

HUMAN RESOURCES POLICY

SHARED PARENTAL LEAVE

Policy Number:	HR39
Version Number:	1.0
Issued Date:	July 2016
Review Date:	July 2019
Sponsoring Director:	Michelle McGuigan
Prepared By:	Jenna McGuinness
Consultation Process:	CCG Partnership Forum
Formally Approved:	CCG Ratification Process, Governance & Risk Committee, August 2016
Policy Adopted From:	BSA HR39 Shared Parental Leave Policy V1
Approval Given By:	n/a

Document History

Version	Date	Significant Changes
1	July 2016	n/a

Equality Impact Assessment

Date	Issues
28.4.15	Potential sex discrimination perceived low risk.

Policy Validity Statement

This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

Contents

Part 1 Policy	3
1.0 Introduction	3
2.0 Purpose	3
3.0 Policy Statement	3
4.0 Responsibilities	3
5.0 Scope	4
6.0 Equality Statement	4
7.0 Monitoring and Review	4
Part 2 Procedure	4
1.0 What is Shared Parental Leave?	4
2.0 Eligibility	5
3.0 Entitlement	5
4.0 Notification of Shared Parental Leave	6
5.0 Requesting Further Evidence of Eligibility	6
6.0 Fraudulent Claims	6
7.0 Discussions Regarding Shared Parental Leave	7
8.0 Booking Shared Parental Leave	7
9.0 Responding to a Shared Parental Leave Notification	8
10.0 Variations to Arranged Shared Parental Leave	9
11.0 Statutory Shared Parental Pay (ShPP)	9
12.0 Terms and Conditions during Shared Parental Leave	10
13.0 Annual Leave	10
14.0 Contact during Shared Parental Leave	10
15.0 Shared Parental Leave in Touch Days	10
16.0 Returning to Work After Shared Parental Leave	11
17.0 Special Circumstances and Further Information	12
Appendix 1: EQUALITY IMPACT ASSESSMENT	12
Appendix 2: NOTIFICATION OF SHARED PARENTAL LEAVE	16
Appendix 3: SHARED PARENTAL LEAVE BOOKING NOTICE (BIRTH)	18
Appendix 4: SHARED PARENTAL LEAVE BOOKING NOTICE (ADOPTION)	22
Appendix 5: MATERNITY/ADOPTION LEAVE CURTAILMENT NOTICE	26
Appendix 6: Flowchart- Assessing eligibility for Shared Parental Leave	27
Appendix 7: Flowchart- process for taking SPL: birth mother	28
Appendix 8: Flowchart- process for taking SPL: father/ birth partner	29
Appendix 9: Flowchart- process for taking SPL: primary adopter	30
Appendix 10: Flowchart- process for taking SPL: adopter’s partner	31
Appendix 11: Flowchart- process for booking Shared Parental Leave	32

Part 1 Policy

1.0 Introduction

- 1.1 The CCG will comply with both the spirit and the letter of the law in ensuring that all employees have a robust system to assist them in achieving their shared parental rights. It is recognised that the provision of maternity, paternity, adoption and shared parental leave is key to being able to demonstrate this commitment.

2.0 Purpose

- 2.1 The purpose of this policy is to provide managers and employees with information and guidance about entitlements to shared parental leave relating to conditions of service, and to provide the basis for a clear understanding of the nature and period of leave, paid and unpaid, that will apply in particular circumstances.

3.0 Policy Statement

- 3.1 The CCG will ensure that all employees are assisted in achieving shared parental leave and have provided the following leave arrangements for employees to ensure that they are fully able to manage their family lives outside of work and are committed to promoting fair and equal treatment inside the workplace.

4.0 Responsibilities

4.1 Responsibilities of the Organisation

The responsibility for the provision of maternity, paternity and adoption leave and pay rests initially with the CCG. The CCG recognises the need to treat all employees fairly by providing equality of opportunity in employment, development, promotion and retention of skills and experience.

4.2 Responsibilities of HR

HR will ensure that training is provided on this policy to ensure that a fair and consistent approach is applied by Managers. HR will guide managers and staff on the application of this process. Information and training opportunities will be widely publicised and the take up of such opportunities monitored.

4.3 Responsibilities of Line Managers

Line managers are responsible for ensuring that this policy is applied fairly and consistently within their own area. HR will monitor and provide any feedback to managers, providing advice and support where appropriate. Managers should also ensure that employees are made aware of this policy when applicable and understand their entitlements to maternity, paternity and adoption leave and pay.

Line managers should ensure that requests are dealt with reasonably and considered sensitively and dealt with as a matter of urgency and are responsible for submitting the information to HR in a timely manner to ensure that accurate payment is made.

4.4 Responsibilities of Employees

Employees should understand the application of this policy and have a general understanding of their statutory and contractual entitlements. Employees are responsible for informing their managers in a timely manner (in line with the timescales stated in this policy) should they wish to take maternity, paternity or adoption leave.

4.5 Responsibilities of Staff Side

Staff side will provide independent advice and support to staff on maternity, paternity, adoption and shared parental leave and pay related concerns/queries.

5.0 Scope

This policy applies to all eligible employees of the CCG who have babies and their Expected Week of Childbirth (EWC) is on or after 5th April 2015 and for children who are placed for adoption on or after that date. Please note it is the EWC or the anticipated matching date that is relevant, rather than the actual birth or placement date.

6.0 Equality Statement

6.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

6.2 An Equality Impact Analysis has been carried out on this policy and can be found in appendix 1.

7.0 Monitoring and Review

The policy and procedure will be reviewed periodically by HR in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

8.0 Associated Documentation

The following documentation is linked to this policy:

- HR17 Maternity Leave Policy
- HR03 Adoption Leave Policy
- HR22 Paternity Leave Policy
- HR07 Disciplinary Policy

Part 2 Procedure

1.0 What is Shared Parental Leave?

1.1 Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year following birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave and statutory Shared Parental Pay (ShPP). [Based upon the statutory entitlements to SPL and ShPP.]

1.2 The CCG recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. It is the organisation's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

2.0 Eligibility

- 2.1 SPL can only be used by two people:
- The mother/adopter and One of the following:
 - the father of the child (in the case of birth)
or
 - The spouse, civil partner or partner of the child's mother/ adopter.
- 2.2 Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 2.3 Additionally an employee seeking to take SPL must satisfy each of the following criteria:
- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
 - the employee must still be working for the CCG at the start of each period of SPL;
 - the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
 - the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
 - The employee must correctly notify their Line Manager of their entitlement and provide evidence as required.

3.0 Entitlement

- 3.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.
- 3.2 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
- 3.3 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
- 3.4 SPL can commence as follows:
- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
 - The adopter can take SPL after taking at least two weeks of adoption leave
 - The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as

the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP). Please see Maternity, Paternity and Adoption Pay and Leave Policy for further details.

- 3.5 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements. Please note where the mother/adopter curtails their leave; this will draw an end to any occupational maternity entitlements which are still in place at the time of the curtailment.
- 3.6 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).
- 3.7 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).
- 3.8 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

4.0 Notification of Shared Parental Leave

- 4.1 An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.
- 4.2 Part of the eligibility criteria requires the employee and the employee's partner to provide the CCG with the correct notification. This notification must be provided as a signed declaration utilising the Notification of Shared Parental Leave form in Appendix 2.

5.0 Requesting Further Evidence of Eligibility

- 5.1 The CCG may, within 14 days of the SPL entitlement notification being given, request:
 - the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
 - in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
 - in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
 - In order to be entitled to SPL, the employee must produce this information within 14 days of any request by the CCG representatives.

6.0 Fraudulent Claims

- 6.1 The CCG can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Disciplinary Policy and Procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

7.0 Discussions Regarding Shared Parental Leave

- 7.1 An employee considering/taking SPL is encouraged to contact their Line Manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the organisation to support the individual.
- 7.2 The line manager may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.
- 7.3 Upon receiving a leave booking notice the Line Manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.
- 7.4 Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.
- 7.5 At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.
- 7.6 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the department, and what the outcome may be if no agreement is reached.

8.0 Booking Shared Parental Leave

- 8.1 In addition to notifying the CCG of entitlement to SPL/ShPP, an employee must also give notice to take the leave (at least 8 weeks). In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL. The form should be completed in Appendix 1 (birth) or appendix 2 (adoption).
- 8.2 The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 8.3 SPL can only be taken in complete weeks but may begin on any day of the week. (For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.) The employee must book SPL by giving the correct notification at least 8 weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

8.3.1 Continuous leave notifications

- A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.
- An employee may submit up to three separate notifications for continuous periods of *leave*.

8.3.2 Discontinuous leave notifications

- A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).
- Where there is concern over accommodating the notification, the organisation or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the department (see "Discussions regarding Shared Parental Leave" above).
- The Line Manager will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

9.0 Responding to a Shared Parental Leave Notification

- 9.1 Once the Line Manager receives the leave booking notice, it should be dealt with as soon as possible, but a response will be provided no later than 14 days after the leave request was made.
- 9.2 All notices for continuous leave should be confirmed in writing.
- 9.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the business.
- 9.4 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- 9.5 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the line manager may propose a modified version of the request.
- 9.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not

choose a start date then the leave will begin on the first leave date requested in the original notification.

10.0 Variations to Arranged Shared Parental Leave

- 10.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise their Line Manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 10.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the CCG requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the line manager.

11.0 Statutory Shared Parental Pay (ShPP)

- 11.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 11.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 11.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
 - the employee must intend to care for the child during the week in which ShPP is payable;
 - the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
 - the employee must remain in continuous employment until the first week of ShPP has begun;
 - the employee must give proper notification in accordance with the rules set out below.
- 11.4 Where an employee is entitled to receive ShPP they must, at least 8 weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.
- 11.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- the start and end dates of any maternity/adoption pay or maternity allowance;
 - the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;

- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the CCG should they cease to be eligible.
- 11.6 It must be accompanied by a signed declaration from the employee's partner confirming:
- their agreement to the employee claiming ShPP and the organisation to process any ShPP payments to the employee;
 - (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
 - (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 11.7 Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

12.0 Terms and Conditions during Shared Parental Leave

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

13.0 Annual Leave

SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year. See Annual Leave Policy for further information.

14.0 Contact during Shared Parental Leave

Before an employee's SPL begins, the Line Manager will discuss the arrangements for them to keep in touch during their leave. The CCG reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

15.0 Shared Parental Leave in Touch Days

- 15.1 An employee can agree to work for the CCG (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- 15.2 The CCG has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work

undertaken is a matter for agreement between the organisation and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

- 15.3 An employee, with the agreement of their Line Manager, may use SPLIT days to work part of a week during SPL. The Line Manager and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

16.0 Returning to Work After Shared Parental Leave

- 16.1 The employee will have been formally advised in writing by their Line Manager of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the organisation otherwise. If they are unable to attend work due to sickness or injury, the organisation's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 16.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give their Line Manager at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 16.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 16.4 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
- 16.5 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
- 16.6 If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

17.0 Special Circumstances and Further Information

In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the CCG will abide by any statutory obligations and an employee should clarify any issues or queries with their HR Business Partner.

Appendix 1: EQUALITY IMPACT ASSESSMENT

Equality Analysis (Impact assessment)

1. What is being assessed?

Shared Parental Leave

Details of person responsible for completing the assessment:

Name: Charmaine Harrison

Position: HR Consultant

Team/service: arvato UK, Health

State main purpose or aim of the policy, procedure, proposal, strategy or service:

The purpose of this policy is to provide managers and employees with information and guidance about entitlements to shared parental leave relating to conditions of service, and to provide the basis for a clear understanding of the nature and period of leave, paid and unpaid that will apply in particular circumstances.

2. Consideration of Data and Research

2.1 Give details of RELEVANT information available that gives you an understanding of who will be affected by this document

2.2 Evidence of complaints on grounds of discrimination: (Are there any complaints or concerns raised either from patients or staff (grievance) relating to the **policy, procedure, proposal, strategy or service** or its effects on different groups?)

Policy applies to 'parents' and is derived from a mother/adopters entitlement to maternity/adoption pay and leave. No current evidence of complaints/grievances as new entitlement.

There are potential discrimination claims, if an employer pays enhanced pay to employees in maternity leave but not to employees on shared parental leave, there is a risk of sex discrimination claims from male employees who take shared parental leave. However, whilst enhancing Shared Parental Leave avoids the risk of discriminating against men, it brings with it the danger that a mother who has already benefited from enhanced maternity pay on full pay will be entitled to a further period on full pay simply by swapping to shared parental leave as soon as her period of full maternity pay runs out.

It is important to note that there is no legal requirement for employers to provide

occupational pay for men and women taking shared parental leave. This is entirely at the discretion of employers. It is noteworthy that a maternity scheme can only be offered to a mother on maternity leave. If an occupational scheme offered to a mother on shared parental leave it could constitute sex discrimination if such an occupational scheme were not offered to a father/mothers partner.

HR will continue to monitor legal updates on these points and will propose amendments to the Policy, should any case law set precedent in this area as legislation comes into effect in practice.

2.3 Does the information gathered from 2.1 – 2.3 indicate any negative impact as a result of this document?

Potential for sex discrimination, however currently deemed as a low risk. The uncertainty in this area will only be resolved through future court decisions.

3. Assessment of Impact

RACE:

From the evidence available does the **policy, procedure, proposal, strategy or service** affect, or have the potential to affect, racial groups differently? No x

Explain your response:

No – No racial impact identified.

GENDER (INCLUDING TRANSGENDER):

From the evidence available does the **policy, procedure, proposal, strategy or service** affect, or have the potential to affect, different gender groups differently? Yes x

Explain your response:

Yes – Potential sex discrimination from applying enhanced maternity but not enhanced shared parental pay. However, if offered enhanced this itself could lead to further claims for discrimination. Awaiting further guidance in this area. Perceived low risk.

DISABILITY

From the evidence available does the **policy, procedure, proposal, strategy or service** affect, or have the potential to affect, disabled people differently? No x

Explain your response:

No - No impact on disability identified.

AGE:

From the evidence available does the **policy, procedure, proposal, strategy or service**, affect, or have the potential to affect, age groups differently? No x

Explain your response:

No. - No impact on age identified.

LESBIAN, GAY, BISEXUAL:

From the evidence available does the **policy, procedure, proposal, strategy or service** affect, or have the potential to affect, lesbian, gay or bisexual groups differently? No

Explain your response:

No. No impact identified. Same sex couples would potentially be captured under the adoption entitlements and receive equal treatment in the application of shared parental leave.

RELIGION/BELIEF:

From the evidence available does the **policy, procedure, proposal, strategy or service** affect, or have the potential to affect, religious belief groups differently? No

Explain your response:

No. No Religious / Belief impact identified.

CARERS:

From the evidence available does the **policy, procedure, proposal, strategy or service** affect, or have the potential to affect, carers differently? No

Explain your response:

No. No carers impact identified.

OTHER: EG Pregnant women, people in civil partnerships, human rights issues.

From the evidence available does the **policy, procedure, proposal, strategy or service** affect, or have the potential to affect any other groups differently? No

Explain your response:

No. People within civil partnerships should accrue the same treatment, via adoption entitlements.

4. Safeguarding Assessment - CHILDREN

a. Is there a direct or indirect impact upon children? Yes <input checked="" type="checkbox"/>
b. If yes please describe the nature and level of the impact (consideration to be given

to all children; children in a specific group or area, or individual children. As well as consideration of impact now or in the future; competing / conflicting impact between different groups of children and young people:

c. If no please describe why there is considered to be no impact / significant impact on children

Impact on children positive, as allows families more choice and flexibility over how they look after their children in the first year.

5. Relevant consultation

*Having identified key groups, how have you consulted with them to find out their views and that the made sure that the **policy, procedure, proposal, strategy or service** will affect them in the way that you intend? Have you spoken to staff groups, charities, national organisations etc.?*

Policy will be developed in partnership with CSUs and national/local Staff Side Representatives. No other groups directly consulted with.

6. Any actions identified:

Have you identified any work which you will need to do in the future to ensure that the document has no adverse impact?

Action	Lead	Date to be Achieved
HR Policy Lead to continue to monitor legislative updates surrounding shared parental leave and to feedback to ECT and changes required to policy.	HR Policy lead	Ongoing from implementation.

7. Date completed: 28.4.15

Appendix 2: NOTIFICATION OF SHARED PARENTAL LEAVE

NOTIFICATION	
Employee Name	
Assignment Number	
Date of Notification (Should be 8 weeks prior to intended leave)	
Name of other parent	
Maternity/Adoption/Maternity Allowance Start Date	
Maternity/Adoption/Maternity Allowance Start Date	
Expected Date of Childbirth / Adoption	
Amount of Shared Parental Leave available	
Amount of Shared Parental Leave Intended to take	
Expected Shared Parent Leave Date (Please indicate if intended a single continuous block, or discontinuous leave)	

EMPLOYEE DECLARATION	
<p>I confirm that:</p> <ul style="list-style-type: none"> • We meet, or will meet, the eligibility conditions and I am entitled to take Shared Parental Leave; • The information provided is accurate; • If I (or my partner) cease to be eligible, I will immediately inform my line manager 	
SIGNED:	
PRINT NAME:	
DATE:	

--	--

PARTNER DECLARATION	
Partner Name	
Partner Address	
Partner National Insurance Number	
<p>I confirm</p> <ul style="list-style-type: none"> • I am the mother/adopter of the child or the father of the child or are the spouse, civil partner or partner of the mother/adopter; (Please delete as appropriate) • I satisfy the 'employment and earnings test', and had at that date of the child's birth or placement for adoption the main responsibility for the child, along with the above aforementioned employee; • I consent to the amount of Shared Parental Leave that the employee intends to take; • I consent to the CCG processing the information contained in this declaration form; and • I will immediately inform my partner should I cease to satisfy the eligibility conditions (in the case if the partner is the mother/adopter). 	
SIGNED:	
PRINT NAME:	
DATE:	
RELATIONSHIP TO THE EMPLOYEE	

Appendix 3: SHARED PARENTAL LEAVE BOOKING NOTICE (BIRTH)

Use this form to opt into the shared parental leave scheme following the birth of a child. A separate form is available for adoptive parents.

(NB: If you are the child’s mother you must also submit a signed curtailment notice to bring your maternity leave to an end.)

Basic Information	
<p>Guidance notes: Shared parental leave may be shared between a child’s mother and either the child’s father or the person who, at the date of the child’s birth is her partner. Both parties must expect to share the main responsibility for the child’s upbringing.</p> <p>“Partner” means the mothers spouse, civil partner, or other person living with her in an ‘enduring’ family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
Employee Name	
Assignment Number	
I am the child’s mother*/child’s father*/mothers partner* (delete as appropriate)	
Expected week of childbirth	
Actual date of birth (if known)	

Confirmation of Maternity Leave, Statutory Maternity Pay or Maternity Allowance	
<p>Guidance notes: If you are the mother, please give your maternity leave dates below. If you are still on Maternity Leave you must also submit a maternity leave curtailment notice to bring your Maternity leave to an end.</p> <p>If you are the child’s father or the mother’s partner, please give the mother ML dates. If she is not entitled to Statutory Maternity Leave (for example she is an agency worker, self-employed or unemployed), give the dates she started and ended (or will end) her statutory maternity pay (SMP) or Maternity Allowance (MA) period as applicable. She must give her employer notice to curtail her ML period as appropriate.</p>	
Maternity Leave / Statutory Maternity Pay/ Maternity Allowance start date	
Maternity Leave / Statutory Maternity Pay/ Maternity Allowance end date	
Total Maternity Leave / Statutory Maternity Pay/ Maternity Allowance Outstanding (Weeks)	

Shared Parental Leave

Guidance notes:

The total shared parental leave (SPL) available is 52 weeks minus the mothers Maternity Leave, Statutory Maternity Pay, or Maternity Period (see above Total Maternity Leave).

The first period of Shared Parental leave cannot start until at least two weeks after the child is born and at least eight weeks after you submit this booking notice.

Total Shared Parental Leave available (whole weeks)	
Number of whole weeks' SPL intended to be taken by you.	
Number of whole weeks' SPL intended to be taken by the person you will share your SPL with.	
Indication of the dates you would like to take shared parental leave.	

Statutory Shared Parental Pay

Guidance notes:

The total statutory shared parental pa (SSPP) available is 39 weeks minus the mother's SMP or MA period.

The Total SSP available (whole weeks)	
Number of whole weeks' SSPP intended to be taken by the child's mother.	
Number of whole weeks' SSPP intended to be taken by child's father/mother's partner.	
Indication of dates you would like to take SSPP.	

Employee's Declaration

Guidance notes:

"Child" means the child referred to in the Basic Information.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

- I am the child's mother and I am entitled to Statutory Maternity Leave. I have submitted a curtailment of maternity leave notice (or will submit it before the person I am sharing SPL with take SPL at least 8 weeks before the first date on which I intend to take Shared Parental Leave). *

Or

- I am the child's father or the child's mother's spouse, civil partner. *
- (Please delete as applicable).*

<ul style="list-style-type: none"> • I had at least 26 weeks continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then. • My normal weekly earnings in the eight week period ending with in the 15th week before the EWC were not less than the lower earnings limit (£111 for 2014-15) <i>(delete if not applicable)</i> • I expect to share the main responsibility for the care of the child with the person who has completed the following declaration (declaration by person taking shared parental leave with the employee) • I intend to care for the child during each week that I am on shared parental leave and receiving SSPP. • I will immediately inform my manager if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or SSPP. • The information I have given in this notice is accurate. 	
SIGNED:	
PRINT NAME:	
DATE:	

Employee's Declaration	
<p>Guidance notes: "The employee" and "the child" are the employee and child referred to in the basic information section.</p> <p>If the employee is not the child's mother, you must be the mothers spouse, civil partner or partner.</p> <p>"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandchild, aunt, uncle niece or nephew.</p>	
NAME:	
ADDRESS:	
NATIONAL INSURANCE NUMBER: YOUR EMPLOYER'S NAME AND ADDRESS (IF EMPLOYED) OR YOUR BUSINESS ADDRESS IF SELF-EMPLOYED.	
<ul style="list-style-type: none"> • I am the mother of the child and I am (or was) entitled to Maternity Leave, Statutory Maternity Pay or Maternity Allowance. I have curtailed my Maternity Leave, Shared Maternity Pay or Maternity Allowance, or will have done so by the time your employee starts parental leave.* <p>OR</p> <ul style="list-style-type: none"> • I am the child's father.* <p>OR</p>	

- I am the partner of the child's mother.*

(*delete as applicable)

- I expect to share the main responsibility for the care of the child with your employee. I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the Expected Week of Childbirth.
- My average weekly earnings are at least £30, taking the 13 highest-earning weeks immediately before the EWC.
- I consent to your employee taking shared parental leave and claiming SSPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.
- I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

SIGNED:	
PRINT NAME:	
DATE:	

Appendix 4: SHARED PARENTAL LEAVE BOOKING NOTICE (ADOPTION)

Use this form to opt into the shared parental leave scheme for primary adopters, who have received notice a child will be placed with them on or after 5th April 2015. A separate form is available for birth parents.

(NB: If you are the child’s mother you must also submit a signed curtailment notice to bring your adoption leave to an end.)

Basic Information	
<p>Guidance notes: Shared parental leave may be shared between the adopter and either the spouse, civil partner or partner of the child’s adopter. Both parties must expect to share the main responsibility for the child’s upbringing.</p> <p>“Partner” means the adopters spouse, civil partner, or other person living with her in an ‘enduring’ family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
Employee Name	
Assignment Number	
I am the person with whom a child is, or is expected to be, placed for adoption;	
Anticipate matching date	
Actual date of birth (if known)	

Confirmation of Adoption Leave, Adoption Pay	
<p>Guidance notes: If you are the primary adopter, please give your adoption leave dates below. If you are still on Adoption Leave you must also submit an adoption leave curtailment notice to bring your adoption leave to an end.</p> <p>If you are not the primary adopter or the mother’s partner, please give the primary adopters Adoption leave dates. If they are not entitled to Adoption Leave (for example they are an agency worker, self-employed or unemployed), give the dates they started and ended (or will end) their Statutory Adoption Pay (SAP) or Adoption Leave (AL) period as applicable. They must give their employer notice to curtail their AL period as appropriate.</p>	
Adoption Leave / Statutory Adoption Pay start date	
Adoption Leave / Statutory Adoption Pay/ end date	
Total Adoption Leave / Statutory Adoption Pay Outstanding (Weeks)	

Shared Parental Leave	
<p>Guidance notes: The total shared parental leave (SPL) available is 52 weeks minus the primary adopters Adoption Leave, Statutory Adoption Pay, or Total Adoption Leave / Pay.</p> <p>The first period of Shared Parental leave cannot start until at least eight weeks after you submit this booking notice.</p>	
Total Shared Parental Leave available (whole weeks)	
Number of whole weeks' SPL intended to be taken by you.	
Number of whole weeks' SPL intended to be taken by the person you will share your SPL with.	
Indication of the dates you would like to take shared parental leave.	

Statutory Shared Parental Pay	
<p>Guidance notes: The total statutory shared parental pa (SSPP) available is 39 weeks minus the primary Adopters Statutory Adoption Pay period.</p>	
The Total SSP available (whole weeks)	
Number of whole weeks' SSPP intended to be taken by the child's mother.	
Number of whole weeks' SSPP intended to be taken by child's father/mother's partner.	
Indication of dates you would like to take SSPP.	

Employee's Declaration	
<p>Guidance notes: "Child" means the child referred to in the Basic Information.</p> <p>"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
<ul style="list-style-type: none"> I am the primary adopter and I am entitled to Statutory Adoption Leave. I have submitted a curtailment of adoption leave notice (or will submit it before the person I am sharing SPL with take SPL at least 8 weeks before the first date on which I intend to take Shared Parental Leave). * <p>Or</p> <ul style="list-style-type: none"> I am the primary adopter's spouse, civil partner of partner of the primary adopter. * 	

(Please delete as applicable).

- I had at least 26 weeks continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then.
- My normal weekly earnings in the eight week period ending with in the 15th week before the EWC were not less than the lower earnings limit (£111 for 2014-15) *(delete if not applicable)*
- I expect to share the main responsibility for the care of the child with the person who has completed the following declaration (declaration by person taking shared parental leave with the employee)
- I intend to care for the child during each week that I am on shared parental leave and receiving SSPP.
- I will immediately inform my manager if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or SSPP.
- The information I have given in this notice is accurate.

SIGNED:	
PRINT NAME:	
DATE:	

Employee's Declaration

Guidance notes: "The employee" and "the child" are the employee and child referred to in the basic information section.

If the employee is not the child's primary adopter, you must be the adopters spouse, civil partner or partner of the child adopter.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandchild, aunt, uncle niece or nephew.

NAME:	
ADDRESS:	
NATIONAL INSURANCE NUMBER: YOUR EMPLOYER'S NAME AND ADDRESS (IF EMPLOYED) OR YOUR BUSINESS ADDRESS IF SELF- EMPLOYED.	

- I am the primary adopter of the child and I am (or was) entitled to Adoption Leave, Statutory Adoption Pay. I have curtailed my Adoption Leave or Adoption Pay or will have done so by the time your employee starts parental leave.*

OR

- I am the spouse, civil partner of the child's primary adopter.*

(*delete as applicable)

- I expect to share the main responsibility for the care of the child with your employee. I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the Expected Week of Placement.
- My average weekly earnings are at least £30, taking the 13 highest-earning weeks immediately before the EWC.
- I consent to your employee taking shared parental leave and claiming SSPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.
- I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

SIGNED:	
PRINT NAME:	
DATE:	

Appendix 5: MATERNITY/ADOPTION LEAVE CURTAILMENT NOTICE

This notice is to inform the CCG that you wish your maternity/adoption leave and pay (or just your 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/the 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.

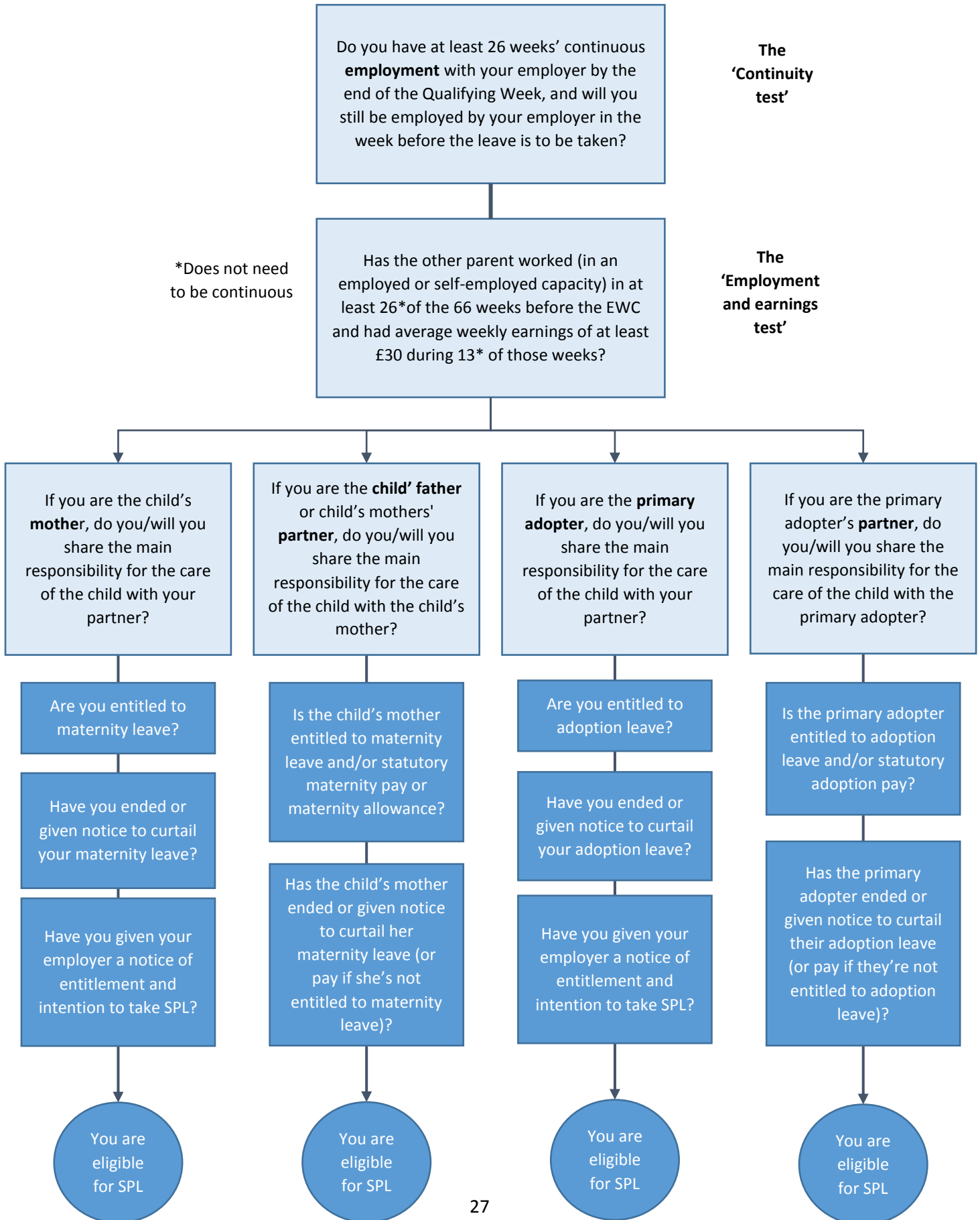
If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

If you are in receipt of maternity allowance you must also submit a curtailment notice to the relevant government agency.

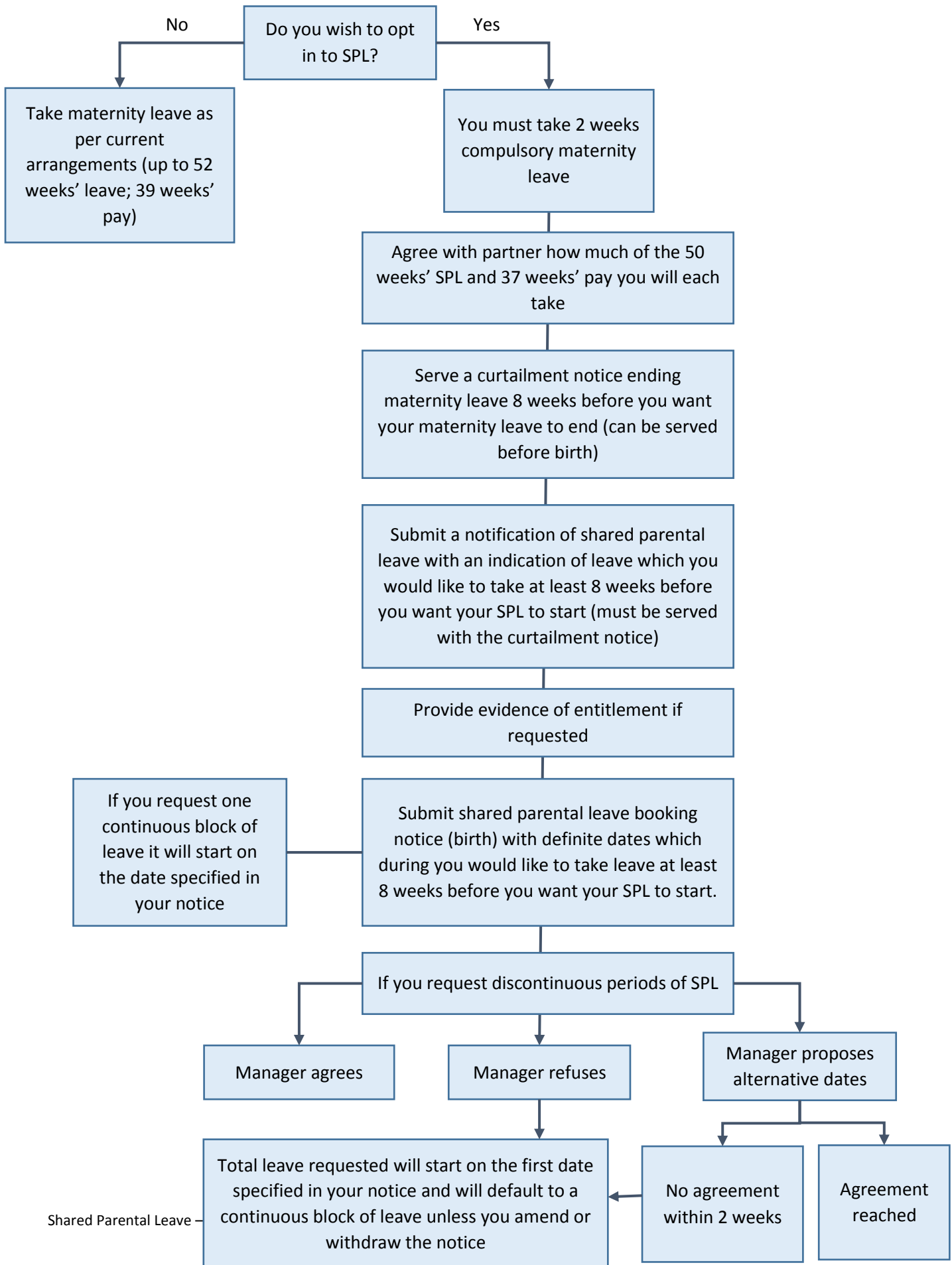
I wish my maternity/adoption leave/pay to end on _____ (insert date).

SIGNED:	
PRINT NAME:	
DATE:	

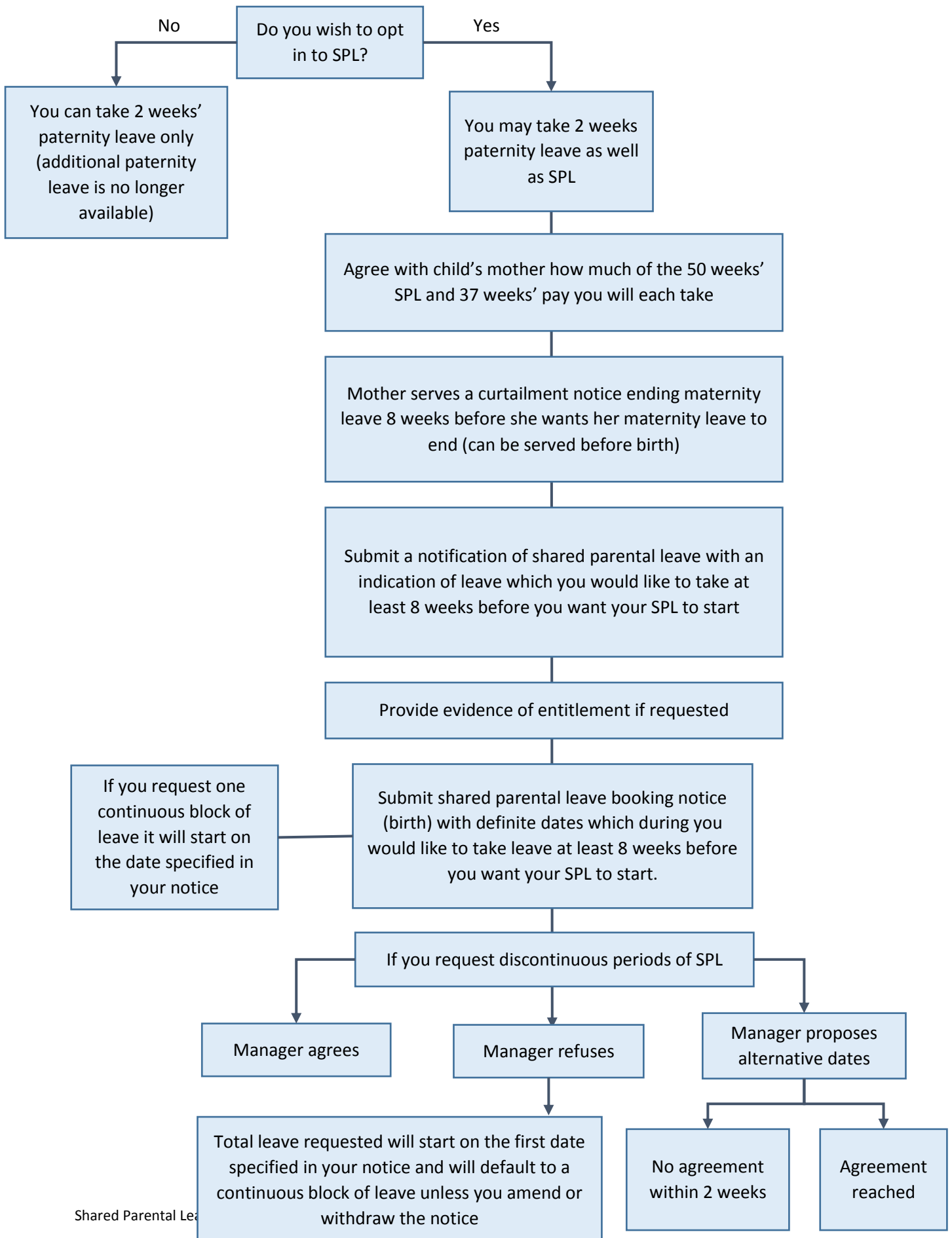
Appendix 6: Flowchart- Assessing eligibility for Shared Parental Leave



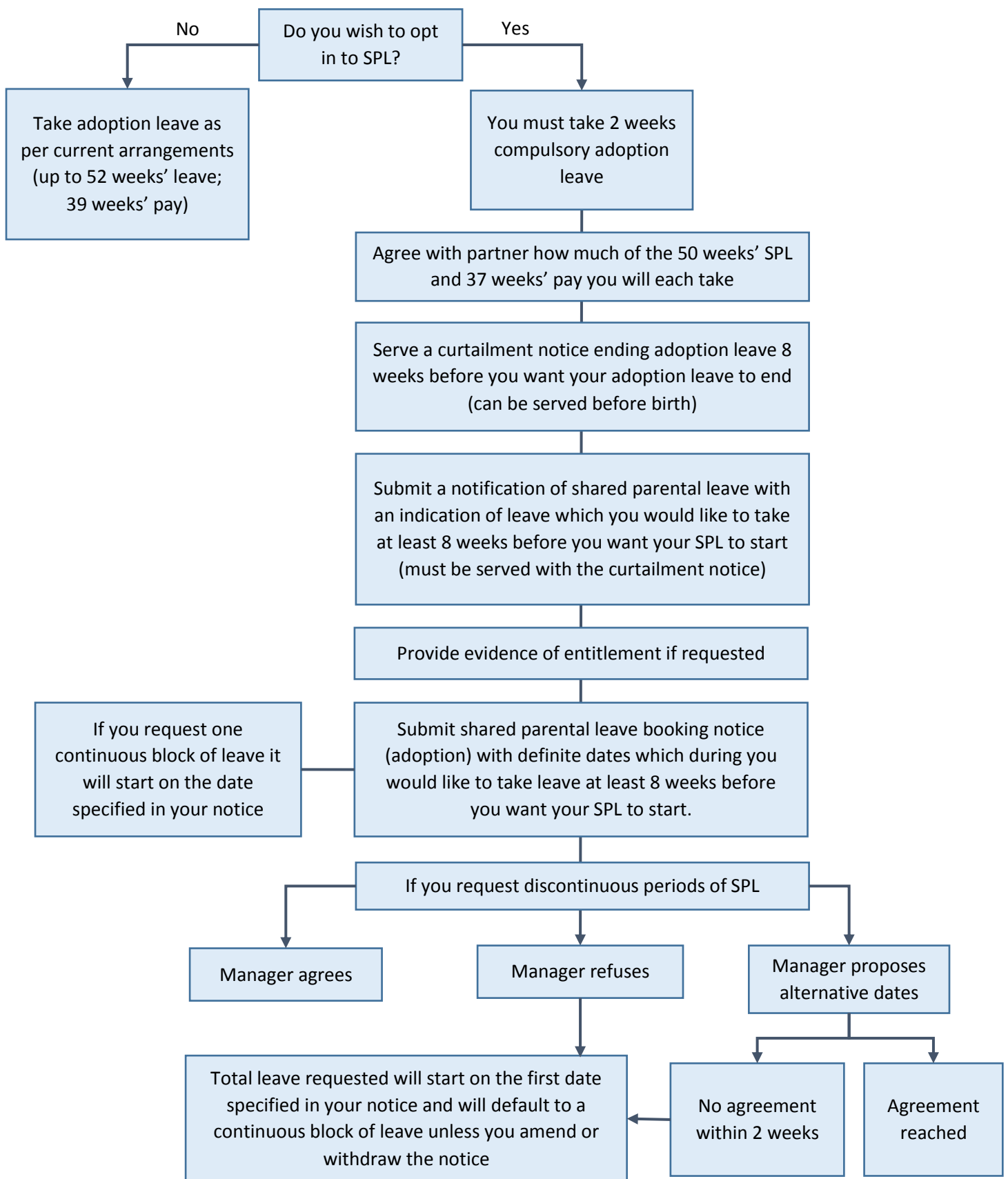
Appendix 7: Flowchart- process for taking SPL: birth mother



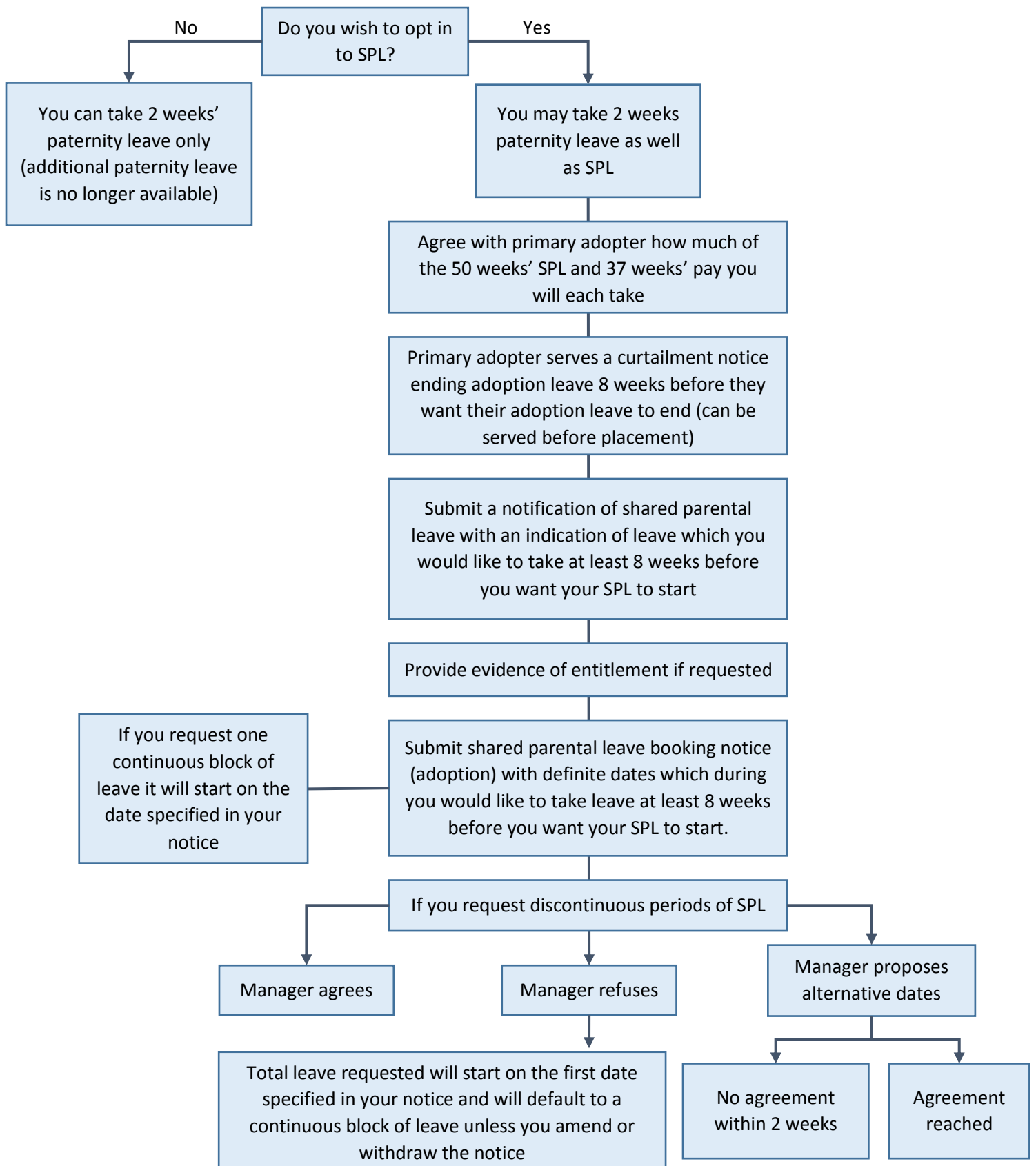
Appendix 8: Flowchart- process for taking SPL: father/ birth partner



Appendix 9: Flowchart- process for taking SPL: primary adopter



Appendix 10: Flowchart- process for taking SPL: adopter's partner



Appendix 11: Flowchart- process for booking Shared Parental Leave

