8 weeks notice. Line manager confirms if the request is a <u>continuous</u> block of leave or <u>discontinuous</u> block and notifies HRA.	Line manager
3	If continuous period of leave, request is authorised, HRA prepares letter and sends to employee. Documents filed on PRF, payroll notified of new dates.	HRA/Payroll
4	Where request is <u>discontinuous</u> , line manager contacts HRA to arrange meeting to discuss options. [See procedure 7 below] Note: meeting and response must be held with specific timescales see procedure below.	Line Manager /HRA

Procedure 7

Discontinuous Periods of Shared Parental Leave

	Process/Action	Responsibility
1	' Period of leave notice ' form received from employee requesting <u>discontinuous</u> blocks of leave.	Employee
2	Line manager contacts HRA to discuss proposed dates. Note: decision needs to be reached within 14 days of receiving request.	Line manager/HRA
3	Where appropriate line manager invites employee to informal meeting to discuss periods of leave and look at possible alternative dates if necessary.	Line manager/ employee/HRA
4	Proposed dates are considered factoring in any planned events/busy periods/staffing issues that may impact the decision.	Line manager/HRA
5	Decision is made to either: <ul style="list-style-type: none"> • consent to the pattern of leave requested; • propose alternative dates; or • refuse the pattern of leave requested. 	Line manager/HRA
6	Employee is notified of the decision in writing [within the two week window].	Employee/HRA
7	If no agreement is reached during the two week period , employee is entitled to take the leave as a continuous period of leave. Employee notifies the Service [within five days]	Employee

	<p>following the 14 day period] of new start leave date [which must be at least eight weeks from the date on which the period of leave was originally given].</p> <p>HRA notifies line manager of new date, confirms and prepares letter. HRPro is updated, payroll informed of dates of leave.</p>	HRA/Payroll
8	If employee does not confirm a new date, leave will commence on the date that was originally requested on the original ' period of leave notice ' form as a continuous block. HRA informs line manager, prepares letter for employee, updates HR pro and informs payroll.	Line Manager/ HRA/Payroll
9.	Employee chooses to withdraw their request [before 15 th day, following the submission of the ' period of leave notice ' form]. HRA acknowledges withdrawal, updates HR Pro, prepares letter, files documentation on PRF.	HRA
10.	Note: A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that the employee can make.	

Procedure 8

Shared Parental Leave in Touch (SPLIT) Days

	Process/Action	Responsibility
1	If a request for a SPLIT day has been requested then the line manager must seek authorisation from the Area Manager /Head of Department before confirming with the individual.	Line Manager/Area Manager/HOD <small>Commented [ZG2]: Could the SM not approve this rather than the HOD?</small>
2	The line manager must consider appropriate arrangements for the SPLIT day and discuss this with the individual in advance. Risk assessments must be completed where appropriate.	Line Manager
3	The employee must complete the SPLIT day claim form	Employee
4	Line Manager to sign claim form.	Line Manager
5	Line Manager must keep a record of the SPLIT days on the Welfare Log to allow them to cross reference it with any claim forms submitted by the employee.	Line Manager
6	Form to be forward to HRA. HRA updates HR Pro and forwards form to Payroll for processing.	Employee/ HRA
7	Payroll Team will process and payment will be made to the employee within their monthly/4 weekly pay	Payroll Team

PART 3 – GUIDANCE SECTION

FREQUENTLY ASKED QUESTIONS

PAY

Q: What pay do employees receive whilst on shared parental leave?

A: Employees will receive statutory shared parental pay, or 90% of their normal earnings. Rates are set by the Government and change annually every April. Please refer to the [DTI website](#) for current rates.

Q: Who is responsible for paying the employee's partner?

A: If the employee's partner does not work for CFRS then it will be the partner's employer who is responsible for paying them. The Service will only have to pay for the employee working for the Service.

Q: How is statutory shared parental pay divided between parents if they take shared parental leave at the same time?

A: There are no rules as to how entitlement to statutory shared parental pay should be divided; this is for agreement between the parents. The total amount of statutory shared parental pay available for eligible parents to share is 39 weeks (minus the first two compulsory weeks that the mother has to take following the birth/placement of the child totalling a maximum of 37 weeks). Once the mother/adopter has curtailed their maternity/adoption leave the remaining balance can be shared between the two parents who may choose to take time off at the same time. Both parents will be paid by their respective employers and the weeks leave taken will be deducted from the balance of shared parental leave that was available. See worked example below.

Q: What happens if an employee is off sick and is in receipt of sick pay?

A: There is no entitlement to statutory shared parental pay during any time an employee is entitled to statutory sick pay. Please refer to the Attendance Management Policy for further information. The employee will remain on SPL and must inform their line manager if booking sick leave.

Q: Will employees with more than one job role have different entitlements?

If an employee undertakes two roles within CFRS, the leave dates chosen for Shared Parental Leave will apply to both roles undertaken. Statutory Shared Parental Pay will be in line with the employee's standard weekly pay, and the employee will receive statutory payments in the same way as all other employees, with no more statutory payments being paid if an employee has more than one role.

However, if an employee works for two different employers, they may be entitled to receive Statutory Paternity Pay from both separate employers. This will depend on a number of different factors. Please refer to the HMRC website (www.hmrc.gov.uk) for further information.

LEAVE

Q: What is a 'continuous period' of shared parental leave?

A: This is where an employee requests one continuous [unbroken] period of leave i.e. a period of six weeks. Employees have a statutory right to take leave this way and it cannot be refused by the Service. Please note that an employee could submit up to three separate blocks of leave during the year. As long as each block is continuous the Service can not refuse the requests.

Q: What is a discontinuous block of leave?

A: This is where an employee asks for periods of leave with breaks in between e.g. one week in July, one week in August, and one week in September and returns to work in between [minimum period of leave is one week]. This could be submitted as one request but is for a discontinuous period of leave. Discontinuous leave periods may be refused by the Service and alternative dates may be offered. [Please remember that leave must be taken within first year of child's birth/placement].

Q: How many leave requests can an employee make for shared parental leave?

A: An employee can make up to three periods of leave or variation of periods of leave notices. However, the following do not count towards this limit:

- A notice withdrawn within 15 days of providing it;
- A notice to vary leave due to a child being born earlier or later than the expected week of confinement;
- A notice to vary leave provided following a request from the employer that the employee varies a period of leave.

Q: Can a mother's partner begin a period of shared parental leave while the mother is still on maternity leave?

A: Yes, if the mother has provided their employer with a 'maternity leave curtailment notice', and all the relevant eligibility criteria and notice requirements are satisfied, the mother's partner can begin a period of shared parental leave while the mother is still on maternity leave.

For example, the mother could submit a 'maternity leave curtailment notice' stating that their maternity leave will end three months from the date the notice is given. The mother's partner can take shared parental leave (provided they've given eight weeks' notice) at any time after the mother has submitted the leave curtailment notice; employee does not have to wait until those three months have passed.

SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS

Q: What are SPLIT days and how many is an employee entitled to?

A: Employees are entitled to up to 20 SPLIT days which will not bring an end to their shared parental leave. SPLIT days can be used to either undertake work or, for instance, attend meetings, team events or training. Both parents are eligible for up to 20 days which can be taken as single days or in blocks.

Note that this is in addition to the 10 keeping in touch days available to the mother during maternity/adoption leave.

Q: When will an employee receive payment for a SPLIT day?

A: If an employee returns to work on a SPLIT day, a SPLIT claim form should be completed. The line manager will sign and forward to payroll for processing. Payment will be made in the normal way inline with the payroll calendar.

Q: What pay will an employee receive for a SPLIT day?

A: Employees will receive their normal hourly rate of pay in addition to any ShPP they may be entitled to. This will be paid via submission of a SPLIT claim form, and will be paid in the normal way i.e. 4 weekly/monthly pay.

CONTRACT INFORMATION

Q: What rights is an employee entitled to when taking shared parental leave?

A: Employees are entitled to the benefit of their terms and conditions of employment apart from remuneration (salary or wages). Employees will continue to accrue rights to annual leave, bank holidays etc.

Q: What happens if an employee's post is made redundant whilst on shared parental leave?

A: The same protection that currently exists for employees who take other forms of family friendly leave in the event of redundancy applies. If an employee is to be made redundant when on SPL they are entitled to be offered any suitable alternative vacancy that is not substantially less favourable.

Q: Is an employee entitled to return to the same job?

A: Where an employee has taken less than 26 weeks statutory leave they are entitled to return to their previous job. The leave could be made up of ordinary maternity leave followed by a period of shared parental leave, but must not exceed 26 weeks. If the employee took more than 26 weeks' statutory leave, any additional maternity leave or parental leave of more than four weeks, they are entitled to return to their previous job, or where this is not reasonably practicable for the employer, to another job which is both suitable and appropriate for the employee.

Q: What is the process if an employee is unable to take all annual leave in the same year?

A: Line managers will meet with individuals prior to commencement of shared parental leave, to discuss annual leave entitlements and the possibility of taking some annual leave immediately prior to, or immediately after the period of shared parental leave. Otherwise, carry forward of annual leave will apply up to a maximum of 5 days if there is unused annual leave when the annual leave year ends.

GENERAL

Q: Are there any provisions for employees in a surrogacy situation?

A: Where a child is born to a surrogate mother, the intended parents can become the child's legal parents by applying for a parental order. One of the intended parents must be genetically related to the child and the child must live with the intended parents.

Where a couple has a parental order in relation to a child, or is applying for one, one of the parents can be eligible for adoption leave and pay and the other can be eligible for maternity leave and pay. The employee that takes adoption leave in these circumstances can curtail their adoption leave and take shared parental leave with the other parent, provided that both parents meet the relevant eligibility requirements.

For further information please refer to the Service's Adoption Policy.

Q: What defines the term "partner"?

A: A partner throughout the policy is defined as the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and child.

Q: Does an employer need to check an employee's eligibility?

A: It is the employee's responsibility to check that they are eligible for SPL and ShPP. There is assistance and guidance including a calculator on the directgov.website which employees can use to check their eligibility.

The Service may wish to request a copy of the child's birth certificate (if one is available) within 14 days of receiving notice and may also request the contact details for the employee's partner's employer. It should be noted that the criteria for the employment and earnings tests may still be met where the partner is self-employed or no longer employed.

Q: What is the situation if an employee has booked to take SPL within the first eight weeks of the due date but the child arrives early?

A: If the child is born before their expected due date and the employee has booked to take SPL within the first eight weeks of the due date, they may take the same period of time off after the actual birth without having to provide the eight weeks' notice, by submitting a notice to vary their leave as soon as is reasonably practicable. In this instance this would not count as one of the employee's three notifications. Leave that is arranged after the first eight weeks of the due date is still bound by the eight week notice required to vary leave.

Q: What day does shared parental leave begin?

A: Shared parental leave can begin on any day of the week and must be taken in complete weeks i.e. SPL for one week begins on a Monday will follow the following Sunday.

Q: What factors need to be taken into consideration when looking at a discontinuous leave request?

A: Employees should consider the following when looking at the possibility of taking a discontinuous block of leave:

- essential dates where leave must be taken;
- leave needs of the partner;
- desire for and availability of childcare options;
- impact on career/pension etc;
- the need to maintain own wellbeing.

Line managers should consider the following when reviewing a discontinuous leave request:

- important dates/events that may be planned;
- any challenging/busy periods;
- how the role will be covered;
- staffing issues during the period(s) proposed;
- customer impact.

Early discussions are encouraged to explore options available and how the leave may be covered. This will be particularly helpful in situations where a mother and partner wish to take leave at the same time to ensure that dates are agreed or alternatives offered in advanced. The discussion where possible should be held prior to formal notices being given.

Q: Can an employee take shared parental leave if their partner is self-employed?

A: Yes, an employee can be eligible to take shared parental leave if their partner is self-employed, as long as the partner meets the relevant requirements relating to employment and earnings.

The employee's partner must have:

- been engaged in employment either as an employed or self-employed earner for any part of the week in at least 26 of the 66 weeks immediately before the expected week of birth (or the week of notification of matching for adoption); and
- have average weekly earnings of at least £30 in any 13 of those 66 weeks.

For example, if the partner of a child is self-employed and meets the employment and earnings test, the mother can take shared parental leave provided they meet the eligibility requirements. While the mother will not be able to share the leave with their partner if they are not an employee, the mother may choose to curtail their maternity leave and take shared parental leave instead, so that they can take leave in a more flexible way, i.e. more than one block.

Q: Is there a limit on the number of period of leave notices or variations an employee can request?

A: An employee can only give up to **three** periods of leave notifications. The following do not count towards this limit:

- a notice that is withdrawn within 15 days of providing the request;
- a notice to vary leave due to a child being born earlier or later than the EWC;

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- a notice to vary provided following a request from the Service that the employee vary a period of leave.

Q: Is the SPL entitlement different for multiple births?

A: Employees are not entitled to extra SPL or ShPP if they are expecting more than one child. This also applies in the case of multiple adoptions that occur in a single placement.

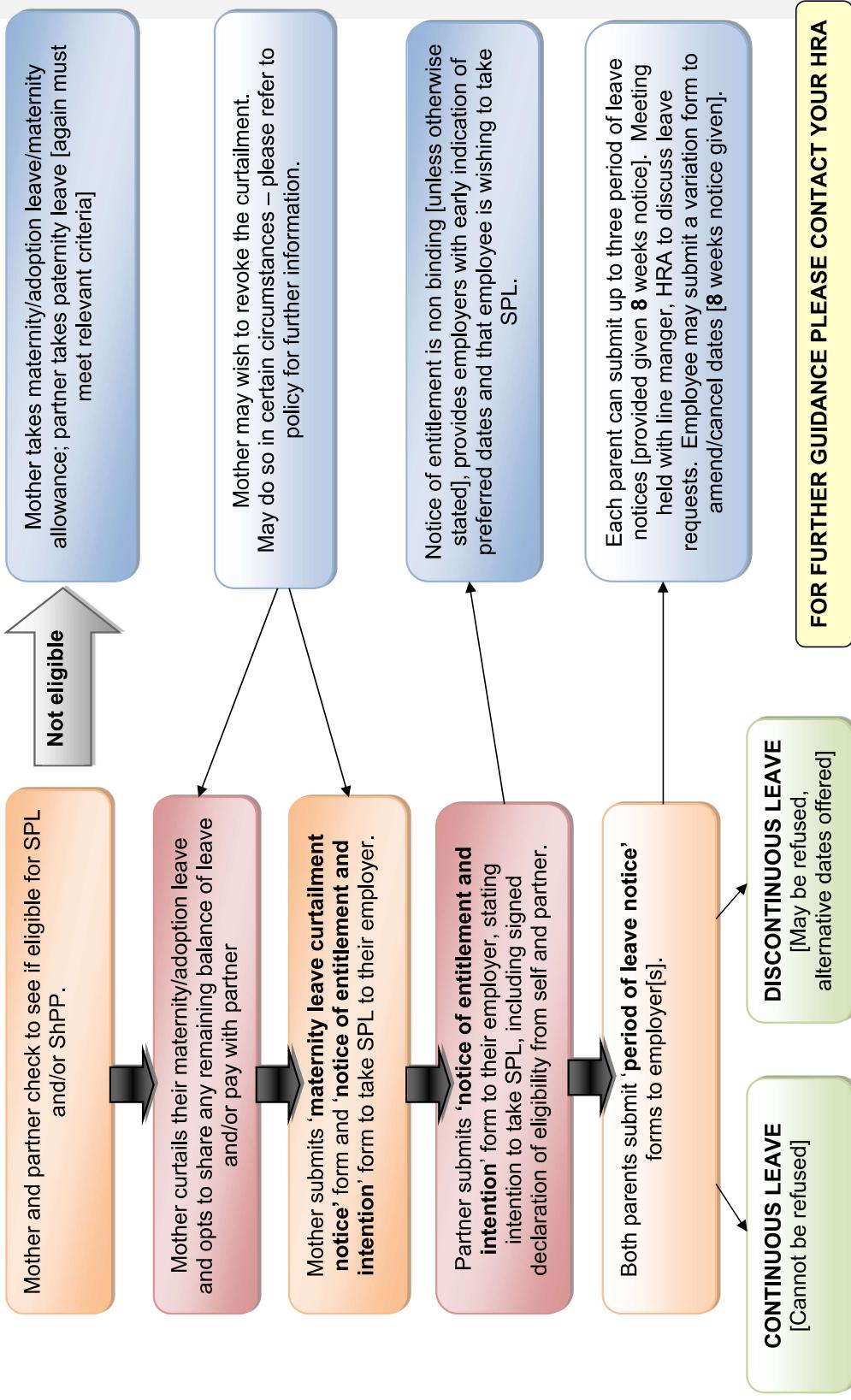
Q: Worked example of how leave and pay is taken

Mary and John both meet the eligibility requirements for Shared Parental Leave and Pay. They have discussed the option of taking Shared Parental Leave once the baby is born and have submitted the relevant notifications to their respective employers.

Entitlements	Leave	Pay
Mary is entitled to	52 weeks	39 weeks
John is entitled to	2 weeks statutory paternity leave	2 weeks statutory pay (not to be excluded from Mary's entitled)
<i>Mary must take the first two weeks (compulsory leave)</i>	<i>50 weeks remain</i>	<i>37 weeks pay</i>
Mary decides to curtail maternity leave 20 weeks following the birth (this includes the 2 weeks above)	(52-20) 32 weeks leave remain	(39-20) 19 weeks pay remain
John would like to take 4 weeks leave immediately after the two weeks paternity leave	(32-4) 28 weeks leave remain	(19-4) 15 weeks pay remain
Mary decides to go back to work for 8 weeks and will then take a further 12 weeks leave	(28-12) 16 weeks leave remain	(15-12) 3 weeks pay remain
John decides to also take 4 weeks at the same time Mary is off	(16-4) 12 weeks leave remain	(3-4) As there is only 3 weeks pay left John will not receive any pay for 1 week.
	The remainder of the 12 weeks leave is not taken.	Any further leave would be unpaid.

Appendix 1

Simplified Shared Parental Leave Process



Appendix 2

CFRS Maternity Leave & Pay Entitlements

Maternity Leave – CFRS	Leave	Pay	<u>2 weeks</u> compulsory maternity leave	<u>6 weeks</u> 90% of average weekly pay	<u>12 weeks</u> $\frac{1}{2}$ average weekly pay plus Statutory Maternity Pay (SMP) £139.58	<u>21 weeks</u> Statutory Maternity Pay (SMP) £139.58	<u>13 weeks</u> Unpaid	<u>52 weeks</u>

Appendix 3 Breakdown of Shared Parental Leave & Pay – Mother & Partner both work for CFRS.

Shared Parental Leave	
Mother and Partner both work for CFRS	
Leave	Pay
First two weeks	Mother takes 2 weeks compulsory maternity leave
Next 16 weeks	Partner can take 2 weeks paternity leave
Next 21 weeks	Mother can take maternity leave as normal
Next 13 weeks	OR Mother can curtail her ML & share with the Partner. Both or one of them can be on leave.
	Mother can take maternity leave as normal
	OR Mother can curtail her ML and share with the Partner
	Mother can take maternity as normal if not curtailed it
	OR Mother can curtail her ML and share PL with Partner

Appendix 4

Breakdown of Leave & Pay - Mother is CFRS employee

Committed [ZG3]: Needs updating to reflect Mat/policy pay

Mother works for CFRS	
Partner works elsewhere or is self employed	
Leave	Pay
First two weeks	2 weeks at 90% of average weekly pay
	Mother takes 2 weeks compulsory maternity leave
	Partner can take paternity leave from his employment
	Mother can take maternity leave as normal
Next 50 weeks	4 weeks at 90% pay, 12 weeks at ½ pay plus SMP of £139.58, 21 weeks SMP of £139.58 and 13 weeks unpaid
	OR Mother can curtail her maternity leave and return to work for rest of ML or take shared parental leave with the partner
	Mother returns from maternity leave to normal pay or receives ShPP when on shared parental leave
	Partner will receive ShPP from his employer when he is taking shared parental leave

Appendix 5

Breakdown of Leave & Pay - Partner is CFRS employee

Partner works for CFRS Mother works elsewhere or is self employed	Leave	Pay	Entitlements under her employers scheme	When Mother on shared parental leave she receives ShPP from her employer of £139.58 per week (unless they offer enhanced pay)	When Partner is on shared parental leave CFRS pay him ShPP of £139.58 per week
First two weeks	Mother takes compulsory maternity leave Partner can take maternity leave		Mother could remain on normal maternity leave		
Remaining 50 weeks			OR Mother could curtail her maternity leave and share with the Partner		

Appendix 6 - Checklist

Line managers (along with HRA) and employee may use the checklist below to ensure correct procedure is followed.

Action	Completed
Does the employee know what the Service's policy is on SPL?	
Has maternity/adoption leave/ pay ended or has a date been confirmed when it will end?	
Has the employee correctly completed a notice of entitlement to take SPL?	
How much SPL does the employee have available for them to take?	
Has a meeting been arranged to discuss possible leave?	
Has a notice to book leave been made?	
Has a meeting been arranged to discuss the notice to book SPL been arranged?	
Has contact during SPL been discussed?	
Has a response to the notice to book SPL been given within 14 calendar days ?	
What leave period has been arranged?	
How many notices to book leave are remaining?	
How much SPL does the employee still have available for them to take?	

Form 1 - Maternity/Adoption Leave Curtailment Notice

This notice is to inform the Service that you wish your maternity/adoption leave and pay (or just maternity/adoption pay if you are no longer in employment) to end in order that the person who shares main responsibility to care for the child can take shared parental leave. Your partner/other parent is not entitled to take shared parental leave until you have submitted this notice of curtailment.

You must give at least **eight weeks'** notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least **two weeks** after the birth of your child.

If you are in receipt of maternity allowance you must also submit a curtailment notice to Jobcentre Plus.

I wish my maternity/adoption leave/pay to end on _____ [*insert date*].

Name: _____

Signature: _____

Date: _____

Please return this form to your line manager

Form 2 – Notice of Entitlement and Intention to take Shared Parental Leave

Employees with a child due to be born or placed for adoption on or after 5 April 2015 who wish to take shared parental leave (SPL) to share the main caring responsibilities with the other parent/partner must submit this form to their Human Resources Advisor **at least eight weeks** before the start date of the first period of SPL.

To be entitled to SPL you must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (referred to in this form as a parent);
- have (or share with the other parent) the main responsibility for the care of the child;
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth 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');
- still be in continuous employment until the week before any SPL is taken.

The other parent must have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

Section 1 – Basic Details

Employee name	
Child's expected date of birth/date of placement for adoption	
Child's actual date of birth/date of placement for adoption (if known)	
Start date of mother/main adopter's maternity/adoption leave (or pay period*)	
End date of mother/main adopter's maternity/adoption leave (or pay period*)	

*The start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave.

Cont.....

Section 2 – Shared Parental Leave Details

The total amount available is 52 weeks minus the number of weeks' leave/pay already taken by the mother/main adopter according to the dates given in the previous section.

Total number of weeks' SPL available	
Number of weeks' SPL you intend to take	
Number of weeks' SPL the other parent intends to take	
Indication of start and end dates of SPL that you intend to take <i>This indication is non-binding. You must submit a formal period of leave notice for each period of SPL you wish to request for it to be binding. Complete the section below if you wish your request for any/all of these periods of leave to be treated as a period leave notice.</i>	
Do you wish the dates indicated for the period(s) of leave to constitute a formal (binding) period of leave notice? (delete as appropriate)	YES / NO / Yes, for the following dates only:

Section 3 – Shared Parental Pay Details

The total amount of shared parental pay (ShPP) which may be available is 39 weeks minus the number of weeks' pay already taken by the mother/main adopter according to the dates given in Section 1.

Total number of weeks' ShPP available	
Number of weeks' ShPP you intend to claim	
Number of weeks' ShPP the other parent intends to claim	
Indication of start and end dates of your ShPP periods	

Cont....

Section 4 – Employee notice of curtailment of maternity/adoption leave

Complete this section if you are the employee named in this notice and you are the mother or main adopter. You must give at least eight weeks' notice of your curtailment date. If you entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

I wish my maternity/adoption leave to end on _____ [insert date].

Section 5 – Employee declaration

I confirm that I meet the following conditions:

- I am the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child and I am taking SPL in order to care for the child
- I have at least 26 weeks' continuous service at the 15th week before the expected week of birth 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')
- I intend to be in continuous employment until the week before any SPL is taken
- (If I am claiming shared parental pay) I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the Service immediately if I cease to meet the conditions for entitlement to SPL or ShPP.

If you are the mother/main adopter:

- I have submitted a curtailment of maternity/adoption leave notice by completing Section 4 above.

Signature: _____

Date: _____

Cont....

Section 6 – Declaration of other parent

Name	
Address	
National Insurance Number	

I confirm that I meet the following conditions:

- I have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child
- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week
- I agree to inform your employee if I cease to meet the two conditions above
- I consent to your employee taking SPP and ShPP as set out in Sections 2 and 3 above.

If you are the mother/main adopter:

- I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave.

I consent to you processing the information contained in this declaration.

Signature:

Date:

Please return your completed form to your line manager

Form 3 - Notice of Variation of Intention to Take Shared Parental Leave

Use this form to vary the information you have previously provided regarding the amount of shared parental leave/pay you and the other parent each intend to take.

You must have previously submitted the “notice of entitlement and intention to take leave” form, and had your entitlement to shared parental leave confirmed.

If you (or the other parent) have already submitted a binding period of leave notice for any of the periods detailed below, please confirm this where indicated.

Both parents must sign the declaration to indicate their agreement to any variation.

Number of weeks' SPL you intend to take	
Number of weeks' SPL the other parent intends to take	
Indication of start and end dates of SPL that you intend to take <i>This indication is non-binding. You must submit a formal period of leave notice for each period of SPL you wish it to be binding.</i>	
List any dates of SPL which you have already submitted to the Service on a binding period of leave notice	
List any dates of SPL which the other parent has already submitted on a binding period of leave notice to their employer.	

Cont....

Shared Parental Pay (ShPP) Details

Number of weeks' ShPP you have claimed/intend to claim	
Number of weeks' ShPP the other parent has claimed/intends to claim	
Indication of start and end dates of your ShPP periods	

Declaration

We confirm that we agree to the variation(s) detailed above.

Signature of employee: _____

Date: _____

Signature of other parent: _____

Date: _____

Please return this form to your line manager

Form 4 - Period of Leave Notice

Use this form to give notice to take a period of shared parental leave (and pay if applicable), giving **at least eight weeks'** notice of the start date of the leave. You may submit up to three period of leave notices.

You must have previously submitted the notice of entitlement and intention to take leave form, and had your eligibility for shared parental leave confirmed.

If a continuous period of leave is requested in a period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing. If you request discontinuous periods of leave in this notice and it is not practicable to accommodate your requested pattern of leave your manager will discuss alternative options to you.

Please refer to the SPL policy (1989) for further details regarding the notification and variation of periods of shared parental leave.

Shared parental leave dates

Start date	End date	Number of week

Shared parental pay dates (if applicable)

Start date	End date	Number of week

Name: _____

Signature: _____

Date: _____

Payroll Number: _____

Please return this form to your Line Manager

Form 5 - Notice to Cancel or Vary a Period of Shared Parental Leave

Use this form to cancel or vary a period of shared parental leave (and pay if applicable) as follows:

- Vary the start or end date of a period of leave/pay, giving at least eight weeks' notice before both the new date and the original date
- Vary or cancel the amount of leave requested, giving at least eight weeks' notice before the leave date is due to start
- Request that a single period of leave become discontinuous periods, or vice versa.

A variation will count as one of your three periods of leave notices unless:

- It is made as a result of the child being born earlier or later than the expected week of childbirth;
- The Service has requested the variation

If you are requesting a variation in shared parental pay entitlement the other parent must also sign this form to signify consent to the variation.

Name of employee (CFRS)	
Name of other parent	

Original shared parental leave dates to be varied or cancelled

Start date	End date	Number of weeks

New shared parental leave dates

Start date	End date	Number of weeks

Cont.....

New shared parental pay (ShPP) details (if applicable)

Number of weeks' ShPP you have claimed/intend to claim	
Number of weeks' ShPP the other parent has claimed/intends to claim	
Indication of start and end dates of your ShPP periods	

Declaration

I confirm that I agree to the variation(s) detailed above.

Signature of employee: _____

Date: _____

Declaration of other parent

(If the number of weeks' shared parental pay is changing)

I confirm that I agree to the variation(s) detailed above.

Signature of other parent: _____

Date: _____

Please return this form to your line manager

Form 6 -

CLAIM FOR SPLIT DAY

NAME	EMPLOYEE NO.	DATE SPLIT DAY WORKED	HOURS AT NORMAL RATE

Authorised by: _____

Name: _____ PLEASE PRINT

Date: _____

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