GENERAL POLICY STATEMENT

This document sets out the Trust’s provisions for shared parental leave and related entitlements. Shared Parental Leave enables eligible parents (regardless of sexual orientation or gender identity) to choose how to share the care of their child during the first year of birth or adoption, providing parents with additional flexibility.

Up to 50 weeks of leave and up to 37 weeks of (statutory) pay can be shared; this must be within the first year of the child’s birth or placement. Leave can be taken as one continuous period, or in blocks and it can be taken at the same time as the person who is sharing the leave or it can be staggered.

Scope

This policy applies to all staff employed by the Trust, including those who are seconded out to another organisation. It does not apply to employees seconded into the Trust (those employees are the responsibility of their substantive employer), or other individuals engaged to undertake activities within the Trust, for instance, contractors and agency workers.

The Trust will ensure that any actions arising from this policy are made objectively and are free from unlawful discrimination. No employee will receive less favourable treatment on the grounds of their age, disability, race, nationality, ethnic origin, sex, sexual orientation, religion and belief, gender identity, marriage and civil partnership or pregnancy and maternity.

1 Definitions

Birthparent – for the purposes of this policy a birth parent is the person who gives birth to the child.

Primary adopter – one person must select to be the primary adopter, this person would be the main carer of the child and would be entitled to take adoption leave.

- SPL – Shared Parental Leave
- ShPP – Statutory Shared Parental Pay
• SPLIT day – Shared Parental Leave in Touch Day

2 Aims

To clarify eligibility for shared parental leave and outline the process for application and approval of leave.

3 Duties (Roles and responsibilities)

3.1 The Executive Team is accountable to the Trust Board for ensuring Trust-wide compliance with policy.

3.2 Directorate managers and heads of service are responsible to the Executive Team for ensuring policy implementation.

3.3 Managers are responsible for ensuring policy implementation and compliance in their area(s).

3.4 Staff are responsible for complying with policy.

4 Shared Parental Leave and Pay

Eligibility

4.1. To qualify for shared parental leave (SPL) a birthparent/the primary adopter must:

   a) have a partner (this means a person whether of a different sex or the same-sex and regardless of gender identity) who lives with the birth parent/primary adopter and with the child in an enduring family relationship but is not the birth parent/primary adopter’s child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew).

   b) be entitled to either maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance.

   c) have curtailed, or given notice to reduce their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).

A parent intending to take SPL must:

   a) be an employee

   b) share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption (if this is not the case, a parent will not be eligible).

   c) have properly notified their employer of their entitlement and have provided the necessary declarations and evidence see paragraph 6.

4.2 In addition, a Trust employee wanting to take SPL is required to satisfy the ‘continuity of employment test’ and their partner must meet the ‘employment and earnings’ test.
Continuity of Employment Test

The individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child’s expected due date/matching date and is still working for the Trust at the start of each leave period.

Employment and earnings test

In the 66 weeks leading up to the baby’s expected due date/matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks.

4.3 There will be occasion where only one parent is eligible. For example a self-employed parent will not be entitled themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

4.4 In order to check eligibility, employees and/or their line manager may use the Shared Parental Leave and pay calculator available on gov.uk.

Shared Parental Leave (SPL)

4.5 Eligible employees may be entitled to take up to 50 weeks SPL during the child’s first year in their family.

4.6 The number of weeks available is calculated using birthparent /primary adopter’s entitlement to maternity/adoption leave (52 weeks). If the birth parent/adopter reduces 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.

A birth parent/adopter reduces their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or when they give notice to curtail their leave at a specified future date.

4.7 If the birth parent/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 week paid period (this would only apply in cases where the partner of the Trust employee were not entitled to the leave, i.e. agency workers or self-employed). If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting the number of weeks of SMP, SAP or MA taken by the birth parent /adopter from 52.

4.8 SPL can commence as follows:

- The birth parent can take SPL after they have taken the legally required two weeks of maternity leave immediately following the birth of the child
- The primary adopter can take SPL after taking at least two weeks of adoption leave
- The other parent can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements. They cannot take paternity leave or pay
once they have taken any SPL or Shared Parental Pay (ShPP) therefore this should be carefully considered by the parent.

4.9 Where the birth parent/adopter gives notice to curtail maternity/adoption entitlement, the birth parent’s/adopter’s partner can take leave while the birth parent/adopter is still using their maternity/adoption entitlements.

4.10 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see 6.9 below) but must be taken in blocks of one week. It can be taken as a continuous period or it can be staggered.

4.11 If the employee is eligible to receive it, Statutory Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

4.12 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.

**Statutory Shared Parental Pay (ShPP)**

4.13 Employees who qualify for SPL will not always be entitled to ShPP.

4.14 Eligible employees may be entitled to take up to 37 weeks ShPP, the actual entitlement will depend upon the amount by which the birth parent/adopter reduces their maternity/adoption pay period or maternity allowance period.

4.15 ShPP may be payable during some or all of SPL. The duration is dependent up on the length and timing of the leave.

4.16 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- the birth parent/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(s) in which ShPP is payable;
- the employee must have 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 of 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.

4.17 Any ShPP due will be paid at a rate set by the Government for the relevant tax year. Current rates can be found on [the gov.uk website](https://www.gov.uk).
5. Timing of Shared Parental Leave

Notifying the organisation of curtailment of Maternity/Adoption Leave

5.1 SPL can only be used after the birth parent/primary adopter has:
   a) returned to work following Maternity/Adoption Leave; or
   b) given notice to their employer that reduces their maternity/adoption leave, confirming when their maternity/adoption leave will come to an end. This notice is binding and so cannot be withdrawn (except in exceptional circumstances).

5.2 Any Trust employee intending to give notice of curtailment must do so in writing to their line manager at least 8 weeks before they or their partner were intending to commence SPL. If the individual's right to work is via a Certificate of Sponsorship they must also notify the Human Resources Department in order to ensure compliance with UKVI regulations.

5.3 Where the birth parent is claiming maternity allowance rather than statutory maternity pay, the curtailment notice must also be forwarded to the benefits office in addition to the Trust.

5.4 Following receipt of a notice of curtailment of Maternity/Adoption Leave the manager must copy the documentation to the Human Resources Department (within two working days).

Notifying the organisation of an entitlement to Shared Parental Leave/Pay

5.5 At least eight weeks before an employee can take a period of SPL or claim ShPP an employee who is intending to take SPL and/or ShPP must give their line manager;
   • notification of their entitlement
   • notification of their intention to take to SPL
   • notification of their intention to claim ShPP

5.6 Notification must be in writing and provide:
   • the name of the employee;
   • the name of the other parent;
   • the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
   • the date on which;
     • the child is expected to be born and the actual date of birth or,
     • the employee was notified of having been matched with the child and the date of placement for adoption;
   • the amount of SPL the employee and their partner each intend to take;
   • an indication (non-binding) of when the employee expects to take the leave;
• 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.

5.7 The employee must provide;
• a signed declaration confirming:
  a) they meet, or will meet, the eligibility conditions and are entitled to take SPL and/or ShPP;
  b) the information they have given is accurate;
  c) where the employee is not the birth parent/adopter that they are either the parent of the child, the spouse or partner (including same-sex) of the birth parent/adopter;
  d) should they cease to be eligible for either SPL or ShPP they will immediately inform the Trust.

• a signed declaration from their partner confirming:
  a) the partners name, address and national insurance number (or a declaration that they do not have a national insurance number);
  b) they are the birth parent/adopter of the child or they are the parent of the child, the spouse, or partner (including same-sex) of the birth parent/adopter;
  c) they satisfy the ‘employment and earnings test’ (see 5.2 above), and had at the date of the child’s birth or placement for adoption the main responsibility for the child, along with the employee;
  d) they consent to the amount of SPL that the employee intends to take;
  e) they consent to the Trust processing information contained in their declaration form;
  f) their agreement to the employee claiming ShPP and the Trust processing any ShPP payments to the employee;
  g) that they will immediately inform their partner should they themselves cease to satisfy the eligibility conditions;
  h) (in the case whether the partner is the birth parent/adopter) that they have reduced their maternity/adoption pay or maternity allowance.

Booking Shared Parental Leave

5.8 In addition to notifying the line manager of their entitlement to SPL/ShPP, an employee must also provide notice to take the leave. Notice to take leave should be provided at the same time as their notice of entitlement to SPL, a form has been provided at Appendix A to fulfil notification requirements.
5.9 The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

5.10 If the individual's right to work is via a Certificate of Sponsorship they must also notify the Human Resources Department in order that they can ensure compliance with UKVI regulations.

5.11 **General Principles**

5.11.1 The employee has the right to submit up to three separate notifications (this includes variation, cancellation notices) 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.

5.11.2 Any variation or cancellation notification made by the employee (which must be signed by both parties where it alters the total amount of SPP each party will take), 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. Following receipt of a variation or cancellation notice the manager must copy the documentation to the Human Resources Department (within two working days).

5.11.3 A change as a result of a child being born early, or as a result of the organisation 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 organisation.

5.11.4 SPL can only be taken in complete weeks but may begin on any day of the week (i.e. if a week of SPL began on a Tuesday it would end 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.

5.12 Continuous leave notifications

5.12.1 A notification can be for a period of continuous leave, i.e. a number of weeks taken in a single unbroken period of leave (i.e. six weeks in a row).

5.12.2 An employee has the right to take a continuous block of leave notified in a single notification, providing the request
a) does not exceed the total number of weeks of SPL available to the employee and
b) the employer has been given at least eight weeks’ notice.
5.12.3 An employee may submit up to three separate notifications for continuous periods of leave.

5.13 Discontinuous leave notifications

5.13.1 A single notification may also contain a request for two or more periods of discontinuous leave, (i.e. a set number of weeks of leave over a period of time, with breaks between leave periods where the employee returns to work).

5.13.2 Proper consideration will be given to any requests for discontinuous leave. The Trust may refuse a request for discontinuous leave where this cannot be accommodated.

5.13.3 Where a request for discontinuous leave is made by an employee, there will be a 14 day discussion period during which the Trust and/or the employee may arrange a meeting to discuss the detail of the request. The meeting will be made with the aim of agreeing an arrangement that meets both the needs of the employee and the service.

5.13.4 If a discontinuous leave pattern is refused the employee may;
   a) withdraw the request without detriment on or before the 15th day after the notification was given; or
   b) take the total number of weeks requested in the notice in a single continuous block.

5.13.5 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 confirm when they would wish the leave period to commence. Leave cannot commence prior to 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.

5.14 Upon receipt of a notification(s), the line manager should arrange to discuss, the request with the employee at the earliest opportunity. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can be approved without further discussion a meeting may not be necessary. Where a meeting does take place, although not part of a formal procedure, the employee may request to be accompanied by a companion who is either a representative of their recognised staff organisation/trade union or a work colleague. The request will be considered.

5.15 Where a meeting is required it should take place in private and be arranged in advance.

5.16 The purpose of the meeting is to discuss in detail, the leave requested and what will happen while the employee is away from work. Where the request is for discontinuous leave the discussion may focus on;
a) how the leave proposal could be agreed;
b) whether a modified arrangement could be agreed and;
c) what the outcome may be if no agreement is reached.

5.17 Once a decision is reached, the line manager must indicate on the form (Appendix A) whether the request has been accepted or rejected and forward it to Human Resources. The employee should be informed verbally by their line manager of the outcome prior to the Human Resources Department being notified.

5.18 Each request for discontinuous leave will be considered on a case-by-case basis taking into account the needs of the service and those of the employee. Agreement of a request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL. A request may be granted in full or part; i.e. the Trust may propose a modified version of the request for consideration.

5.19 Employees should be notified of the outcome of their request at the earliest opportunity but no later than 14 days following receipt of their notification. Line managers should do this by completing section 3 of Appendix A and giving a copy to the employee.

6. Written confirmation

6.1 When notified, the Human Resources Department will provide written confirmation of the following:

i. the employees paid and unpaid leave entitlement
ii. periods of leave agreed
iii. the number of booking notifications remaining to the employee (see 6.10.1 above).
iv. the need for the employee to give at least eight weeks notice if they wish to vary or cancel the agreed and booked period(s) of SPL.

7 Evidence of Eligibility

7.1 The Trust will require confirmation of the following, within 14 days of the SPL entitlement notification being given:

- 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 provided)
- in the case of birth 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 or MATB1 where the birth has not yet taken place).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were was notified of having been matched with the child and the date on which the agency expects to place the child for adoption.
7.2 In order to be entitled to SPL, the employee must produce this information within 14 days of the employer’s request.

8 Keeping In Touch

8.1 Subject to agreement with the line manager, each employee can work up to twenty Shared Parental Leave in Touch (SPLIT) days during SPL without losing the entitlement to ShPP and without bringing the SPL to an end. Any days of work will not extend the SPL period.

8.2 Before going on SPL, the manager and the employee should agree any voluntary arrangements for keeping in touch during the employee’s SPL including:

a) any voluntary arrangements that the employee may find helpful to help them keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work

b) keeping the manager in touch with any developments that may affect their intended date of return

c) confirming how the employee will be informed of any pay rises, bonuses and job vacancies which occur during their period of SPL

8.3 To facilitate the process of SPLIT days it is important that the manager and employee have an early discussion to plan and make arrangements for SPLIT days before the employee’s SPL takes place.

8.4 To enable employees to take up the opportunity, the Trust will consider reimbursement of reasonable childcare costs or the provision of childcare facilities where necessary.

8.5 The SPLIT work can be consecutive days or not, and can include training (including the completion of mandatory training) or other activities which enable the employee to keep in touch with their workplace.

8.6 Any such work must be by agreement, and neither the Trust nor the employee can insist on it.

8.7 The employee will be paid a proportion of their basic daily rate, for the actual hours worked less appropriate maternity leave payment for SPLIT days worked.

8.8 Working for part of any day will count as one SPLIT day.

9 Health and Safety - Postnatal Care and Breast Feeding Employees

9.1 An employee who has recently given birth (within 6 months) is entitled to paid time off for postnatal care e.g. attendance at health clinics.
9.2 All requests for time-off for postnatal care are subject to the prior approval of the manager.

9.3 An employee should make a request with as much notice as possible to allow appropriate arrangements to be made for cover. Requests should be supported by an appointment card, or some other document showing that an appointment has been made.

9.4 The Trust has a duty under health and safety to undertake a risk assessment for such employees and to provide breastfeeding women with suitable rest facilities. The Health and Safety Executive also encourages employers to provide breastfeeding employees with suitable access to a private room to express and store milk.

9.5 This includes an employee working on a SPLIT day as described in section 9. It is the responsibility of the manager to ensure a risk assessment is undertaken as soon as possible after the manager is notified by the employee that they are returning to work within 6 months of giving birth or have provided notification that they are breastfeeding.

9.6 If it is found following the risk assessment, taking into account any certified medical statement from a medical practitioner or a midwife that an employee or their child would be at risk were they to continue with normal duties, the manager should provide suitable alternative work for which the employee will receive their normal rate of pay.

9.7 The above provisions also apply to an employee who is breastfeeding if it is found that their normal duties would prevent them from successfully breastfeeding their child.

9.8 For additional information regarding the provisions available for Breastfeeding with the Trust please refer to the Supporting Staff who are Breastfeeding Policy.

Special Circumstances

10. Early Birth

10.1 Where an employee’s child is born before their expected due date and the employee had booked to take SPL (within the first eight weeks of the due date), the employee may take the same period of time off after the actual birth without having to provide eight weeks’ notice. In such circumstances the employee must submit a notice to vary their leave as soon as is reasonably practicable. The notice will not count as one of the employee’s three notifications.

10.2 Leave arranged after the first eight weeks of the due date remains bound by an eight-week notice requirement to vary leave dates.

10.3 If the child is born more than eight weeks before the due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been
submitted, there is no requirement to provide eight weeks’ notice prior to the start of the leave providing all other eligibility and notification criteria have been met. Notices must be given as soon as is reasonably practicable after the actual birth.

11. **Death of the child before or during birth, or within the first year**

11.1 If the child dies before the employee has submitted a notice of entitlement to take SPL then the employee cannot opt into SPL as the qualifying conditions include caring for a child. In such circumstances the birth parent/adopter will remain entitled to maternity/adoption leave and the birth parents partner may still qualify for statutory paternity leave.

11.2 If the employee has opted into SPL and has booked leave, the employee will still be entitled to take the booked leave. No further notice to book leave can be submitted and only one variation notice can be submitted to either reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

11.3 An employee who is absent on SPL may cancel agreed SPL and return to work by giving the Trust eight weeks’ notice of their return to work.

12. **Partner no longer caring for the child**

12.1 If the employees circumstances change and the employee is no longer responsible for caring for the child (the exception is para 12 above), the employees entitlement to both SPL and ShPP will immediately cease. The employee is responsible for advising their line manager and Human Resources.

12.2 Where the employee has SPL arranged within eight weeks of their entitlement ceasing, the Trust may require the employee to take the leave where it is not reasonably practicable for the Trust to have the employee back at work, (i.e. where cover has been arranged). Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled.

12.3 If the parent, who is no longer caring for the child has any SPL leave entitlement outstanding, the remaining parent (providing they continue to care for the child) will be able to transfer the leave into their own entitlement providing they are able to provide a signed notification from the other parent confirming a variation of leave entitlement.

13. **Death of a parent during the child’s first year**

13.1 If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent (subject to meeting the eligibility criteria).
13.2 In such circumstances it may be necessary for the remaining parent to take a further period of SPL or to vary pre-agreed SPL. Where eight weeks notice cannot be provided then notice may be given as soon as is reasonably practicable.

13.3 Where the employee has already provided three notices to take leave, the employee will be allowed to submit one further notice to book/amend SPL.

14. Multiple births/adoptions

14.1 An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. This also applies to multiple adoptions occurring in a single placement.

15. Return to Work

15.1 An employee who has notified their intention to return to work is not required to give any further notification of return.

15.2 If the employee wishes to return to work earlier than the expected return date, the employee must provide a written notice to vary the leave and must give at least eight weeks’ notice.

15.3 This notice will count as one of the employee’s three notifications. If the employee has already used three notifications to book and/or vary leave then the Trust is not required to accept the notice to return early but may choose to do so where reasonably practicable.

15.4 Following receipt of a notification to return early the manager must copy the documentation to the Human Resources Department (within two working days) to allow any changes to be recorded on ESR. The Human Resources Department will then forward the documentation to Payroll prior to the employee’s return to work.

15.5 Following SPL the employee is entitled to return to the same job providing the employee’s aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the job they occupied immediately before commencing leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

15.6 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.

15.7 Eight weeks before the employee’s expected date of return the HR Department will send a form to the manager to complete to confirm the employee’s return to work details – see Appendix B. The form must be received by the HR Department no later than 4 weeks before the return date.
If the employee is not physically returning to work, for example, due to annual leave, notification must still be sent to ensure the employee is paid correctly. The HR Department will confirm the return to work details with Payroll.

15.8 Where an employee is absent for 12 months or more, arrangements must be made by the Line Manager/Supervisor for the employee to complete Corporate and Local induction where this is deemed appropriate, within 4 weeks of their return to work.

16. **Fixed-Term Contracts or Training Contracts**

16.1 An employee subject to a fixed-term or training contract who meets the eligibility criteria set out in section 5 above will have their contract extended so as to allow them to receive the 50 weeks Shared Parental Leave and Shared Parental Pay providing the employee has submitted the required notifications prior to the end of the fixed term contract and they continue to meet the continuity of employment test and employment and earnings test.

17. **Rotational Training Contracts**

17.1 Where an employee is on a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, the employee shall have the right to return to work in the same post, or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy, childbirth, adoption or SPL had not occurred.

17.2 In such circumstances, the employee’s contract will be extended to enable the practitioner to complete the agreed programme of training.

18. **Increments**

18.1 Shared Parental leave, whether paid or unpaid, will count as service for annual increments.

18.2 An employee on Shared Parental Leave will be expected to comply with the Trusts Appraisal Procedures in the same way as other employees. Managers should take reasonable steps to ensure they are able to give consideration to an employee’s pay progression on the relevant date. This may include a review of:
   a) Previous records
   b) Progress towards meeting their PDP
   c) Notes of any relevant meetings between the manager and the employee
   d) Performance and development before planned absence starts

19. **Accrual of Annual Leave/Public Holidays**

19.1 Annual leave/public holidays will continue to accrue during shared parental leave and where possible should be taken during the relevant holiday year.
19.2 The amount of accrued annual leave/public holidays an employee can carry over to the next annual leave year should not normally exceed 5 days i.e. one working week (pro-rata for part-time employees and full time employees who work their shifts over less than 5 shifts per week). The amount of annual leave/public holidays an employee wishes to carry over should be approved by the line manager before the shared parental leave period starts.

19.3 Shared Parental leave, whether paid or unpaid, will count as service for the purposes of any service qualification period for additional annual leave.

20. Pension

20.1 Pension rights and contributions will be dealt with in accordance with the provisions of the NHS Pension Scheme.

20.2 Pension contributions accrue, but are not payable, during periods of unpaid SPL. As a result, the amount of accrued contributions will be deducted from salary when the employee returns to work over a period equivalent to the amount of unpaid leave taken. For example, three months unpaid leave will amount to deductions from salary over the first three months following the employee’s return to work.

20.3 These pension contributions are calculated from the pay received on the last day of paid leave before unpaid leave commenced.

20.4 The above deductions are in addition to the contributions payable by the employee from the date they return to work.

20.5 Employees should contact their pensions officer for advice on any specific queries they may have.

21. Professional Registration

An employee is responsible for ensuring that they maintain their competence and professional registration (where applicable) at all times during their paid and unpaid SPL, for further information see the Professional Registration Policy.

22. Working whilst on Shared Parental leave

Any employee considering undertaking any paid work, excluding SPLIT Days (in accordance with paragraph 9 above) whilst on shared parental leave must contact Payroll to ascertain what impact this may have on the shared parental pay they receive. The employee must also advise their manager and HR.

23. Salary sacrifice schemes

23.1 There can be implications for an employee who is participating in a salary sacrifice scheme when taking SPL. These implications can include eligibility to remain in the scheme during shared parental leave when in reduced pay and/or on unpaid shared parental leave.
23.2 An employee should check the terms of their salary sacrifice arrangements for further details and/or contact the Staff Benefits team and/or Payroll for advice and information.

23.3 Employees who have a salary sacrifice arrangement(s) remain responsible for payments during periods of unpaid leave. The employee must contact the Staff Benefits team (benefits.everyone@nuth.nhs.uk) for advice and information, if they are approaching a period of unpaid leave.

24. Training

Training will be provided where requested, by the Human Resources Department to managers following implementation of the procedure.

25. Equality and Diversity

The Trust is committed to ensuring that, as far as is reasonably practicable, the way services are provided and the way staff are treated reflects their individual needs and does not unlawfully discriminate against individuals or groups. This policy has been properly assessed.

26. Monitoring Compliance with the Policy

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27. Consultation and Review of this Policy

This policy has been reviewed in consultation with the Employment Policies and Procedures Consultative Group

28. Implementation of the Policy (including raising awareness)

A summary of the key changes will be notified to managers following implementation. Further advice and guidance will be available from the Human Resources Department.

29. References

30. Additional Documents

- Supporting Staff who are Breastfeeding Policy: http://nuth-intranet/apps/policies/personnel/BreastfeedingSupportingStaff201806.pdf
- Professional Registration Policy: http://nuth-intranet/apps/policies/personnel/ProfessionalRegistrationPolicy201807.pdf

Author: Employment Policies and Procedures Consultative Group
### Appendix A

**The Newcastle upon Tyne Hospitals NHS Foundation Trust**

**Notifying the organisation of an entitlement to Shared Parental Leave/Pay and Booking Shared Parental Leave/Pay**

**Section 1 – Employee form**

| **Full Name:** |  |
| **Department and site:** |  |
| **Employee Number:** |  |
| **Post:** |  |
| **Date of Appointment to the Trust** (please ask your manager to confirm the date): |  |
| **Date of Continuous NHS Service** (please ask your manager to confirm the date) |  |
| **Expected date of delivery and actual date of birth of child** or **Date notified of adoption and date of placement for adoption:** |  |
| **Start and end dates of any Maternity/Adoption Leave and pay taken in respect of the child and the total amount of Shared Parental Leave Available:** |  |
| **Are you the birth parent/primary adopter?** | Yes / No |
| **Name of the other parent:** |  |
| **Dates of and amount of shared parental leave you intend to take:** |  |
| **Dates of and amount of shared parental leave the other parent intends to take:** |  |
| **Amount of shared parental leave remaining (this is 52 weeks minus number of weeks maternity / adoption leave taken):** | weeks |
| **Amount of shared parental pay you intend to claim:** | weeks |
| **Amount of shared parental pay the other parent intends to claim:** | weeks |
| **Do you currently hold a Certificate of Sponsorship?** | Yes / No |
| **Do you have any salary sacrifice arrangements?** | Yes / No |
| If yes, please contact the Staff Benefits team on benefits.everyone@nuth.nhs.uk |  |
Declaration
I wish to apply for shared parental leave and/or pay and confirm that I meet, or will meet, the eligibility conditions and am entitled to take SPL and/or ShPP. I confirm the information I have given is accurate and that should I cease to be eligible for either shared parental leave or shared parental pay I will immediately inform the Trust. I understand the information contained in this form is binding except in exceptional circumstances.

If you have answered yes to having a salary sacrifice, by signing this declaration, you are also confirming you have taken advice from the Staff Benefits Team

Signed: ……………………………………… Date: …………………………

Please now ensure your partner completes the form and declaration below.

Section 2 - Partner's declaration

| Full Name:                                                                 |                                                                 |
| Address:                                                                  |                                                                 |
| National Insurance Number:                                                |                                                                 |

Are you the:
Birth parent/adopter of the child (  )
Father of the child or (  )
Other parent, spouse, or partner (including same-sex) of the birth parent/adopter (  )

Have you, in the 66 weeks leading up to the baby's expected due date/matching date, worked for at least 26 weeks and earned an average of at least £390 in total (as of 2018) over any 13 weeks of the 66 weeks.
Yes (  )
No (  )

Did you, on the date of the child’s birth or placement for adoption, have the main responsibility for the child, along with the employee named in section 1?
Yes (  )
No (  )

Name and business address of your employer

If you are the birth parent/primary adopter, please confirm that you have reduced your allowance and how much by:

Declaration
I confirm that the above information is correct. I confirm that I had, at the date of the child’s birth or placement for adoption, the main responsibility for the child, along with the named applicant above and that I consent to the amount of shared parental
leave the above named employee intends to take. I consent to the Trust processing the information contained within this form. I agree to the above named employee claiming shared parental pay and for the Trust to process any shared parental pay payments to the above named employee.

In the case where the partner is the birth parent/adopter: I will immediately inform the above named employee should I cease to satisfy the eligibility conditions and I can confirm I have reduced my maternity/adoption pay or maternity allowance.

Signed: …………………………………………………………… Date: ………………………………

Section 3 – Approval
(Manager to complete and send to Human Resources Officer)

Approval granted: Yes/No

Date of meeting with employee: ____________________________

Reason(s) for approval: ________________________________________________________________

How will effect on service be managed? __________________________________________________

Reason(s) for not recommending approval: ______________________________________________

Alternative arrangements approved (if any): ______________________________________________

Signed: …………………………………………………………… Date: ………………………………

Print Name: ……………………………………………………………………………………………

Designation: ……………………………………………………………………………………………

For Human Resources Department Use Only - Authorised

Signed: …………………………………………………………… Date: ………………………………

Print Name: ……………………………………………………………………………………………

Designation: ……………………………………………………………………………………………
Date partner declaration verified with the employer: ………………………………………

Named contact at partner’s place of work:………………………………………………...

Date application and supporting documentation sent to Payroll: ………………………
The Newcastle upon Tyne Hospitals NHS Foundation Trust

Equality Analysis  Form A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

PART 1

1. **Assessment Date:** 24 December 2018

2. **Name of policy / guidance/ strategy / service development / Investment plan/Board Paper:**
   - Shared Parental Leave and Pay Policy

3. **Name and designation of author:**
   - Victoria Usher, HR Manager

4. **Names & Designations of those involved in the impact analysis screening process:**
   - Victoria Usher, HR Manager, Heads of HR, EPPCG

5. **Is this a:**
   - Policy √, Strategy □, Service □, Board Paper □

   **Is this:**
   - New □, Revised √

   **Who is affected:**
   - Employees √, Service Users □, Wider Community □

6. **What are the main aims, objectives of the document you are reviewing and what are the intended outcomes?**
   (These can be cut and pasted from your policy)

   The policy sets out the Trust’s provisions for shared parental leave and related entitlements. Shared Parental Leave enables eligible parents whose babies are due or who will adopt a child on or after 5 April 2015, to choose how to share the care of their child during the first year of birth or adoption, providing parents with additional flexibility.
7. **Does this policy, strategy, or service have any equality implications?** Yes ☐ No ×

If No, state reasons and the information used to make this decision, please refer to paragraph 2.3 of the Equality Analysis Guidance before providing reasons:

The policy was developed to implement legislation which seeks to overcome gender inequalities.

8. **Summary of evidence related to protected characteristics**

<table>
<thead>
<tr>
<th>Protected Characteristic</th>
<th>Evidence</th>
<th>Does evidence/engagement highlight areas of direct or indirect discrimination?</th>
<th>Are there any opportunities to advance equality of opportunity or foster good relations? If yes what steps will be taken? (by whom, completion date and review date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race / Ethnic origin (including gypsies and travellers)</td>
<td>The policy applies to all staff regardless of their race or ethnic origin. The qualification criteria is set down in legislation therefore it is applied to everyone equally. The Trust has a BAME Staff Network which offers support and signposting to staff.</td>
<td>No areas of direct or indirect discrimination have been identified.</td>
<td>The Trust tries to promote the shared parental leave policy to staff to ensure that staff are aware of it and can apply for it if they wish. It will continue to be promoted to ensure staff are aware of this option.</td>
</tr>
<tr>
<td>Sex (male/ female)</td>
<td>The policy applies to all staff regardless of gender. Applications for shared parental leave have come from male staff to date.</td>
<td>As above</td>
<td>As above</td>
</tr>
<tr>
<td>Religion and Belief</td>
<td>As above</td>
<td>As above</td>
<td>As above</td>
</tr>
<tr>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
<td>As above, all references to “partner” are non gendered to ensure the policy is inclusive of all relationships and family units. In addition the Trust has an LGBT Staff Network</td>
<td>As above</td>
<td>As above</td>
</tr>
<tr>
<td>Age</td>
<td>As above</td>
<td>As above</td>
<td>As above</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Disability – learning difficulties, physical disability, sensory impairment and mental health.</td>
<td>As above and in addition the Trust has a Disability Staff Network to offer support and signposting.</td>
<td>As above</td>
<td>As above</td>
</tr>
<tr>
<td>Consider the needs of carers in this section</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender Re-assignment</td>
<td>As above, and in addition, all pronouns and language used throughout the policy are gender neutral so that it demonstrates an inclusive culture.</td>
<td>As above</td>
<td>As above</td>
</tr>
<tr>
<td>Marriage and Civil Partnership</td>
<td>As above, as mentioned previously the policy is applicable to all staff and inclusive of all relationships and family units.</td>
<td>As above</td>
<td>As above</td>
</tr>
<tr>
<td>Maternity / Pregnancy</td>
<td>As above</td>
<td>As above</td>
<td>As above</td>
</tr>
</tbody>
</table>

9. **Are there any gaps in the evidence outlined above? If ‘yes’ how will these be rectified?**

   No.

10. **Engagement has taken place with people who have protected characteristics and will continue through the Equality Delivery System and the Equality Diversity and Human Rights Group. Please note you may require further engagement in respect of any significant changes to policies, new developments and or changes to service delivery. In such circumstances please contact the Equality and Diversity Lead or the Involvement and Equalities Officer.**
11. Could the policy, strategy or service have a negative impact on human rights? (E.g. the right to respect for private and family life, the right to a fair hearing and the right to education?)

No, the policy seeks to ensure that there is no negative impact on human rights.

PART 2

Name of author:

Victoria Usher

Date of completion

24/12/2018

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified, please refer to the Policy Author identified above, together with any suggestions for action required to avoid/reduce the impact.)