



**Golden Jubilee
Foundation**

Patients at the heart of progress

Appendix 12: Shared Parental Leave Policy

Name	Shared Parental Leave Policy
Summary	This policy is expressly for the purpose of allowing parents to spend quality time with their children in their first year following their birth or adoption, assisting in balancing this with work commitments, thus improving their participation in the workplace.
Associated Documents	
Target Audience	All staff
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PIN policy	Supporting the Work-Life Balance
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Approving committee/group	Senior Management Team (SMT) / Partnership Forum
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Contents

Section	Page
1. Policy statement	3
2. Definitions	3
3. Entitlement to Shared Parental Leave	4
4. Eligibility and qualifying criteria for Shared Parental Leave	4
5. Notification to end maternity or adoption leave	5
6. Opting in to Shared Parental Leave and pay	6
7. Evidence of entitlement	7
8. Notification of Shared Parental Leave Dates	7
9. Procedure for requesting split periods of Shared Parental Leave	7
10. Early birth and special circumstances – effect on Shared Parental Leave	8
11. Changing the dates or cancelling Shared Parental Leave	9
12. Statutory Shared Parental Pay	10
13. Other terms during Shared Parental Leave	12
14. Shared Parental Leave In Touch (SPLIT) days	12
15. Returning to work	12
16. Resolution of disagreements	13
17. Monitoring, review and evaluation	13
18. Glossary	13
Appendices A to G	15-26

Golden Jubilee Foundation Values Statement

What we do or deliver in our roles within the Golden Jubilee Foundation (GJF) is important, but the way we behave is equally important to our patients, customers, visitors and colleagues. We know this from feedback we get from patients and customers, for example in “thank you” letters and the complaints we receive.

Recognising this, the GJF have worked with a range of staff, patient representatives and managers to discuss and promote our shared values which help us all to deliver the highest quality care and service across the organisation. These values are closely linked to our responsibilities around Equality.



Valuing dignity and respect

A can do attitude

Leading commitment to quality

Understanding our responsibilities

Effectively working together

Our values are:

- Valuing dignity and respect.
- A ‘can do’ attitude.
- Leading commitment to quality.
- Understanding our responsibilities.
- Effectively working together.

Our policies are intended to support the delivery of these values which support employee experience.

Shared Parental Leave Policy

1. Policy statement

The purpose of this policy is to encourage a culture of flexible working practice to assist staff to balance family and work commitments, whilst ensuring due consideration of the needs of patients, guests, colleagues and other team members, without compromising patient services.

Shared Parental Leave (SPL) is a form of leave available to working parents following the birth or adoption of a child. It applies in respect of children who are expected to be born or when an adoption agency places a child with an employee and/or their partner on or after 5 April 2015.

Shared Parental Leave means that eligible “mothers” will be able to volunteer to end their maternity leave and/or pay early to create leave and pay which they can share with the child’s father or their partner as SPL and pay. In the case of adoption, SPL provides a more flexible alternative to the default system, whereby one partner may qualify for up to 52 weeks’ adoption leave and the other partner may qualify for up to two weeks’ ordinary paternity leave.

Shared Parental Leave means that eligible fathers and partners will be able to request more leave from work in the first year following their child’s birth. This will give families more choice on how they look after their children in the first year.

This policy outlines the arrangements for SPL and pay in relation to the birth or adoption of a child.

Existing rules on maternity, ordinary paternity leave and adoption leave and pay remain the same but additional paternity leave and pay will no longer be available.

2. Definitions

The following definitions within this policy in relation to the **birth** of a child are:

- **Expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.
- **Mother:** the individual who gives birth to the child, regardless of their gender identity or trans identity
- **Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- **Partner:** spouse, civil partner or someone living with the employee in an enduring family relationship (but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew).
- **Qualifying Week:** the fifteenth week before the expected week of childbirth.
- The following definitions within this policy in relation to the **adoption** of a child are:
 - **Partner:** spouse, civil partner or someone living with the employee in an enduring family relationship at the time the child is placed for adoption (but not the employee’s sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew).
 - **Qualifying Week:** the week the adoption agency notifies the employee that they have been matched with a child for adoption.

3. Entitlement to Shared Parental Leave (SPL)

- 3.1 All pregnant employees will continue to be eligible to take up to 52 weeks of maternity leave. In the case of adopters, an employee will continue to be eligible to take up to 52 weeks of adoption leave.
- 3.2 SPL will be available where an eligible mother or adopter brings their maternity or adoption leave to an end early. This is called “curtailing” maternity or adoption leave. The untaken weeks of maternity or adoption leave can be taken as Shared Parental Leave if the mother/adopter or their partner is eligible for this.
- 3.3 SPL may be taken at the same time or at different times. It may be taken in a single continuous block, or in smaller blocks of leave (a minimum of a week at a time).
- 3.4 In **birth** cases, SPL allows parents to take up to 52 weeks leave in total, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave), assuming that both parents/partners are eligible. They may be able to take this leave at the same time, or at different times.
- 3.5 In **birth** cases, if the employee is the mother, they cannot start SPL until after the compulsory maternity leave period which lasts two weeks after the birth of the child.
- 3.6 In the case of **adoption**, under the SPL system, up to 50 weeks of the adoption leave entitlement may be designated as SPL. Assuming both partners are eligible, they can choose how to split that leave between them.
- 3.7 In **adoption** cases, the adopter cannot start SPL until two weeks of adoption leave has been taken.
- 3.8 An employee is entitled to SPL in relation to the **birth** of a child if:
 - they are the child's mother, and share the main responsibility for the care of the child with the child's father (or their partner, if the father is not their partner);
 - they are the child's father and share the main responsibility for the care of the child with the child's mother; or
 - they are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- 3.9 An employee is entitled to SPL in relation to the **adoption** of a child if an adoption agency has placed a child with the employee and/or their partner for adoption, and they intend to share the main responsibility for the care of the child with their partner.

4. Eligibility and qualifying criteria for Shared Parental Leave

- 4.1 In both **birth** and **adoption** cases, the following conditions must also be fulfilled in order to qualify for Shared Parental Leave:
 - an employee must have at least 26 weeks' continuous employment with the Board by the end of the Qualifying Week, and must still be employed by the Board in the week before the leave is to be taken;
 - the other parent (or in adoption cases, partner) must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC or Qualifying Week and had average weekly earnings of at least £30 during 13 of those 26 weeks; and

- an employee and the other parent/partner must give the necessary statutory notices and declarations, as summarised below, including notice to end any period of maternity or adoption leave, Statutory Maternity Pay (SMP), Maternity Allowance (MA) or Statutory Adoption Pay (SAP).
 - In **adoption** cases, either the employee or their partner must also qualify for statutory adoption leave and/or SAP, and must take at least two weeks of adoption leave and/or pay.
- 4.2 In **birth** cases, the child's father or the mother's partner, should consider using their two weeks' paternity leave before taking SPL. Once SPL commences, any untaken paternity leave entitlement will be lost. SPL entitlement is additional to paternity leave entitlement. However, if the child's father or mother's partner is not entitled to paternity leave, SPL can start from the date of birth.
- 4.3 In **adoption** cases, if an employee's partner is taking adoption leave and/or claiming SAP, an employee may be entitled to two weeks' paternity leave and pay (refer to the Paternity Leave Policy). An employee should consider using this before taking Shared Parental Leave. Paternity leave is additional to any Shared Parental Leave entitlement, but any untaken paternity leave entitlement will be lost once a period of Shared Parental Leave commences.
- 4.4 Attached as Appendix A and Appendix B are two flowcharts, one for adoption and one for birth which will assist in determining entitlement to leave and pay.

5. Notification to end maternity or adoption leave

- 5.1 In **birth** cases, if the employee is the child's mother and is still on maternity leave, they must give at least eight weeks' written notice to end their maternity leave (a curtailment notice) before they can take SPL. In **adoption** cases, this is also the case if an employee is taking or intends to take adoption leave and wants to opt into the SPL scheme. The notice must state the date on which the employee's maternity/adoption leave will end. The employee can give the notice before or after they give birth, or after adoption leave starts, but they cannot end their maternity / adoption leave until at least two weeks after birth. In the case of adoption they must take at least two weeks' adoption leave. Once the child's mother ends Maternity leave she cannot go back onto maternity leave once she or her partner has taken SPL. In both cases, the Maternity/Adoption Leave Curtailment Notice Form (Appendix C) should be completed and submitted to the employee's line manager.
- 5.2 The employee must also provide, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see above), or a written declaration that the child's father or their partner has given his or her employer an opt-in notice and that the employee has given the necessary declarations in that notice.
- 5.3 The other parent or partner may be eligible to take SPL from their employer before the employee's maternity or adoption leave ends, but they cannot start it until the employee has given their curtailment notice.
- 5.4 The curtailment notice is usually binding and cannot be revoked. An employee can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies:
- if the employee realises that neither them or the other parent / partner are in fact eligible for SPL or Statutory Shared Parental Pay (ShPP), they can revoke the curtailment notice in writing up to eight weeks after it was given;
 - if the employee gave the curtailment notice before giving birth, they can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
 - if the other parent / partner has died.

- 5.5 In **birth** cases, once a curtailment notice is revoked an employee cannot submit a second curtailment notice, unless the revocation was given in the circumstances in paragraph 5.4 above. In adoption cases, once a curtailment notice has been revoked, an employee will be unable to opt back in to the SPL scheme.
- 5.6 In **birth** cases, if the employee is the child's father or the mother's partner, they will only be able to take SPL once the mother has either:
- returned to work;
 - given her employer a curtailment notice to end her maternity leave;
 - given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
 - given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).
- 5.7 In **adoption** cases, if an employee's partner is taking adoption leave or claiming SAP from their employer, the employee will only be able to take SPL once their partner has either:
- returned to work;
 - given their employer a curtailment notice to end adoption leave; or
 - given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

6. Opting in to SPL and pay

- 6.1 At the same time that an employee submits their Maternity/Adoption Leave Curtailment Notice Form (Appendix C), they must also submit, a notice to opt into the SPL scheme (see Appendix D or Appendix E, whichever is relevant or both if applicable), or a written declaration that the child's father or the employee's partner has given his or her employer an opt-in notice and that the employee has given the necessary declarations in that notice. This must be submitted no less than eight weeks before the date the employee intends their SPL to start.

This form needs to provide the following information:

- the employee's name and the name of the other parent (or in **adoption** cases, the name of their partner);
- in **birth** cases, if the employee is the child's mother, the start and end dates of their maternity leave;
- in **birth** cases, if the employee is the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- in the case of **adoption**, if the employee is taking adoption leave, their adoption leave start and end dates;
- in the case of **adoption**, if the employee is not taking adoption leave, their partner's adoption leave start and end dates, or if their partner is not entitled to adoption leave, the start and end dates of their SAP;
- the total SPL to be taken, which is 52 weeks minus the number of weeks' maternity leave, adoption leave, SMP, MA or SAP period (as appropriate) taken or to be taken by the employee or their partner;
- how many weeks of the available SPL will be allocated to the employee and how much to the other parent / their partner. The employee can change the allocation by giving us a further written notice (See appendix F: Period of Leave Notice Form), and they do not have to use their full allocation;

- if the employee is claiming (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP, SAP or MA period taken or to be taken);
- how much of the available ShPP will be allocated to the employee and how much to the other parent / their partner. (The Employee can change the allocation by giving us a further written notice, and they do not have to use their full allocation);
- an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as possible about future intentions; and
- declarations by the employee and the other parent / their partner that the employee meets the statutory conditions for entitlement to SPL and ShPP.

7. Evidence of Entitlement

7.1 An employee must also provide with their opt-in notice (see Appendix D) the following:

- In **birth** cases, a copy of the birth certificate (or if a birth certificate has not yet been obtained, a signed declaration of the child's date and place of birth) or MAT B1 certificate; or in the case of **adoption**, one or more documents from the adoption agency, such as the matching certificate, showing the agency's name and address and the expected placement date;

and

- The name and address of the other parent's employer (or a declaration that they have no employer or that they are self-employed).

8. Notification of Shared Parental Leave dates

8.1 Having opted into the SPL system, an employee will need to give a period of leave notice advising of the start and end dates of their Shared Parental Leave. This can be given at the same time as the opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of the employee's leave. The employee must also state in their period of leave notice the dates on which they intend to claim shared parental pay, if applicable.

8.2 If a period of leave notice gives dates for a single continuous block of SPL an employee will be entitled to take the leave set out in the notice.

8.3 An employee can give up to three periods of notice to take leave. This may enable an employee to take up to three separate blocks of shared parental leave. In exceptional circumstances it may be agreed to accept more than three periods of leave notices but there is no obligation for an employer to do so.

9. Procedure for requesting split periods of Shared Parental Leave

9.1 In general, a period of leave notice should set out a single continuous block of leave. However, in some cases, a manager may be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. An employee should discuss this with their manager and Human Resources in advance of submitting any formal period of leave notices. This will give the manager more time to consider the request and hopefully agree a pattern of leave with the employee from the start. During a period of SPL and Pay, the employee will not be able to carry out any work, including any work within the Board.

9.2 An employee must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If the manager is unable to agree to the request straight away, there will be a two-week discussion period between the employee and their manager. At the end of that period, the line manager will confirm any agreed arrangements in writing. If an agreement has not been reached, the employee will be entitled to take the full amount of requested Shared Parental Leave as one continuous block, beginning on the start date given in their notice (for example, if the employee requested three separate periods of four weeks each, they will be entitled to one 12-week period of leave).

Alternatively, an employee may:

- choose a new start date (which must be at least eight weeks after the original period of leave notice was given), and notify their manager of this new date within five days of the end of the two-week discussion period; or
- withdraw their period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and they may submit a new one if they choose).

10. Early birth and special circumstances – effect on SPL

10.1 Early birth

If the child is born before the expected due date and the employee had 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 eight weeks' notice. They can do this by submitting a notice to vary their leave as soon as is reasonably practicable. Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave.

If the child is born more than eight weeks before their expected due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give eight weeks' notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

10.2 Death of the child

Should the child die before the parents have submitted a notice of entitlement to take SPL then the employee cannot opt into SPL but the mother will remain entitled to maternity leave and the mother's partner may still qualify for paternity leave.

If the parents' have opted into SPL and they have booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

If the employee is absent on SPL, they may cancel the agreed SPL and return to work by giving their employer eight weeks' notice of their return to work.

10.3 Partner no longer caring for the child

If the employee's circumstances change and they have already booked SPL and are no longer responsible for caring for the child (unless it is because the child has died), the employee's entitlement to both SPL and ShPP will immediately cease and they must tell their line manager. If the employee has any SPL arranged within eight weeks of their entitlement ceasing, they may still be required to take it as SPL if it is not reasonably practical for them to return to work, for example because cover has been arranged. Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled.

If the remaining parent will be continuing to care for the child, then the employee may still be eligible to take their SPL entitlement. If the other parent, who is no longer caring for the child had any SPL leave entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

10.4 Death of a parent

If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL.

11. Changing the dates or cancelling Shared Parental Leave

- 11.1 An employee can cancel a period of leave by providing written notification at least eight weeks before the start date which they have given in the period of leave notice.
- 11.2 An employee can change the start date for a period of leave, or the length of the period of leave, by providing written notification at least eight weeks' notice before the original start date and the new start date.
- 11.3 An employee can change the end date for a period of leave by providing written notification at least eight weeks before the original end date and the new end date.
- 11.4 An employee can change split periods of leave into a single continuous period of leave by providing written notification at least eight weeks before the start date.
- 11.5 An employee can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. Any such request will be considered in line with section nine.
- 11.6 A notice to cancel or change a period of leave will count as one of an employee's three periods of leave notices, unless:
 - in the case of a **birth**, the variation is a result of their child being born earlier or later than the EWC;
 - in the case of **adoption**, the variation is a result of the child being placed with the employee earlier or later than the expected placement date;
 - the variation is at the manager's request; or
 - the manager agrees otherwise.

12. Statutory Shared Parental Pay

- 12.1 ShPP is created where an eligible mother or adopter chooses to bring their maternity or adoption pay and allowance to an early end. By reducing the maternity or adoption pay period, the untaken maternity or adoption pay or maternity allowance will become available as ShPP – up to a maximum of 37 weeks.
- 12.2 ShPP of up to 39 weeks (less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay claimed by the employee or the other parent or their partner) may be available, provided the employee has at least 26 weeks' continuous employment with the Board at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.
- 12.3 An employee may also qualify for contractual ShPP if they have been continuously employed with one or more NHS employers during the 12 month period ending with the Qualifying Week. It is not a requirement that their partner is also employed by an NHS Scotland employer.
- 12.4 The number of weeks of full or half contractual Shared Parental Pay to which an employee is entitled, as described in the following paragraphs, will be subject to deduction of the number of weeks of full or half contractual maternity or maternity support (paternity), or adoption pay as appropriate, which may already have been paid to the employee or their partner by us, or by another NHS Scotland employer, in respect of the child.
- 12.5 Subject to any deductions which will apply by virtue of paragraph 12.4 for the first eight weeks of the employee's SPL, contractual Shared Parental Pay is full pay. Any ShPP that may be due for that period is included within the amount of the full pay.
- 12.6 For the next eighteen weeks of SPL, contractual Shared Parental Pay is half pay, plus any ShPP that may be due for that period. However, the combined total will not exceed full pay. If required, the amount of contractual Shared Parental Pay will be reduced in order to achieve this limit.
- 12.7 Examples of how paragraphs 12.4 to 12.6 will apply in different circumstances are as follows:

In **birth** cases:

- 12.7.1 If either: the employee and their partner both work at an NHS Scotland employer, or the employee is the mother and their partner does not work at an NHS Scotland employer, then in both cases after the first two weeks of compulsory maternity leave, there remains an entitlement to six weeks full pay, followed by 18 weeks of half pay, which can either be used on further maternity leave or SPL.

It is important to note that if the mother and father both work with the NHS, the entitlement to eight weeks at full pay should **not** be subject to the deduction of any weeks of full pay which the father takes as maternity support (paternity), as this would result in the couple losing two weeks pay by taking SPL.

If either: the employee and their partner, or the employee, opts into SPL, then the number of weeks of contractual Shared Parental Pay to which the employee is entitled is the same as the number of weeks of contractual maternity pay which is unused at the point in time when they start SPL.

It is important to note that if the employee has taken leave prior to the birth, then it will only be the balance of the leave that is left that and not necessarily the full amount as outlined above.

- 12.7.2 If the employee is the mother's partner, and the mother does not work for an NHS Scotland employer, then the employee's entitlement to contractual Shared Parental Pay is to eight weeks full pay and 18 weeks half pay. However, if the employee has maternity support (paternity) leave, then the eight weeks full pay is reduced by the number of weeks of paid maternity support (paternity) leave which they have taken.

In adoption cases:

- 12.7.3 If either the employee and their partner both work for an NHS Scotland employer or the employee is the partner with primary caring responsibilities and their partner does not work at an NHS Scotland employer, then in both cases after the first two weeks of adoption leave, there remains an entitlement to six weeks full pay followed by 18 weeks of half pay, which can either be used on further adoption leave by the partner with primary caring responsibilities, or on SPL.

It is important to note that if the mother and father both work with the NHS, the entitlement to eight weeks at full pay should **not** be subject to the deduction of any weeks of full pay which the father takes as maternity support (paternity) as that would mean that the couple would be worse off by 2 weeks pay by taking SPL). If either a) the employee and their partner or b) the employee, opts into SPL, then the number of weeks of contractual Shared Parental Pay to which they are entitled is the same as the number of weeks of adoption pay which is unused at the point in time when they start SPL. It is important to note that if the employee has taken leave prior to the birth, then it will only be the balance of the leave that is left that will be due and not necessarily the full amount as outlined above.

- 12.7.4 If the employee's partner has the primary caring responsibilities and does not work for an NHS Scotland employer, then the employee's entitlement to contractual Shared Parental Pay is to eight weeks full pay and 18 weeks half pay. However, if the employee has taken maternity support (paternity) leave then the eight weeks full pay is reduced by the number of weeks of paid maternity support (paternity) leave which they have taken.
- 12.8 Payment of contractual Shared Parental Pay is conditional upon the employee confirming in writing, before starting SPL, that they intend to return to work for at least six months after the end of their SPL. If they later decide not to return to work for this minimum period, the employee must repay any contractual Shared Parental Pay (but not statutory Shared Parental Pay) which they have received. In cases where we consider that to enforce this provision would cause undue hardship or distress, the Golden Jubilee Foundation will have the discretion to waive its rights to recovery in line with local Board policies.
- 12.9 Shared Parental Pay for the mother working in the NHS will be calculated on the same basis as her maternity pay. Shared Parental Pay for the partner will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the qualifications set out within section 15.23 of the NHS Terms and Conditions of Service Handbook.

13. Other terms during Shared Parental Leave

- 13.1 An employee's terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 13.2 Annual leave and public holidays will continue to accrue during Shared Parental Leave, whether paid or unpaid, provided for by this agreement. Where the amount of accrued annual leave and public holidays 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) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and employer.
- 13.3 If an employee is a member of the pension scheme, the Golden Jubilee Foundation will make employer pension contributions during any period of paid Shared Parental Leave, based on the employee's normal salary, in accordance with the pension scheme rules. Employee contributions will be based on the amount of any shared parental pay they are receiving.

14. Shared Parental Leave in Touch (Split) Days

- 14.1 The line manager may make reasonable contact with an employee from time to time during their Shared Parental Leave although this will be kept to a minimum. This may include contacting an employee to discuss arrangements for their return to work.
- 14.2 An employee may ask or be asked to work up to 20 Shared Parental Leave In Touch (SPLIT) days during their SPL. This is in addition to any Keeping in Touch (KIT) days that they may have taken during maternity or adoption leave. SPLIT days can be used in situations where both parties feel it would be beneficial for the employee to attend a work-related activity, e.g. a training session or team meeting, or to work part of a week to help the employee to return to their role in a gradual way. The employee should complete a SPLIT Day Payment Request Form (Appendix G) and have this signed by their line manager to ensure payment for any hours worked.
- 14.3 During a period of Shared Parental Leave and Pay, payment for the SPL will be offset by the amount of pay for work done on any SPLIT days to ensure that the employee does not receive any more than their full pay for any period worked.

15. Returning to work

- 15.1 If the employee wants to end a period of SPL early, they must provide eight weeks' prior notice of the return date. It is helpful to give this notice in writing.
- 15.2 If the employee wants to extend their Shared Parental Leave, assuming they still have unused SPL entitlement remaining, they must submit a new period of leave notice at least eight weeks before the date they were due to return to work, assuming they still have Shared Parental Leave entitlement remaining and have not already submitted three period of leave notices. If the employee is unable to request more Shared Parental Leave, they may be able to request annual leave or ordinary parental leave. The decision on whether to grant this request will be subject to service need.

- 15.3 The employee is normally entitled to return to work in the position they held before starting Shared Parental Leave, and on the same terms of employment. However, if it is not reasonably practicable for the Golden Jubilee Foundation to allow the employee to return into the same position, the Foundation may give the employee another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
- if the amount of Shared Parental Leave and any adoption, maternity or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
 - if Shared Parental Leave was taken consecutively with more than four weeks of ordinary parental leave (under the GJF's Parental Leave Policy).
- 15.4 If an employee wishes to change their hours or other working arrangements on return from Shared Parental Leave, they should make a request under the GJF's Flexible Working Policy. Such requests must be made as early as possible.
- 15.5 If an employee decides that they do not want to return to work, they should give notice of resignation in accordance with their contract.

16. Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the Human Resources Team and a Trade Union/or Professional Organisation representative.

17. Monitoring, Review and Evaluation

This policy and procedure has been assessed for relevance and screened for equality impact, to identify and mitigate, where possible, any potential for the policy and procedure to have differential impact on employees having regard to their differences, such as ethnicity, gender, disability, age, sexual orientation, religion, literacy or belief.

This policy will be monitored, reviewed and evaluated every two years by the Partnership Forum, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

18. Glossary

The definitions applicable in this policy in relation to the **birth** of a child are:

Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.

Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be the mother – as described above, the individual who gives birth regardless of gender identity or trans identity, the father, or the mother's partner if not the father).

Partner: spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Qualifying Week: the fifteenth week before the expected week of childbirth.

The definitions applicable in this policy in relation to the **adoption** of a child are:

Partner: spouse, civil partner or someone living with the employee in an enduring family relationship at the time the child is placed for adoption, but not the employee's sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

Qualifying Week: the week the adoption agency notifies the employee that they have been matched with a child for adoption.

Other frequently used Terms included in this Policy are:

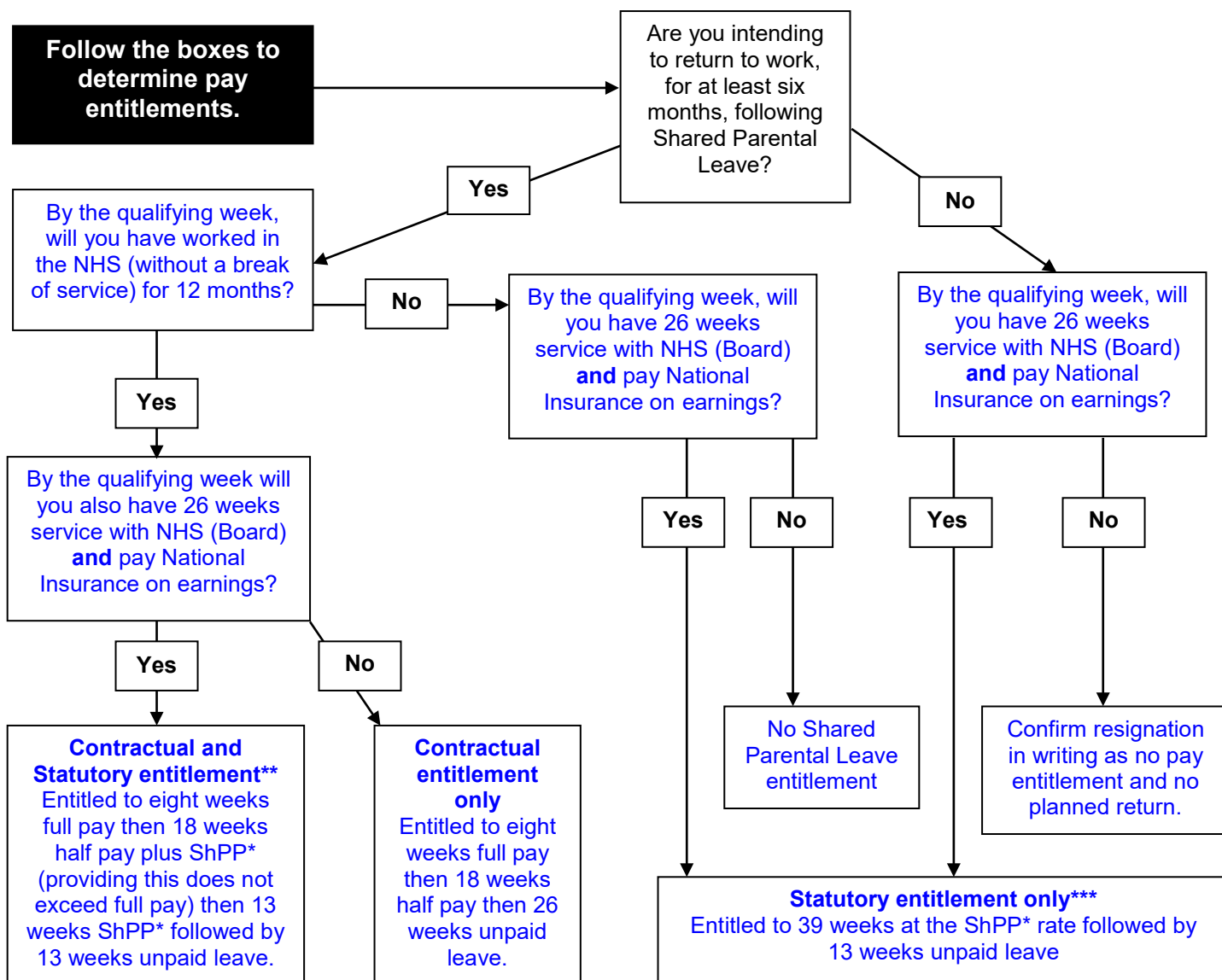
- SPL** Shared Parental Leave
- SMP** Statutory Maternity Pay
- MA** Maternity Allowance (The level of allowance provided to those who do not qualify for Statutory Maternity Pay)
- SAP** Statutory Adoption Pay
- ShPP** Statutory Shared Parental Pay
- KIT Days** Keeping in Touch Days
- SPLIT Days** Shared Parental Leave in Touch Days

APPENDIX A
Shared Parental Leave Flow Chart – Birth

What shared parental pay and leave am I entitled to receive on the birth of a child?

What is the expected date of child birth? _____

The qualifying week which is 15 weeks before the expected date of child birth is: _____.



*ShPP – Statutory Shared Parental Pay rates are set by the government each year.

** The above entitlements will be reduced by any periods of contractual Maternity Leave, Statutory Maternity Leave, Maternity Allowance or Paternity Leave taken prior to the Shared Parental Leave start date.

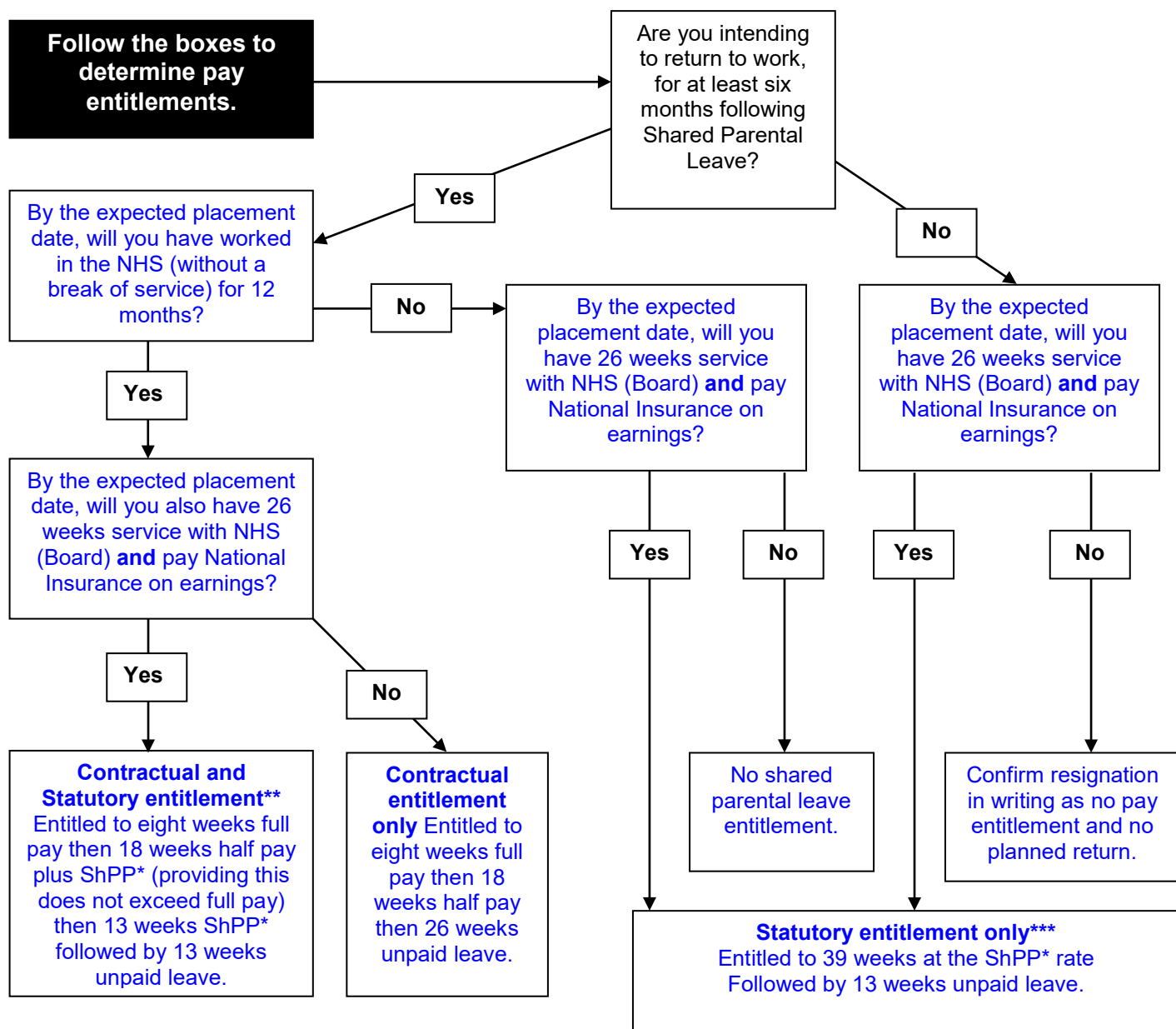
*** The above entitlements will be reduced by any periods of Statutory Maternity leave or Maternity Allowance.

Please note that the above is for guidance only, and once your application has been processed confirmation of leave and pay entitlements will be provided by Golden Jubilee Foundation.

APPENDIX B
Shared Parental Leave Flow Chart – Adoption

What shared parental pay and leave am I entitled to receive on the adoption of a child?

What is the expected placement date? _____



*ShPP – Statutory Shared Parental Pay rates are set by the government each year.

** The above entitlements will be reduced by any periods of contractual Maternity Leave, Statutory Maternity Leave, Maternity Allowance or Paternity Leave taken prior to the Shared Parental Leave start date.

*** The above entitlements will be reduced by any periods of Statutory Maternity leave or Maternity Allowance.

Please note that the above is for guidance only, and once your application has been processed confirmation of leave and pay entitlements will be provided by Golden Jubilee Foundation.

APPENDIX C

Shared Parental Leave: maternity/adoption leave curtailment notice	
Name of employee:	
Pay number:	
Job title:	
Department, location and contact details:	
<p>Please accept this as my notice that I wish to curtail my ordinary/additional maternity /adoption leave and pay to enable Shared Parental Leave to be taken by either myself or my partner. I understand that if I am in receipt of maternity allowance that I must advise the Department of Work and Pensions of my intention to curtail my maternity leave. I also understand that I can only reinstate my maternity/adoption leave if I revoke this notice before the curtailment date given below.</p>	
Date maternity/adoption leave started or intends to start:	
Date maternity/adoption leave ceased or intends to cease:	
Expected date of birth of the child, where the curtailment notice is given prior to the baby being born:	
Number of weeks maternity/adoption leave taken:	
Number of weeks of shared parental leave available:	
<p>Prior to signing, please note:</p> <p>You should submit this form together with the organisation's form for a mother to provide a notice of entitlement and intention to take Shared Parental Leave (Appendix D) or the declaration that your partner has provided a notice of entitlement and intention to take Shared Parental Leave to his/her employer and that you consent to the amount of leave that he/she intends to take.</p> <p>The date on which you wish to curtail your maternity/adoption leave must be at least:</p> <ul style="list-style-type: none"> • eight weeks after the date on which you provide this notice to the organisation; • two weeks after you give birth or after two weeks of adoption leave; and • one week before what would have been the end of your additional maternity leave. 	
Signed (mother) :	
Dated:	

APPENDIX D

Shared Parental Leave: notice of intention and entitlement (To be completed if you are the **mother** working for NHS Board)

Name of employee:

Pay number:

Job title:

Department, location and contact details:

I wish to provide the organisation with an indication of my proposed Shared Parental Leave, as well as the required declarations from myself and my partner.

Section A: information to be provided by employee – please print

My partner's name is:

The total amount of shared parental leave my partner and I have available is:

(This will be 52 weeks less the total number of maternity/adoption weeks taken and less the total number of weeks of Shared Parental Leave already taken by me or my partner).

I intend to take the following periods of Shared Parental Leave (maximum of three periods, running in complete weeks Monday to Sunday). If you cannot provide all of this information at this point, you can submit a separate application in the future (see Appendix F).

	Starting on Monday the	Ending on Sunday the	Number of weeks
Period 1			
Period 2			
Period 3			
Total number of weeks			

My partner intends to take the following periods of Shared Parental Leave (maximum of three periods, running in complete weeks Monday to Sunday). If you cannot provide all of this information at this point, you can submit a separate application in the future (see Appendix F).

	Starting on Monday the	Ending on Sunday the	Number of weeks
Period 1			
Period 2			
Period 3			
Total number of weeks			

Section B: Declaration to be completed by the employee

By submitting this application form I satisfy/will satisfy the following eligibility requirement to take Shared Parental Leave:

Eligibility requirement	Tick
I have/will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation.	
At the date of the child's birth, I have/will have the main responsibility, apart from my partner, for the care of the child.	
I am entitled to statutory maternity/adoption leave in respect of the child and will refrain from any paid employment during this period.	
I have complied with the organisation's maternity/adoption leave curtailment requirements (including taking at least two weeks maternity leave following the birth of my child or two weeks adoption leave), have returned to work before the end of my statutory maternity leave period, if appropriate, and will comply with the organisation's shared parental leave notice and evidence requirements.	
I agree to return to work for a period of six months following Shared Parental Leave and understand that if I do not I will be required to repay any Contractual Shared Parental Pay received.	

I can confirm that the information I have provided is accurate. I understand that by submitting incorrect information on this form, I may be subject to disciplinary proceeding and the information contained in this form may be passed to Counter Fraud Services.

I will immediately inform the organisation if I cease to care for the child.

Signed (mother):

Dated :

Section C: Declaration to be completed by employee's partner

My name is:	
My address is:	
My national insurance number is: (Please advise if you have no national insurance number)	
The name, address and contact details of my employer is:	

By signing this application form I satisfy/will satisfy the following eligibility requirement to enable the mother to take shared parental leave:

Eligibility requirement	Tick
I have been employed or been a self-employed earner within the UK for at least 26 of the 66 weeks immediately preceding the expected week of childbirth/adoption start date	
I have or will have earned in total average weekly earnings of at least £390 in any of the 13 weeks of the 66 weeks before the expected week of childbirth/adoption start date	
At the date of the child's birth/adoption start date, I have/will have the main responsibility, apart from the mother, for the care of the child	
I am the father of the child, or at the date of the birth I was/will be the mother's spouse, civil partner or living with the mother and her child in an enduring relationship.	
I consent to the amount of Shared Parental Leave/Shared Parental Pay which the mother intends to take, as set out in this application.	

I confirm the dates of the shared parental leave detailed in this intention notice and consent to NHS Board processing this application. I also consent to NHS Board contacting my employer to obtain information relating to this shared parental leave application if required.

Signed (partner):	
Dated :	

APPENDIX E

Shared Parental Leave: Notice of Intention and Entitlement (To be completed if you are the Partner working for NHS Board)		
Name of employee:		
Pay number:		
Job title:		
Department, location and contact details:		
I wish to provide the organisation with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and the mother.		
Section A: information to be provided by employee – please print		
The mother's name is:		
My child's expected week of birth is/child was born on/adoption date:		
The mother's maternity/adoption leave started/is expected to start on:	(Date A)	
The mother's maternity/adoption leave ended/is expected to end on:	(Date B)	
Number of weeks maternity/adoption leave taken between Date A and B:	(Date C)	
The total amount of Shared Parental Leave the mother and I have available is (52 weeks less Date C):		
I intend to take the following period/s of Shared Parental Leave (maximum of three periods, running in complete weeks Monday to Sunday). If you cannot provide all of this information at this point, you can submit a separate application in the future (see Appendix F).		
Starting on Monday the	Ending on Sunday the	Number of weeks
Period 1		
Period 2		
Period 3		
Total number of weeks		
The mother intends to take the following period/s of shared parental leave (maximum of three periods, running in complete weeks Monday to Sunday). If you cannot provide all of this information at this point you can submit a separate application in the future (see Appendix F).		
Starting on Monday the	Ending on Sunday the	Number of weeks
Period 1		
Period 2		
Period 3		
Total number of weeks		

Section B: declaration to be completed by employee

By submitting this application form I declare that I satisfy/will satisfy the following eligibility requirement to take Shared Parental Leave:

Eligibility requirement	Tick
I have/will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/adoption date and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation	
At the date of the child's birth/adoption date, I have/will have the main responsibility, apart from the mother, for the care of the child and will refrain from any paid employment during the period of leave.	
I will comply with the organisations shared parental leave notice and evidence requirements	
I am the father of the child, or at the date of the birth/adoption date I was/will be the mother's spouse, civil partner or living with the mother and her child in an enduring relationship.	
I will immediately inform the organisation if I cease to care for the child or if the child's mother informs me that she has revoked the curtailment of her maternity/adoption leave or SMP/Maternity Allowance/Adoption Pay.	
I have attached copy of the MAT B1 form/child's birth certificate.	
I agree to return to work for a period of six months following Shared Parental Leave and understand that if I do not I will be required to repay any Contractual Shared Parental Pay received.	
I consent to the amount of Shared Parental Leave/Shared Parental Pay which the mother intends to take, as set out in this application.	

I can confirm that the information I have provided is accurate. I understand that by submitting incorrect information on this form, I may be subject to disciplinary proceedings and the information contained in this form may be passed to Counter Fraud Services. I will immediately inform the organisation if I cease to care for the child.

Signed (partner):

Dated :

Section C: declaration to be completed by the mother

My name is:	
My address is:	
My national insurance number is: (Please advise if you have no national insurance number)	
The name, address and contact details of my employer is:	

By signing this application form, I satisfy/will satisfy, the following eligibility requirement to enable my partner to take Shared Parental Leave:

Eligibility requirement	Tick
At the date of the child's birth/adoption date, I have/will have the main responsibility, apart from the mother, for the care of the child	
I am entitled to statutory maternity/adoption leave and/or statutory maternity/adoption pay or maternity allowance in respect of the child and have reduced or will reduce my maternity/adoption period and the remainder will be available as Shared Parental Leave.	
I have curtailed or will curtail my entitlement to maternity/adoption leave and/or pay and have returned to work before the end of my statutory maternity leave period.	
I will immediately inform my partner's employer if I revoke my notice to curtail my maternity/adoption leave or if I am not entitled to maternity/adoption leave, Statutory Maternity/Adoption Pay or Maternity Allowance.	

I confirm the dates of the shared parental leave detailed in this intention notice and consent to NHS Board processing this application. I also consent to NHS Board contacting my employer to obtain information relating to this shared parental leave application if required.

Signed (mother):	
Dated :	

APPENDIX F

Shared parental leave: period of leave notice			
Name of employee:			
Pay number:			
Job title:			
Department, location and contact details:			
I wish to take the following period(s) of Shared Parental Leave. Please complete either section A or section B.			
My child's expected week of birth is/child was born on:			
Section A: please fill out if your child has already been born or if you know the exact dates on which you would like to take shared parental leave.			
I intend to take shared parental leave on the following dates:			
	Starting on Monday the	Ending on Sunday the	Number of weeks
Period 1			
Period 2			
Period 3			
Total number of weeks			
Section B: please fill out if your child has not been born yet and you wish your shared parental leave to start either on the day on which your child is born, or a specified number of days after the day on which your child is born (tick to indicate).			
Start date	Tick		
I wish my shared parental leave to start on the day on which my child is born.	<input type="checkbox"/>		
I wish my shared parental leave to start _____ days following the date on which my child is born.	<input type="checkbox"/>		
Signed:			
Date:			

SECTION C: Authorisation – to be completed by Line Manager

Having considered the above request for Shared Parental Leave I have circled the outcome below and confirm this was discussed with the staff member.

Approve block – Continuous	Approve blocks – Discontinuous	Alternative Blocks – Discontinuous	Declined blocks – Discontinuous
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Alternative blocks, if applicable

	Starting on Monday the	Ending on Sunday the	Number of weeks
Period 1			
Period 2			
Period 3			
Total number of weeks			

Signed: Line Manager		Dated	
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Print Name		Job Title	
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I confirm that the alternative discontinuous blocks above are acceptable to me.

Signed: Staff Member		Dated	
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APPENDIX G

SHARED PARENTAL LEAVE IN TOUCH DAYS (SPLIT) – Payment request form

Employee name: _____
 (in block capitals)

Pay number: _____ **Group code** _____ **Pay point** _____

Please pay the above named employee at the normal appropriate hourly rate for the hours detailed below which were worked as “split” Day(s) during a period of Shared Parental Leave.

It is understood that this payment will be made less the appropriate statutory payment (if applicable) and will not therefore exceed normal contractual (NHS) pay.

Date of shift	Start time	End time	Total number of hours to be paid	Any additional information (e.g. any enhancements etc)

Employee signature: _____

Date: _____

Authorising Manager: _____

Date: _____

Print name: _____
 (BLOCK CAPITALS)

Authorised signature (HR): _____

Date: _____

Print name: _____
 (BLOCK CAPITALS)

Please send form to: Payroll Department