

HUMAN RESOURCES POLICY

SHARED PARENTAL LEAVE

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Sponsoring Director:	Michelle McGuigan
Prepared By:	Katie Thorniley
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Document History

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1	July 2016	n/a
2	July 2019	Introduction of enhanced shared parental pay

Equality Impact Assessment

Date	Issues
28 April 2015	Potential sex discrimination perceived low risk.
10 September 2019	Policy to be available in alternative formats.

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	4
1.0 Introduction	4
2.0 Purpose	4
3.0 Policy Statement	4
4.0 Responsibilities	4
5.0 Scope	5
6.0 Equality Statement	5
7.0 Monitoring and Review	5
8.0 Associated Documentation	5
Part 2 Procedure	5
1.0 What is Shared Parental Leave?	5
2.0 Eligibility	5
3.0 Entitlement	6
4.0 Notification of Shared Parental Leave	7
5.0 Requesting Further Evidence of Eligibility	7
6.0 Fraudulent Claims	7
7.0 Discussions Regarding Shared Parental Leave	8
8.0 Booking Shared Parental Leave	8
9.0 Responding to a Shared Parental Leave Notification	9
10.0 Variations to Arranged Shared Parental Leave	10
11.0 Shared Parental Pay (ShPP)	10
12.0 Terms and Conditions during Shared Parental Leave	12
13.0 Annual Leave	12
14.0 Contact during Shared Parental Leave	12
15.0 Shared Parental Leave in Touch Days	12
16.0 Returning to Work After Shared Parental Leave	13
17.0 Failure to return to Work	14
18.0 Special Circumstances and Further Information	14
19.0 Shared Parental Leave and Pay Progression	14
Appendix 1: EQUALITY IMPACT ASSESSMENT	15
Appendix 2: NOTIFICATION OF SHARED PARENTAL LEAVE	17
Appendix 3: SHARED PARENTAL LEAVE BOOKING NOTICE (BIRTH)	19
Appendix 4: SHARED PARENTAL LEAVE BOOKING NOTICE (ADOPTION)	23

Appendix 5: MATERNITY/ADOPTION LEAVE CURTAILMENT NOTICE..... 27
Appendix 6: Flowchart- Assessing eligibility for Shared Parental Leave..... 28
Appendix 7: Flowchart- process for taking SPL: birth mother 29
Appendix 8: Flowchart- process for taking SPL: father/ birth partner 30
Appendix 9: Flowchart- process for taking SPL: primary adopter 31
Appendix 10: Flowchart- process for taking SPL: adopter’s partner 32
Appendix 11: Flowchart- process for booking Shared Parental Leave 33

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
- HR37 Incremental Pay Progression 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 Shared Parental Pay, this may be enhanced pay or statutory pay. This policy sets out the rights and responsibilities of employees who wish to take Shared Parental Leave and Shared Parental Pay (ShPP). [Based upon their 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 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 Enhanced shared parental pay may be available if the employee has 12 month continuous service with one or more NHS employer at the beginning of the 11th week of expected childbirth, or at the beginning of the week in which they are notified of being matched with a child for adoption, or by the 15th week before the baby's due date if applying via a surrogacy arrangement.
- 11.4 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.
- 11.5 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.

11.6 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.

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.

Entitlement to Occupational Shared Parental Pay under the NHS Scheme

11.7 An employee working full or part-time is entitled to Occupational Shared Parental Pay (OShPP) under the NHS scheme provided that they:

- have 12 months continuous service with one or more NHS employers and continues to be employed by the Organisation at the date the Shared Parental Leave will commence.
- notifies the Organisation of the intention to take Shared Parental Leave, at least 8 weeks before the leave is expected to commence and intends to return to work for a minimum period of three months with the same or another NHS employer; and

An employee who **qualifies and intends to return to work with the same or another employing authority** will be entitled to up to 37 weeks paid as follows:-

- 6 weeks at full pay including any Statutory Shared parental leave Pay.
- 18 weeks at half pay reduced only where half pay plus any Statutory Shared Parental pay benefits payable exceeds full pay;
- 13 weeks at Statutory Shared Parental leave pay

11.8 The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity pay or statutory or occupational adoption pay in respect of the child.

11.9 An employee who **qualifies for occupational shared parental leave pay and does not intend to return to work for the same or another employing authority** will be entitled to statutory shared parental leave pay.

- 11.10 An employee who **does not qualify for full benefits under the NHS Scheme will be paid** ShPP due at a rate set by the Government for the relevant tax year.
- 11.11 An NHS employer will not pay more than 26 weeks, 8 weeks' full pay and 18 weeks half pay, to employees accessing occupational maternity or adoption or shared parental leave pay in aggregate to an eligible couple. This is irrespective of whether one or both parents are NHS employees as shared parental leave and pay is a joint entitlement.

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. SPLIT days will be paid at an employee's basic pay rate for the hours worked less any occupational or statutory shared parental leave pay. Where an employee works a SPLIT day during the full occupational shared parental leave pay period, they will receive a full day in lieu off notice upon their return to work. Where an employee

works a SPLIT day during the half occupational shared parental leave pay period, they will receive a half day pay in lieu of notice to be taken upon their return to work. Where an employee works a SPLIT day during the statutory pay or nil pay period, the employee will receive payment for the hours worked at their usual basic rate, less statutory pay.

- 15.3 An employee may take up to twenty SPLIT days without bringing the period of Shared Parental Leave to an end. Any SPLIT days worked do not extend the period of SPL.
- 15.4 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 Failure to return to Work

- 17.1 An employee who has notified the Organisation of their intention to return to work for a minimum of three months for the same or another NHS employer, and fails to do so within 3 months of the ending of the Shared Parental Leave period leave will be liable to refund the whole of the shared parental leave pay, less any statutory shared parental pay received. In cases where the Organisation considers that to enforce this provision would cause undue hardship or distress, the organisation has the discretion to waive the right of recovery.

18.0 Special Circumstances and Further Information

- 18.1 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 NHS Terms and Conditions of service an employee should clarify any issues or queries with their HR Business Partner.

19.0 Shared Parental Leave and Pay Progression

- 19.1 An employee on shared parental leave will progress through their pay step on the date a pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirms the standards for pay progression would not be met. If a meeting cannot be conducted prior to the departure, the pay step should be applied automatically in the employee's absence.

Appendix 1: EQUALITY IMPACT ASSESSMENT

What impact will the new policy/system/process have on the following:
Age - Consider and detail age related evidence. This can include safeguarding, consent and welfare issues Appropriate methods of communication of the Policy have also been carefully considered to ensure they reach all ages of the workforce. Email and the internet can be accessed by all users in the workplace.
Disability - Consider and detail disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities The disability status of the workforce across the region is largely unknown therefore relevant tools could be made available to staff that potentially do have a disability that the organisations are unaware of. The policy should be able to be communicated in alternative methods as required for those with a disability and/or visual impairment such as braille, large font, interpreters etc.
Gender reassignment (including transgender) - Consider and detail evidence on transgenderpeople. This can include issues such as privacy of data and harassment. The policy does not include content or vocabulary that could cause offense or discriminate against any staff members who have undergone or are undergoing gender reassignment or that identify as transgender.
Marriage and civil partnership - Consider and detail evidence on marriage and civil partnership. This can include working arrangements, part-time working, caring responsibilities. The content of this policy does not include content or vocabulary that discriminates against staff that may be married or in a civil partnership.
Pregnancy and Maternity - Consider and detail evidence on pregnancy and maternity. This can include working arrangements, part-time working, caring responsibilities. The policy does not discriminate against staff that are currently pregnant or on maternity leave and can be accessed while on maternity leave or any other leave of absence via the organisation's website.
Race - Consider and detail race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers. The policy does not include vocabulary or content that discriminates against staff on the grounds of race.
Religion or belief - Religion is defined as a particular system of faith and worship but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. The policy does not discriminate against staff that hold any particular religion or belief.

Sex/Gender - Consider and detail evidence on men and women. This could include access to services and employment.

The Policy does not discriminate between staff that are men or women.

Sexual orientation - Consider and detail evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers.

The content of this policy and vocabulary used does not discriminate against staff based on their sexual orientation.

Carers - Consider and detail evidence on part-time working, shift-patterns, general caring responsibilities.

The content of this policy and vocabulary used does not discriminate against staff who have carer responsibilities.

Other Identified Groups and Health Inequalities - Consider and detail evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers). What is the potential impact of your work on health inequalities?

Other groups have been considered however as the policy is for staff there are no additional impacts on health inequalities.

Action Plan

Ref no.	Potential Challenge/ Negative Impact	Protected Group Impacted (Age, Race etc)	Action(s) required	Expected Outcome	Owner	Timescale/ Completion date
1	Staff unable to access policy due to particular characteristic	Age, disability	Have a process in place for alternative formats provided if required. As part of reasonable adjustments on appointment or during employment any policy should be adapted by the CCG	All staff can access and use the policy. NECS HR or Equality Team can be contacted for any requests.	Jenna McGuinness, HR Manager	On receipt of individual request

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 pay (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).

- 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:

Partner'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 mother, you must be the mothers spouse, civil partner or partner.

"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 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.*

OR

- I am the child's father.*

OR

- 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

Guidance notes:

The total shared parental leave (SPL) available is 50 weeks.

The first period of Shared Parental leave cannot start until 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.	
---	--

Do you intend to return to work after Shared Parental Leave?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Undecided
--	---

Please note if you do not return to work in the NHS for at least 3 months following Shared Parental Leave any occupational SHPP pay may be recovered by the organisation, this includes not returning to work following a career break taken at the end of the Shared Parental Leave period. Please see the Shared Parental Leave Policy for details.

Statutory Shared Parental Pay

Guidance notes:

The total shared parental pay (SSPP) available is 39 weeks.

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 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). *

Or

- I am the primary adopter's spouse, civil partner or 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:

Partner'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.

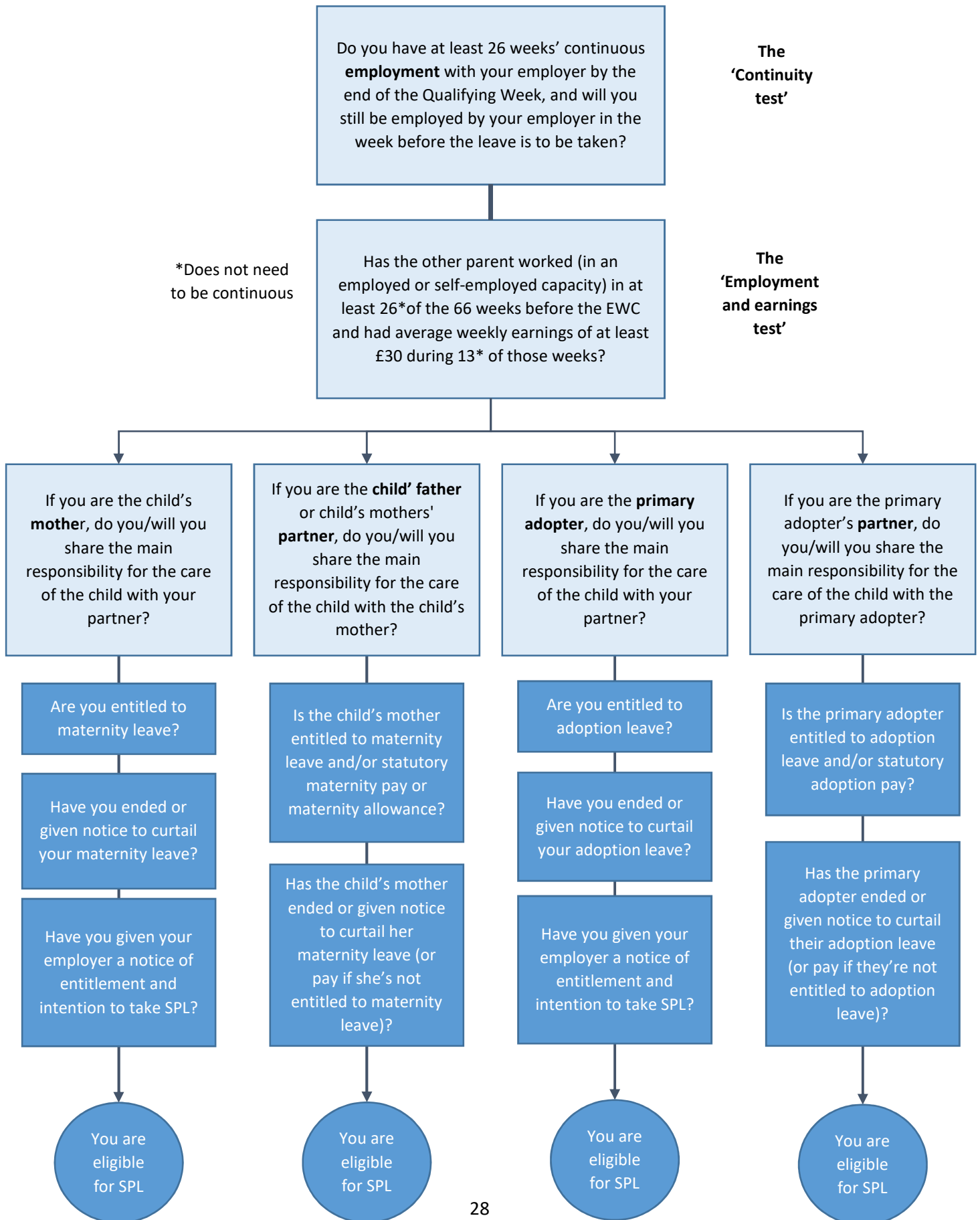
If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

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

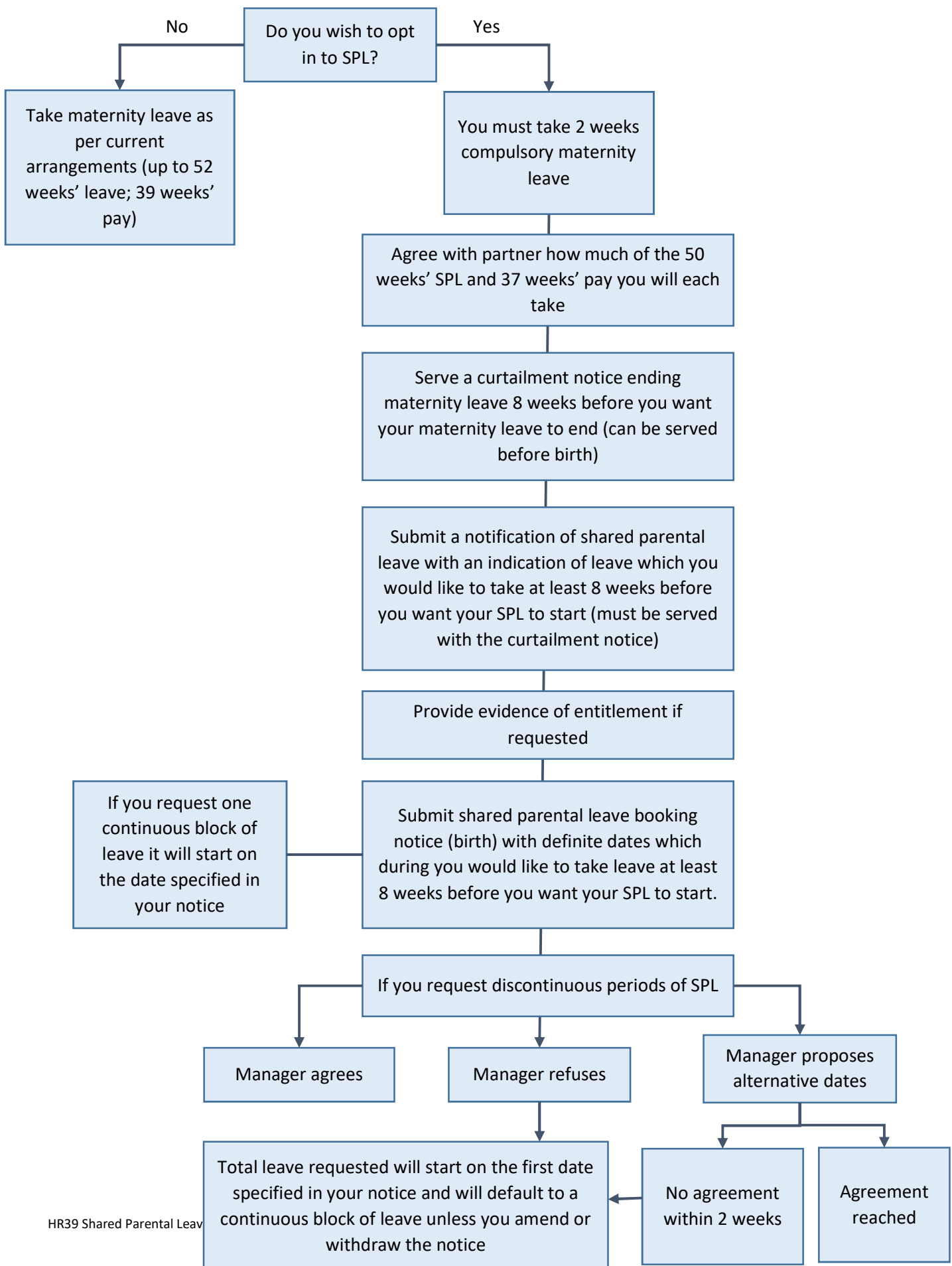
I wish my maternity/adoption leave/pay to end on _____ (insert date).

SIGNED:	
PRINT NAME:	
DATE:	

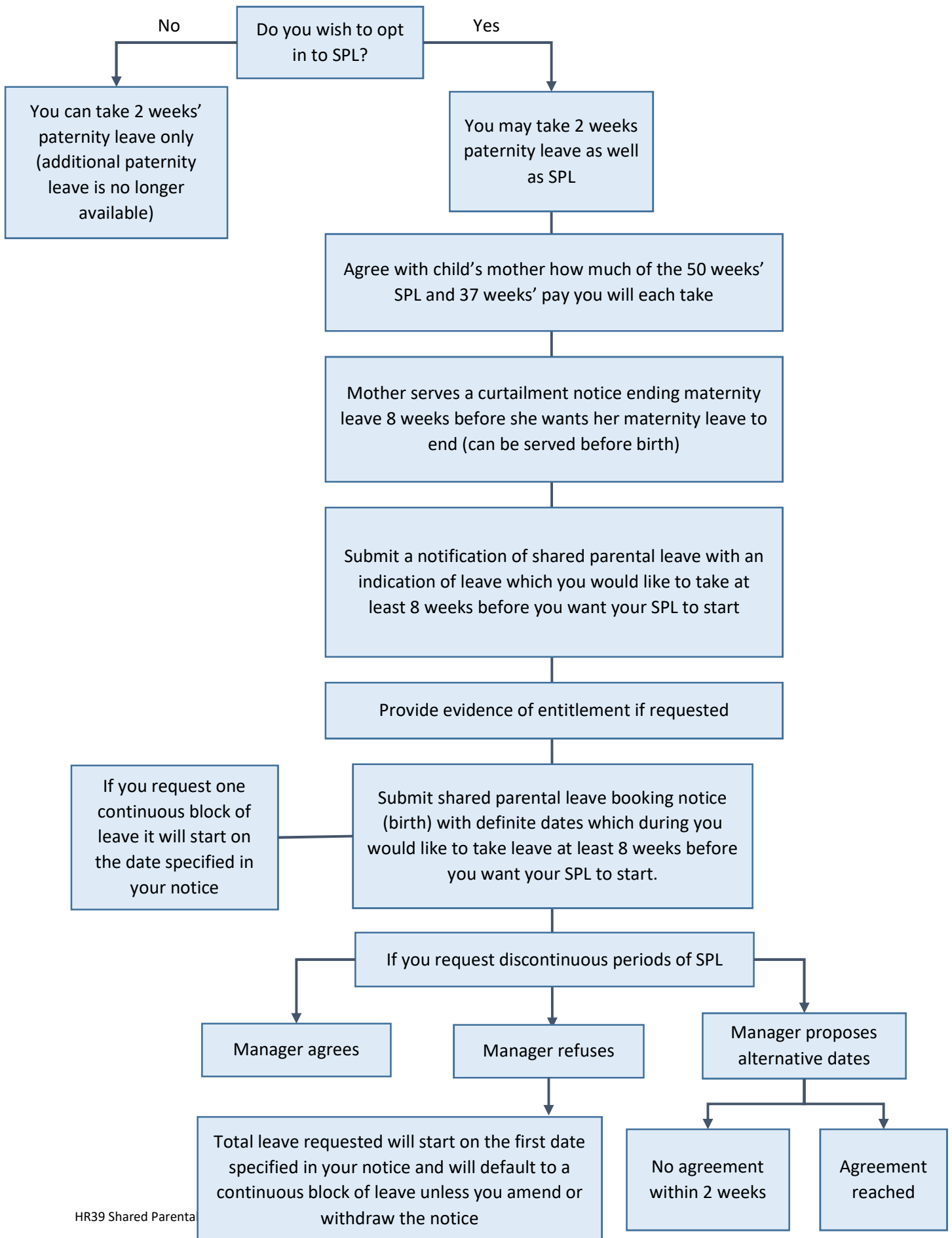
Appendix 6: Flowchart- Assessing eligibility for Shared Parental Leave



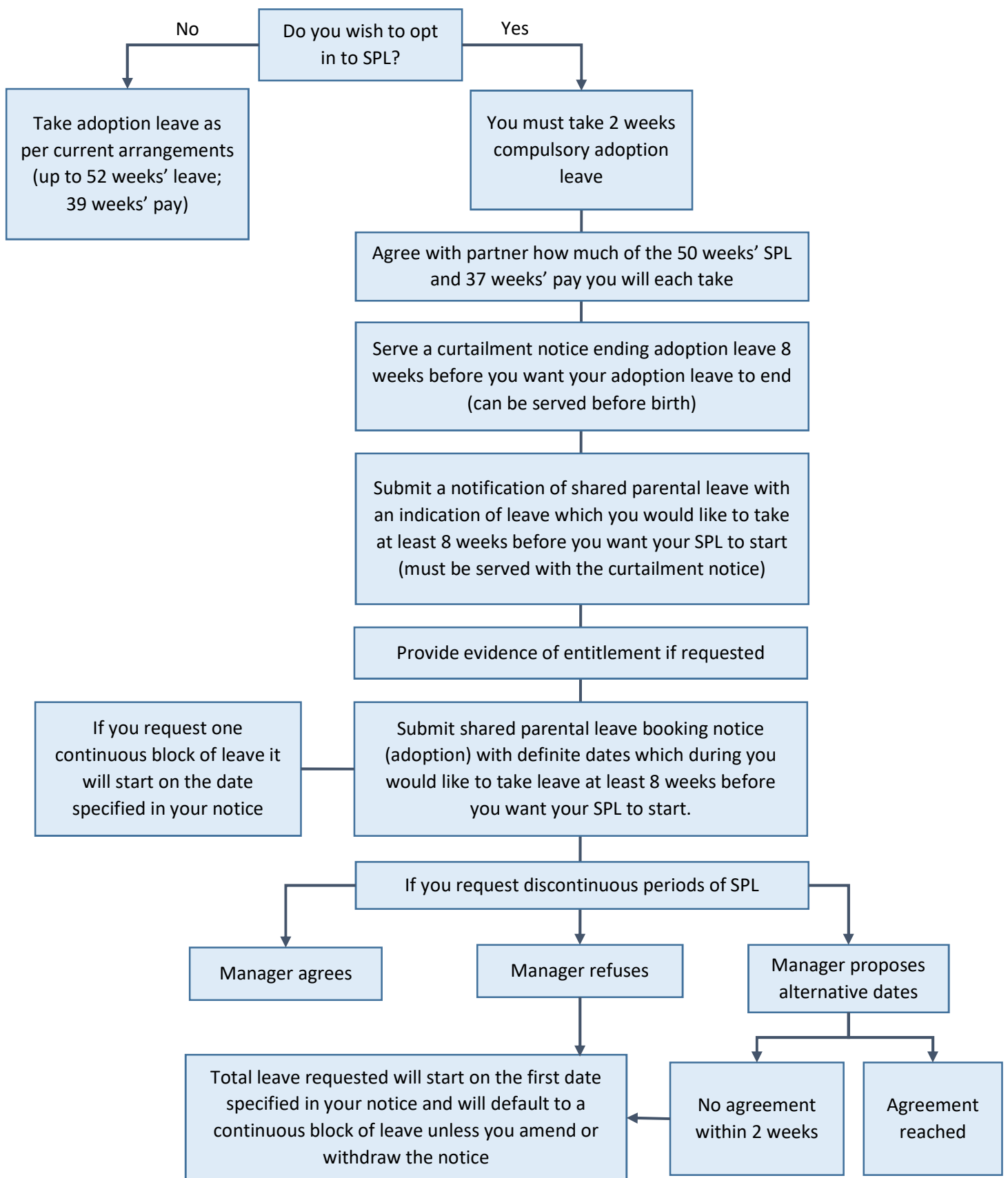
Appendix 7: Flowchart- process for taking SPL: birth mother



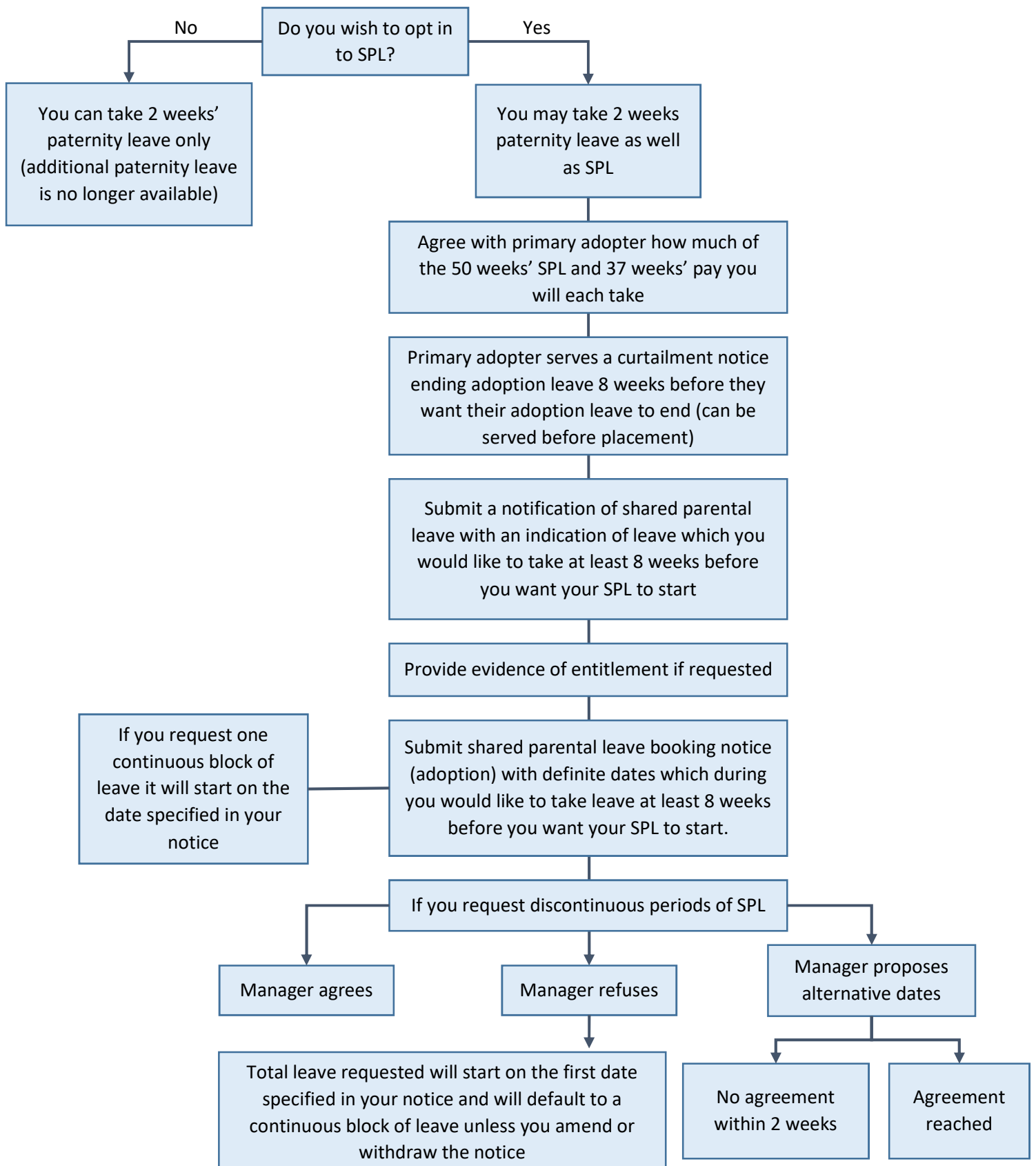
Appendix 8: Flowchart- process for taking SPL: father/ birth partner



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

