



**Golden Jubilee
Foundation**

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
Version number	1.0
PIN policy	Supporting the Work-Life Balance
Date of this version	August 2015
Review Date	July 2018
Date of full impact assessment	
Name of Board	National Waiting Times Centre
Approving committee/group	SMT/Partnership Forum
Document Author	

CONTENTS

Section	Page
1. Policy Statement	4
2. Definitions	4
3. Entitlement to Shared Parental Leave	5
4. Eligibility and Qualifying Criteria for Shared Parental Leave	6
5. Notification to Opt in to Take Shared Parental Leave and/or Pay	6
6. Notification to End Maternity or Adoption Leave	7
7. Evidence of Entitlement	8
8. Notification of Shared Parental Leave Date	8
9. Procedure for Requesting Split Periods of Shared Parental Leave	9
10. Changing the Dates or Cancelling Shared Parental Leave	9
11. Shared Parental Pay and Statutory Shared Parental Pay	10
12. Other Terms During Shared Parental Leave	11
13. Keeping in Touch	11
14. Returning to Work	11
15. Dignity at Work	12
16. Questions or Concerns	12
17. Resolution of Disagreements	12
18. Monitoring, Review and Evaluation	13
19. Glossary	13

Golden Jubilee Foundation Values Statement

What we do or deliver in our roles within the Golden Jubilee Foundation 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 Golden Jubilee Foundation 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 of care and service across the organisation. These values are closely linked to our responsibilities around Equality.



Our values are that we will:

- Take responsibility for doing our own job well
- Treat everyone we meet in the course of our work with dignity and respect
- Demonstrate through our actions our commitment to quality
- Communicate effectively, working with others as part of a team
- Display a “can do” attitude at every opportunity.

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 shared parental leave and pay. In the case of adoption, Shared Parental Leave 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 Shared Parental Leave 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.

1. 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.

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 Shared Parental Leave 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 Shared Parental Leave may be taken at the same time or at different times. It may be taken in a single continuous block, or may be taken in smaller blocks of leave (a minimum of a week at a time).
- 3.4 In birth cases, Shared Parental Leave 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. SPL cannot commence until after the compulsory maternity leave period, which lasts until 2 weeks after the birth of the child.
- 3.5 In the case of adoption, the total amount of SPL available is also 52 weeks, less the weeks of adoption leave taken by either the employee or partner (or the weeks in which the employee's partner has been in receipt of SAP if they were not entitled to adoption leave). Adopters cannot start their Shared Parental Leave until 2 weeks of adoption leave have been taken by them. Assuming both partners are eligible, they can choose how to split that leave between them.
- 3.6 An employee is entitled to Shared Parental Leave in relation to the birth of a child if:
 - a) 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);
 - b) they are the child's father and share the main responsibility for the care of the child with the child's mother; or
 - c) 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).
- 3.7 An employee is entitled to Shared Parental Leave 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:

a) 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;

b) 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

c) 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).

d) 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.

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.

5. Notification to Opt-in to Take Shared Parental Leave and/or Pay

5.1 If an employee is eligible for Shared Parental Leave and/or pay the following notification is required:

- An employee should provide a written opt-in notice not less than eight weeks before the date they intend the Shared Parental Leave to start. This written notice must detail their name and the name of the other parent (or in adoption cases, the name of their partner).

- This written opt-in notice must also confirm:

a) In birth cases, the employee must confirm the start and end dates of their maternity leave;

b) In birth cases, if the employee is the child's father or the mother's partner, they must confirm 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.

c) In the case of adoption, if the employee is taking adoption leave, they must confirm their adoption leave start and end dates;

- d) In the case of adoption, if the employee is not taking adoption leave, the employee must confirm 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;
- e) the total Shared Parental Leave available, i.e. 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;
- f) how many weeks of the available Shared Parental Leave will be allocated to the employee and how much to the other parent / their partner. (The allocation can be changed by giving a further written notice, and the employee does not have to use their full allocation);
- g) if the employee is claiming Statutory Shared Parental Pay (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);
- h) how much of that available ShPP will be allocated to the employee and how much to the other parent / partner. (The allocation can be changed by giving a further written notice, and the employee does not have to use their full allocation);
- i) 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 it is useful to provide as much information as possible about their future intentions; and
- j) declarations by the employee and the other parent/their partner that they meet the statutory conditions for entitlement to Shared Parental Leave and Statutory Shared Parental Pay.

5.2 An employee can only give three notices to take leave.

6. Notification to End Maternity or Adoption leave

6.1 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 Shared Parental Leave. 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 Shared Parental Leave 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, or in the case of adoption they must take at least two weeks' adoption leave.

N.B. Once the child's mother ends Maternity leave she cannot go back onto maternity leave once she or her partner has taken Shared Parental Leave.

6.2 The employee must also provide, at the same time as the curtailment notice, a notice to opt into the Shared Parental Leave 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.

6.3 The other parent or partner may be eligible to take Shared Parental Leave 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.

6.4 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:

- a) if the employee realises that neither them or the other parent / partner are in fact eligible for Shared Parental Leave or Statutory Shared Parental Pay, they can revoke the curtailment notice in writing up to eight weeks after it was given;
- b) 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
- c) if the other parent / partner has died.

6.5 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 6.4 b). In adoption cases, once revoked a curtailment notice has been revoked, an employee will be unable to opt back in to the SPL scheme.

6.6 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:

- a) returned to work;
- b) given her employer a curtailment notice to end her maternity leave;
- c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- d) given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).

6.7 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 Shared Parental Leave once their partner has either:

- a) returned to work;
- b) given their employer a curtailment notice to end adoption leave; or
- c) given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

7. Evidence of Entitlement

7.1 An employee must also provide on request:

- a) 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 in the case of adoption, one or more documents from the adoption agency showing the agency's name and address and the expected placement date;

and

- b) 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 Shared Parental Leave 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 Shared Parental Leave 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. In some cases, a manager may be willing to consider a period of leave notice where the Shared Parental Leave 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 HR 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.

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. At the end of that period, any agreed arrangements will be confirmed 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, starting 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:

- a) choose a new start date (which must be at least eight weeks after their 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
- b) 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. Changing the Dates or Cancelling Shared Parental Leave

10.1 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.

10.2 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.

10.3 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.

10.4 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.

- 10.5 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 9.
- 10.6 In birth cases, an employee does not need to give eight weeks' notice if they are changing the dates of their Shared Parental Leave because their child has been born earlier than the EWC, and where they wanted to start their Shared Parental Leave a certain length of time (but not more than eight weeks) after birth. In such cases an employee should provide written notification of the change as soon as they can.
- 10.7 A notice to cancel or change a period of leave will count as one of an employee's three periods of leave notices, unless:
- a) in the case of a birth, the variation is a result of their child being born earlier or later than the EWC;
 - b) 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;
 - c) the variation is at the manager's request; or
 - d) the manager agrees otherwise.

11. Shared Parental Pay and Statutory Shared Parental Pay

- 11.1 Statutory Shared Parental Pay 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 Statutory Shared Parental Pay – up to a maximum of 37 weeks.
- 11.2 To qualify for Statutory Shared Parental Pay, an employee must meet the qualifying requirements for Shared Parental Leave and have a partner who meets the employment and earnings test.
- 11.2 Statutory Shared Parental Pay of up to 37 weeks (less any weeks of statutory maternity or adoption pay or maternity allowance claimed by the employee or the other parent or partner) may be available, provided the employee has 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. Statutory Shared Parental Pay is paid at a rate set by the government each year.
- 11.2 An employee may also qualify for contractual Shared Parental Pay if they have been continuously employed with one or more NHS employers during the 12 month period ending with the Qualifying Week.
- 11.3 An employee's entitlement to contractual Shared Parental Pay, as described in the following paragraphs, will be subject to deduction of any contractual maternity or paternity or adoption pay which they receive.
- 11.4 For the first eight weeks of Shared Parental Leave, contractual Shared Parental Pay is full pay, and includes any statutory Shared Parental Pay that may be due for that period.
- 11.5 For the next eighteen weeks of Shared Parental Leave, contractual Shared Parental Pay is half pay, plus any statutory Shared Parental Pay 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.

- 11.6 Payment of contractual Shared Parental Pay is conditional upon the employee confirming in writing, before starting Shared Parental Leave, that they intend to return to work for at least three months after the end of their Shared Parental Leave. 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 the Golden Jubilee Foundation considers that to enforce this provision would cause undue hardship or distress, the Foundation will have the discretion to waive their rights to recovery.

12. Other Terms During Shared Parental Leave

- 12.1 An employee's terms and conditions of employment remain in force during Shared Parental Leave, except for the terms relating to pay.
- 12.2 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. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.
- 12.3 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, unless they inform the Scottish Public Pensions Agency Administrator and Human Resources Department that they wish to make up any shortfall.

13. Keeping in touch

- 13.1 The line manager may make reasonable contact with an employee from time to time during their Shared Parental Leave although this should be kept to a minimum. This may include contacting an employee to discuss arrangements for their return to work.
- 13.2 An employee may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during their Shared Parental Leave. This is in addition to any KIT days that they may have taken during maternity or adoption leave. KIT days are not compulsory and must be discussed and agreed with the employee's line manager.
- 13.3 An employee will be paid at their normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

14. Returning to work

- 14.1 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.

- 14.2 If the employee wants to extend their Shared Parental Leave, assuming they still have unused Shared Parental Leave 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.
- 14.3 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:
- a) 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
 - b) if Shared Parental Leave was taken consecutively with more than four weeks of ordinary parental leave (under the Foundation's Parental Leave Policy).
- 14.4 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 Foundation's Flexible Working Policy. It is helpful if such requests are made as early as possible.
- 14.5 If an employee decides that they do not want to return to work, they should give notice of resignation in accordance with their contract.

15. Dignity at Work

The organisation is committed to providing all reasonable support to employees who become new biological or adoptive parents. Colleagues should be sensitive to this issue and should adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are new biological or adoptive parents. It is a requirement of this policy that all employees of the organisation respect this principle.

16. Questions or Concerns

The Golden Jubilee Foundation recognises that, from time to time, employees may have questions or concerns relating to their Shared Parental Leave rights. It is the policy of the Golden Jubilee Foundation to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the Shared Parental Leave provisions are complex, if an employee's partner becomes pregnant or an employee is notified of a match to a child for adoption, they should clarify the relevant procedures with the local Human Resources Department to ensure that they are followed correctly.

17. 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.

18. 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.

19. 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 either the mother, 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