



## SHARED PARENTAL LEAVE POLICY

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The only current version of this policy is on the intranet

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**FLOW CHARTS AND FORMS**

## 1. PURPOSE AND SCOPE

The NHS Dumfries & Galloway Shared Parental Leave Policy originates from the NHS Supporting the Work-Life Balance Partnership Information Network (PIN) Policy.

The purpose of the Shared Parental Leave Policy is to offer NHS Dumfries and Galloway employees support in successfully managing the demands and responsibilities of caring for their families. Shared parental leave allows parents flexibility in choosing how to share the care of a child during the **first year** of birth or adoption. The policy is an important part of the Board's policy of supporting the work life balance for all employees.

The scope of the policy is Board wide and applicable to all employee of the Board who meet the eligibility criteria.

## 2. POLICY AIMS

The aims of the Shared Parental Leave Policy are to;

- outline employees' eligibility and entitlement to shared parental leave and pay
- outline managers and employees' responsibilities in relation to shared parental leave and pay
- ensure the Board meets and where possible exceeds its statutory obligations
- provide guidance on process and procedure to managers and staff
- ensure employees are treated fairly and consistently

## 3. RESPONSIBILITIES AND ORGANISATIONAL ARRANGEMENTS

### 3.1 Senior Management are required (through Line Managers):-

- To ensure fairness and consistency in the application of the provisions set out within the Board's policy;
- To give genuine consideration to all applications made under the provisions set out within the Board's policy and to ensure that no application is unreasonably refused;
- To ensure that line managers understand their role and responsibilities under the Board's policy, and that they seek further information and guidance where required; and
- To support work to promote the provisions set out within the Board's local policy.

### 3.2 Line Managers are required:-

- To ensure that, when required, they understand and apply the Shared Parental Leave Policy fairly and consistently.
- To support staff applying for shared parental leave and pay, encouraging open communication and progressing applications timeously.

### 3.3 Employees are required:-

- To understand the policy, seeking advice were necessary from their manager or the Workforce Directorate.
- To recognise that with rights come responsibilities to act reasonably;
- To make use of the provisions of the Board's policy fairly and reasonably; and
- To be prepared to agree solutions and working arrangements that take account not only of their own needs, but also of the needs of colleagues and the service.
- To be open and discuss their intention to take shared parental leave with managers as early as possible to ensure timely progressing of applications.
- To provide any relevant information and documents required to ensure that their application for shared parental leave and pay is processed accurately.
- Employees also have a responsibility to inform their manager of any changes to circumstances that might affect their application for shared parental leave or pay.

### 3.4 Others:-

- The Workforce Directorate will provide advice and further guidance to managers and staff on the application of the policy.
- The Payroll Department will advise managers and staff on entitlement to pay and pension contributions during shared parental leave.

## 4 DEFINITIONS

The undernoted terms are used throughout this policy, many of which have a particular meaning under the various statutory provisions relating to maternity and adoption leave and payment entitlement. Where an employee is unclear as to the meaning or context of any of these terms, or their related provisions, advice and guidance can be sought from the Workforce Directorate.

4.1 For the **birth of a child**, the definitions applicable in this policy are:

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

**Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not

the father – whether of the same sex or a different sex).

**Partner:** spouse, civil partner or someone living with another person in an enduring family relationship – whether of the same sex or a different sex, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

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

4.2 For the **adoption of a child**, the definitions applicable in this policy are:

**Parent:** One of two people who will share the main responsibility for the adopted child's upbringing – whether of the same sex or a different sex.

**Partner:** your spouse, civil partner or someone living with you in an enduring family relationship – whether of the same sex or a different sex, at the time the child is placed for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

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

4.3 Other frequently used terms included in this Policy are:

**Curtailment Notice** A form completed by the mother or parent claiming adoption leave confirming the date that MA, SMP, OMP or equivalent payments for adoption will end. Please see Appendix C.

**MA** Maternity Allowance (The level of allowance provided to those who do not qualify for Statutory Maternity Pay)

**OMP or OAP** Occupational Maternity Pay or Occupational Adoption Pay (An enhanced allowance provided by some employers. This includes statutory elements and can also be referred to as 'contractual' pay.)

**SAP** Statutory Adoption Pay

**ShPP** Shared Parental Pay

**SMP** Statutory Maternity Pay

**SPL** Shared Parental Leave

**SPLIT Days** Shared Parental Leave in Touch Days

**Variation Notice** A form completed to vary or confirm the dates when shared parental

leave is to be taken, it is entitled 'Period of Leave Notice' in this policy. Please see Appendix F.

## 5. SHARED PARENTAL LEAVE

- 5.1 Shared parental leave (SPL) is a form of leave available to working parents following the birth or adoption of a child. It applies in respect of children who were born on or after 5 April 2015. It is also available where an adoption agency placed a child with you and/or your partner after 5 April 2015.
- 5.2 In the case of adoption, it provides a more flexible alternative to the default system whereby one parent may qualify for up to 52 weeks' adoption leave and the other parent may qualify for up to two weeks' ordinary paternity leave.
- 5.4 In the case of adoption, under the SPL system, up to 50 weeks of the adoption leave entitlement may be designated as SPL. (The adopter can end their adoption leave once they have taken it for two weeks). Assuming you are both eligible, you and the other parent can choose how you split that leave between you. You may be able to take this leave at the same time or at different times. You may also be able to take it in more than one block.
- 5.3 In birth cases, SPL allows parents to take up to 52 weeks leave in total (two of which has to be Maternity Leave) on the birth of a child. They can take this leave at the same time, or at different times.

## 6. ENTITLEMENT TO SHARED PARENTAL LEAVE

- 6.1 In relation to the **birth** of a child, you are entitled to SPL if:
- you are the child's mother and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
  - you are the child's father and share the main responsibility for the care of the child with the child's mother; or
  - you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- 6.2 In relation to the **adoption** of a child, you may be entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption and you intend to share the main responsibility for the care of the child with your partner.
- 6.3 The following conditions must also be fulfilled:
- In **birth** cases you must have at least 26 weeks continuous employment with the Board of NHS Dumfries & Galloway ('the Board') by the end of the Qualifying

Week, and must still be employed by the Board in the week before the leave is to be taken;

- In **birth and adoption** cases the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC or Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
- In **birth** cases, you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.
- In **adoption** cases, you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).
- In **adoption** cases, either you or your partner must also qualify for statutory adoption leave and/or SAP, and must take at least two weeks of adoption leave and/or pay.

- 6.4 If your partner is taking **adoption** leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see our Paternity Leave Policy). You should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.
- 6.5 In **birth** cases, the total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).
- 6.6 In the case of **adoption**, the total amount of SPL available is also 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave).
- 6.7 In **birth** cases, if you are the mother, you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.
- 6.8 In **adoption** cases, the adopter cannot start SPL until 2 weeks of adoption leave has been taken.
- 6.9 In **birth** cases, if you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement. However, if you are not entitled to Paternity Leave, Shared Parental Leave can start from the date of birth.
- 6.10 Attached as Appendix A and Appendix B are two flowcharts, one for adoption and one for birth which will assist in determining entitlement to leave and pay.

## 7. ENDING MATERNITY/ADOPTION LEAVE

- 7.1 In **birth** cases, if you are the child's mother and are still on maternity leave, you must give us at least eight weeks' written notice to end your maternity leave before you can take SPL.
- 7.2 In **adoption** cases, this is the same if you are taking or intend to take adoption leave and want to opt into the SPL scheme.
- 7.3 The notice must state the date on which your maternity/adoption leave will end. You can give the notice before or after you give birth, or after adoption leave starts, but you cannot end your maternity / adoption leave until at least two weeks after birth, or in the case of adoption you must take at least two weeks' adoption leave. Once the child's mother ends maternity leave she cannot go back onto maternity leave once she or her partner have started Shared Parental Leave. In both cases the Maternity/Adoption Leave Curtailment Notice Form (Appendix C) should be completed and submitted to your line manager.
- 7.4 The other parent or your partner may be eligible to take SPL from their employer before your maternity or adoption leave ends, but they cannot start it until you have given us your curtailment notice.
- 7.5 The curtailment notice is usually binding and cannot be revoked. You can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies:
- If you realise that neither you nor the other parent / your partner are in fact eligible for SPL or ShPP, you can revoke the curtailment notice in writing up to eight weeks after it was given;
  - If you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
  - If the other parent / your partner has died.
- 7.6 In **birth** cases, once you revoke a curtailment notice you cannot submit a second curtailment notice, unless the revocation was given in the circumstances in paragraph 4.3 above. In adoption cases, once you have revoked a curtailment notice you will be unable to opt back in to the SPL scheme.
- 7.7 In **birth** cases, if you are the child's father or the mother's partner, you will only be able to take SPL once the mother has either:
- returned to work;
  - given her employer a curtailment notice to end her maternity leave;
  - given her employer a curtailment notice to end her SMP (if she is entitled to SMP)

- but not maternity leave); or
  - given a curtailment notice to the Department of Work and Pensions to end her MA (if she is not entitled to maternity leave or SMP).
- 7.8 In **adoption** cases, if your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:
- returned to work;
  - given their employer a curtailment notice to end adoption leave; or
  - given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

## 8. OPTING IN TO SHARED PARENTAL LEAVE AND PAY

- 8.1 At the same time that you submit your Maternity/Adoption Leave Curtailment Notice Form, you must also submit a notice to opt into the SPL scheme (see Appendix D or Appendix E, whichever is relevant or both if applicable), to confirm that the other parent has given his or her employer an opt-in notice and that you have given the necessary declarations in that notice. This must be submitted no less than eight weeks before the date you intend your SPL to start.

This form needs to provide the following information:

- your name and the name of the other parent;
- In birth cases, if you are the child's mother, the start and end dates of your maternity leave;
- In birth cases, if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- In the case of adoption, if you are taking adoption leave, your adoption leave start and end dates;
- In the case of adoption, if you are not taking adoption leave, your partner's adoption leave start and end dates, or if your partner is not entitled to adoption leave, the start and end dates of their SAP;
- The total SPL to be taken, which is 52 weeks maximum, minus the number of weeks' maternity leave, adoption leave, SMP, MA or SAP period (as appropriate) taken or to be taken by you, the father or your partner;
- How many weeks of the available SPL will be allocated to you and how much to the other parent / your partner. You can change the allocation by giving us a further written notice (See appendix F: Period of Leave Notice Form) and you do not have to use your full allocation;
- If you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP, SAP or MA period taken or to be taken);
- How much of the available ShPP will be allocated to you and how much to the other parent. (You can change the allocation by giving us a further written notice,

- and you do not have to use your full allocation);
- An indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
  - Declarations by you and the other parent that you meet the statutory conditions for entitlement to SPL and ShPP.

## **9. EARLY BIRTH AND SPECIAL CIRCUMSTANCES – EFFECT ON SHARED PARENTAL LEAVE**

### **9.1 Early Birth**

If the child is born before the expected due date and you had booked to take SPL within the first eight weeks of the due date, you may take the same period of time off after the actual birth without having to provide eight weeks' notice, by submitting a notice to vary your leave as soon as is reasonably practicable. Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave.

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

### **9.2 Death of the Child**

In the unfortunate circumstance that a child dies and the parents have submitted a notice of entitlement to take SPL, then the parents cannot opt into SPL because a qualifying condition is caring for a child. The mother will remain entitled to maternity leave and the mother's partner may still qualify for paternity leave.

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

In these circumstances, if you are absent on SPL, you may cancel the agreed SPL and return to work by giving your employer eight weeks' notice of your return to work.

In these circumstances employees are encouraged to discuss their needs with their line manager.

### **9.3 Partner No Longer Caring for the Child**

If your circumstances change and you have already booked SPL and are no longer responsible for caring for the child (unless it is because the child has died), your

entitlement to both SPL and ShPP will immediately cease and you must tell your line manager. Please note that if you have any SPL arranged within eight weeks of your entitlement ceasing, you may still be required to take it as SPL if it is not reasonably practical for you to return to work, for example because cover has been arranged. Any weeks of SPL arranged after eight weeks of your entitlement ceasing must be cancelled.

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

#### **9.4 Death of a Parent**

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

## **10. EVIDENCE OF ENTITLEMENT**

You must provide, with your opt-in notice (see Appendix C), the following:

- In **birth** cases, a copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth) or MATB1 certificate;
- in the case of **adoption**, one or more documents from the adoption agency such as the Matching Certificate showing the agency's name and address and the expected placement date;

**and**

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

## **11. NOTIFYING US OF YOUR SPL DATES**

11.1 Having opted into the SPL system, you will need to give a period of leave notice telling us the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim shared parental pay, if applicable.

11.2 If your period of leave notice gives dates for a single continuous block of SPL you will

be entitled to take the leave set out in the notice.

- 11.3 You can give up to three periods of leave notices. This may enable you to take up to three separate blocks of shared parental leave. In exceptional circumstances we may agree to accept more than three periods of leave notices but there is no obligation for us to do so.

## **12. PROCEDURE FOR REQUESTING SPLIT PERIODS OF SPL**

- 12.1 In general, a period of leave notice should set out a single continuous block of leave. However, in some cases, we may be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your line manager in advance of submitting any formal period of leave notices. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start. During a period of Shared Parental Leave and Pay you will not be able to carry out **any** work.
- 12.2 You must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period with your line manager. At the end of that period, your line manager will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave).

Alternatively, you may:

- Choose a new start date (which must be at least 8 weeks after your original period of leave notice was given), and notify us of this new date within 5 days of the end of the two-week discussion: or
- Withdraw your period of leave notice within 2 days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

## **13. CHANGING THE DATES OR CANCELLING YOUR SPL**

*Please use the forms at the back of this policy for this purpose.*

- 13.1 You can cancel a period of leave by notifying us in writing at least eight weeks before the start date which you have given in the period of leave notice.
- 13.2 You can change the start date for a period of leave, or the length of the period of leave, by notifying us in writing at least eight weeks' notice before the original start

date and the new start date.

- 13.3 You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date and the new end date.
- 13.4 You can change split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date.
- 13.5 You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request in the way set out in paragraph 9.1 –9.2.
- 13.6 A notice to cancel or change a period of leave will count as one of your three periods of leave notices, unless:
- in the case of a **birth**, the variation is a result of your child being born earlier or later than the EWC;
  - in the case of **adoption**, the variation is a result of the child being placed with you earlier or later than the expected placement date;
  - the variation is at our request; or
  - we agree otherwise.

## 14. SHARED PARENTAL PAY

- 14.1 The amount of **Statutory** Shared Parental Pay available can be up to 39 weeks, less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay claimed by you or the other parent or your partner. This is providing you have at least 26 weeks' continuous employment with the Board at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. Statutory Shared Parental Pay is paid at a rate set by the government each year.
- 14.2 You may also qualify for **Occupational** Shared Parental Pay if you have been continuously employed with one or more NHS employers during the 12 month period ending with the Qualifying Week. It is not a requirement that your partner is also employed by an NHS Scotland employer.
- 14.2.1 The number of weeks of full or half Occupational Shared Parental Pay to which you are entitled as described in the following paragraphs, will be subject to deduction of the number of weeks of full or half occupational maternity or maternity support (paternity), or adoption pay as appropriate, which may already have been paid to you or your partner by us, or by another NHS Scotland employer, in respect of the child.
- 14.2.2 Subject to any deductions which will apply by virtue of paragraph 14.2.1; for the first **eight** weeks of your SPL, Occupational Shared Parental Pay is full pay. Any statutory Shared Parental Pay that may be due for that period is

included within the amount of the full pay.

14.2.3 For the next **eighteen** weeks of SPL, occupational Shared Parental Pay is half pay, plus any statutory Shared Parental Pay that may be due for that period. However, the combined total will not exceed full pay. If required, the amount of Occupational Shared Parental Pay will be reduced in order to achieve this limit.

14.3 Examples of how paragraphs 14.2.1 to 14.2.3 will apply in different circumstances are as follows:

In **birth** cases:

14.3.1 If you both work at an NHS Scotland employer, or b) you are the mother and the other parent does not work at an NHS Scotland employer, then in both cases, after the first 2 weeks of compulsory maternity leave, there remains an entitlement to 6 weeks full pay followed by 18 weeks of half pay, which can either be used on further maternity leave or SPL.

(It is important to note that if the mother and father or partner both work with the NHS, the entitlement to 8 weeks at full pay should **not** be subject to the deduction of any weeks of full pay which the father or partner takes as maternity support (paternity), as that would mean that the couple would be worse off by 2 weeks pay by taking SPL.)

If either a) both of you, or b) you, opt into SPL, then the number of weeks of Occupational Shared Parental Pay to which you are entitled is the same as the number of weeks of Occupational Maternity Pay which is unused at the point in time when you start SPL.

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

14.3.2 If you are the father or mother's partner, and the mother does not work for an NHS Scotland employer, then your entitlement to Occupational Shared Parental Pay is up to **8 weeks** full pay and **18 weeks** half pay. However, if you have taken maternity support (paternity) leave, then the 8 weeks full pay is reduced by the number of weeks of paid maternity support (paternity) leave which you have taken.

In **adoption** cases entitlement is the same as above, but based on the parent with primary caring responsibilities for the child and Adoption Support Leave:

14.4 For both **birth** and **adoption** cases, payment of Occupational Shared Parental Pay is conditional upon you confirming in writing, before starting SPL that you intend to return

to work for at least six months after the end of your SPL. If you later decide not to return to work for this minimum period, you must repay any Occupational Shared Parental Pay (but not Statutory Shared Parental Pay) which you have received. In cases where we consider that to enforce this provision would cause undue hardship or distress, we will have the discretion to waive our rights to recovery in line with local Board policies.

- 14.5 Shared Parental Pay for the mother working in the NHS will be calculated on the same basis as her maternity pay. Shared Parental Pay for the father or partner will also be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the qualifications set out in the relevant NHS Terms and Conditions of Service Handbook.

## **15. OTHER TERMS OF EMPLOYMENT DURING SHARED PARENTAL LEAVE**

- 15.1 Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.
- 15.2 Annual leave and public holidays will continue to accrue during Shared Parental Leave, whether paid or unpaid, provided for by this agreement. Where the amount of accrued annual leave and public holidays would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and employer.
- 15.3 If you are a member of the pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Your employee contributions will be based on the amount of any Shared Parental Pay you are receiving.

## **16. SHARED PARENTAL LEAVE IN TOUCH DAYS (SPLIT) DAYS**

- 16.1 We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.
- 16.2 You may ask or be asked to work on up to **20** Shared Parental Leave in Touch Days (SPLIT) during your SPL. This is in addition to any Keep in Touch (KIT) days that you may work during maternity or adoption leave. There is no obligation on the Board to offer these days or for you to agree to them. SPLIT days can be used in situations where both parties feel it would be beneficial for you to attend a work-related activity, for example a training session or a team meeting, or to work part of a week to help you to return to your role in a gradual way. You should complete a SPLIT Day Payment Request Form and have this signed by your line manager to ensure payment for any

hours worked.

- 16.3 During a period of Shared Parental Leave and Pay, payment for the Shared Parental Leave will be offset by the amount of pay for work done on any SPLIT days to ensure that you do not receive any more than your full pay for any period worked.

## **17. MISCELLANEOUS**

### **17.1 Fixed-term contracts or training contracts**

Employees subject to fixed-term or training contracts which expire after the 11th week before the expected week of childbirth or adoption and who satisfy the conditions in Section 6, shall have their contracts extended so as to allow them to receive Shared Parental Leave – including the 13 weeks of unpaid leave.

Absence on Shared Parental Leave (paid and unpaid) before a further NHS appointment shall not constitute a break in service.

If there is no right of return to be exercised because the contract would have ended if child birth or adoption had not occurred, the repayment provisions set out in paragraph 14.4 above will not apply.

Employees on fixed-term contracts who do not meet the 12 months' continuous service condition set out in paragraph 2.1 (i) above, may still be entitled to Statutory Maternity Pay.

### **17.2 Rotational training contracts**

Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, he/she 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 childbirth had not occurred. In such circumstances the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

### **17.3 Secondment**

Where an employee is on a secondment and entitled to Shared Parental Leave and Pay, the arrangement will be the responsibility of the substantive employer / service / department / ward.

## **18. RETURNING TO WORK**

- 18.1 If you want to end a period of SPL early, you must give us eight weeks' prior notice of the return date. You must give this notice in writing using the form in this policy.
- 18.2 If you want to extend your SPL, where you still have unused SPL entitlement remaining, you must submit a new period of leave notice at least eight weeks before

the date you were due to return to work, providing you have not already submitted three period of leave notices. If you are unable to request more SPL, you may be able to request annual leave or ordinary parental leave using the Parental Leave Policy. The decision on whether to grant this request will be subject to service need.

### 18.3 The impact of extending leave

You are entitled to return to work in the position you held before starting SPL, and on the same terms of employment providing your total leave does not add up to more than 26 weeks\*. If you take more than 26 weeks and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- \*if your SPL and any adoption, maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- if you took SPL consecutively with more than four weeks of ordinary parental leave (under our Parental Leave Policy).

18.4 If you want to change your hours or other working arrangements on return from SPL, you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

18.5 If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

## **19. RESOLUTION OF DISAGREEMENTS**

19.1 No request for leave under this policy will be unreasonably refused. Should a disagreement arise, the individual is encouraged to resolve the disagreement with management in the first instance but ultimately has the right to raise a formal grievance. It is preferable in such circumstances, for an employee and/or manager to seek advice on resolving the matter informally from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

## **20. EQUALITY & DIVERSITY**

20.1 NHS Dumfries and Galloway is committed to 'equality and diversity' in respect of the 'protected characteristics' covered by the Equality Act 2010. These protected characteristics are age, disability (which includes mental health and people diagnosed as clinically obese), race, religion or belief, sex, sexual orientation, gender reassignment (people who are having or who have had a sex change, transvestites and transgender people), marriage and civil partnership, and pregnancy and maternity.

20.2 Equality is about creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. It is mostly backed by legislation designed to address unfair discrimination based on membership of a particular group.

- 20.3 Diversity is about recognising and valuing difference in its broadest sense. It is about creating a culture and practices that recognise, respect, value and harness difference for the benefit of the patients, carers, members of the public and members of staff.
- 20.4 Shared parental leave is available to all staff who attain the eligibility criteria, to meet their individual needs and responsibilities, as their circumstances change throughout their working life, thus promoting equality across the workforce.
- 20.5 This policy has been equality and diversity impact assessed.

## **21. POLICY REVIEW**

- 21.1 It is the responsibility of the Workforce Directorate to ensure that workforce policies are reviewed on a regular basis to ensure that they are in line with any legislative changes.
- 21.2 This policy will also be monitored, reviewed and evaluated every two years by the Area Partnership Forum, taking into consideration legislative changes and developments in good practice to ensure it meets the needs of all employees.

## **22. EXCEPTIONAL CIRCUMSTANCES**

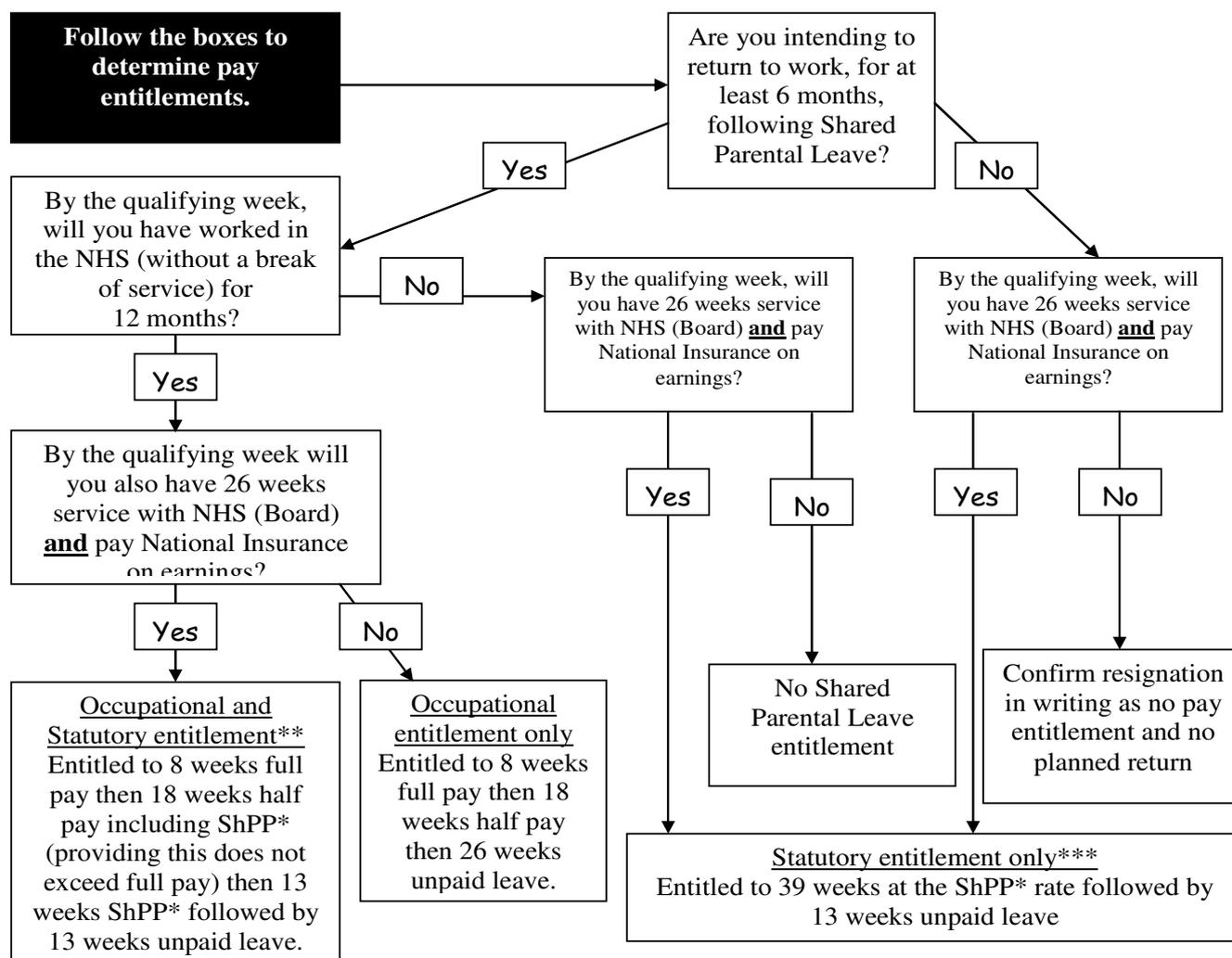
- 22.1 During extended periods of national emergency or other exceptional circumstances, such as a flu pandemic, shared parental leave arrangements may need to be postponed. Where such circumstances occur, management are required to agree such action with individual employees involved and ensure that employees are not disadvantaged in the long term.

**Form A - Shared Parental Leave Flow Chart - Birth**

**What Shared Parental Pay and Leave am I entitled to receive on the Birth of a child?**

What is the expected date of child birth? \_\_\_\_\_

The qualifying week which is 15 weeks before the expected date of child birth is \_\_\_\_\_.



\*ShPP- Statutory Shared Parental Pay rates are set by the government each year

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

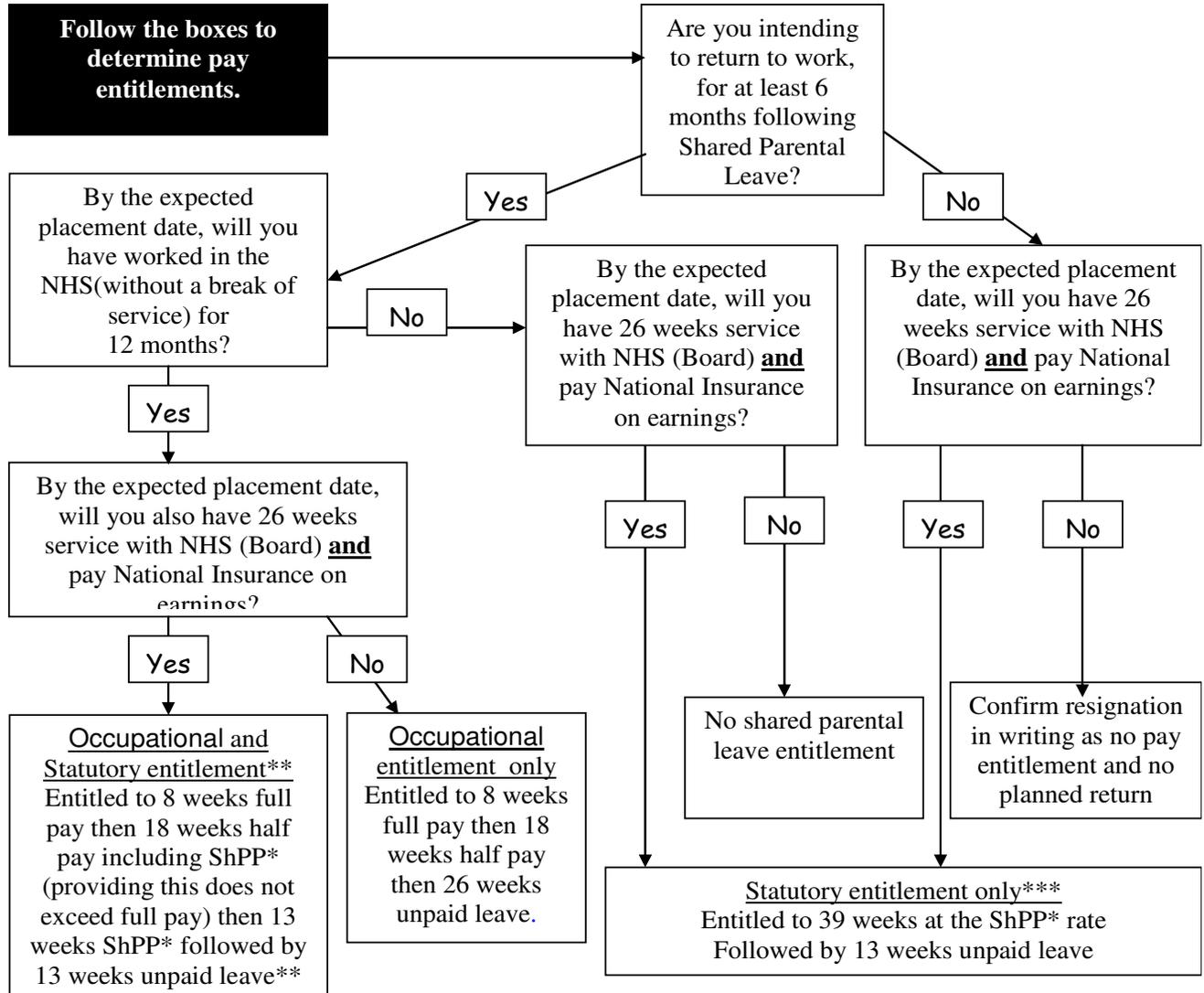
\*\*\* The above entitlements will be reduced by any periods of Statutory Maternity leave or Maternity Allowance

Please note that the above is for guidance only, and once your application has been processed confirmation of leave and pay entitlements will be provided by NHS Dumfries & Galloway.

**Shared Parental Leave Flow Chart - Adoption**

**What Shared Parental Pay and Leave am I entitled to receive on the Adoption of a child?**

What is the expected placement date? \_\_\_\_\_



\*ShPP- Statutory Shared Parental Pay rates are set by the government each year

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

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

Please note that the above is for guidance only, and once your application has been processed confirmation of leave and pay entitlements will be provided by NHS Dumfries & Galloway.

## FORM C - SHARED PARENTAL LEAVE POLICY MATERNITY/ADOPTION LEAVE CURTAILMENT NOTICE

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

**Form D – Shared Parental Leave : Notice of Intention and Entitlement  
(To be completed if you are the Mother or Parent Claiming Maternity or Adoption  
Leave, working for NHS D&G)**

Name of Employee:	
Pay Number:	
Job Title:	
Department:	
Location:	
Contact Details -Tel No: Email Address:	

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

**Section A: Information to be Provided by Employee – Please Print**

My partner's name is:	
The total amount of shared parental leave my partner and I have available is:  (This will be 52 weeks less the total number of maternity/adoption weeks taken and less the total number of weeks of Shared Parental Leave already taken by me or my partner)	

I intend to take the following periods of Shared Parental Leave:  
(Maximum of 3 periods, running in complete weeks Monday to Sunday)

(If you can not provide all of this information at this point you can submit a separate application in the future – see Appendix F)

	Starting on Monday the	Ending on Sunday the	No of weeks
Period 1			
Period 2			
Period 3			
<b>TOTAL NUMBER OF WEEKS</b>			

**Continued/**

My partner intends to take the following periods of Shared Parental Leave:  
(Maximum of 3 periods, running in complete weeks Monday to Sunday)

(If you can not provide all of this information at this point you can submit a separate application in the future – see Appendix F)

	Starting on Monday the	Ending on Sunday the	No of weeks
Period 1			
Period 2			
Period 3			
<b>TOTAL NUMBER OF WEEKS</b>			

**Section B: Declaration to be completed by the Employee**

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

Eligibility requirement	Tick
I have/will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation	
At the date of the child's birth, I have/will have the main responsibility, apart from my partner, for the care of the child	
I am entitled to statutory maternity/adoption leave in respect of the child and will refrain from any paid employment during this period	
I have complied with the organisation's maternity/adoption leave curtailment requirements (including taking at least 2 weeks maternity leave following the birth of my child or 2 weeks adoption leave), have returned to work before the end of my statutory maternity leave period, if appropriate, and will comply with the organisation's shared parental leave notice and evidence requirements	
I agree to return to work for a period of 6 months following Shared Parental Leave and understand that if I do not I will be required to repay any Occupational Shared Parental Pay received	

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

<b>Signed (*Mother or parent claiming Maternity or Adoption Leave):</b>	
<b>Dated :</b>	

**Section C: Declaration to be Completed by Employee's Partner**

My name is:

My address is:

My national insurance number is:  
(Please advise if you have no national insurance number)

The name, address and contact details of my employer are:

**By signing this application form I satisfy/will satisfy the following eligibility requirement to enable the mother (or parent claiming maternity/adoption leave): to take shared parental leave:**

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

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

Signed (Parent):

Dated :

## Form E - Shared Parental Leave: Notice of Intention and Entitlement

(To be completed if you are the Parent not claiming Maternity or Adoption Leave  
working for NHS D&G)

Name of Employee:	
Pay Number:	
Job Title:	
Department:	
Location:	
Contact Details -Tel No: Email Address:	

I wish to provide the organisation with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and the mother.

### Section A: Information to be Provided by Employee – Please Print

The mother's* name is:	
My child's expected week of birth is/child was born on/adoption date:	
The mother's* maternity/adoption leave started/is expected to start on:	<b>(Date A)</b>
The mother's* maternity/adoption leave ended/is expected to end on	<b>(Date B)</b>
Number of weeks maternity/adoption leave taken between Date A & B:	<b>(Date C)</b>
The total amount of Shared Parental Leave the mother* and I have available is (52 weeks less Date C):	

I intend to take the following period/s of Shared Parental Leave  
(Maximum of 3 periods, running in complete weeks Monday to Sunday)  
(If you can not provide all of this information at this point you can submit a separate application in the future – see Appendix F)

	Starting on Monday the	Ending on Sunday the	No of weeks
Period 1			
Period 2			
Period 3			
<b>TOTAL NUMBER OF WEEKS</b>			

The mother\* intends to take the following period/s of shared parental leave (Maximum of 3 periods, running in complete weeks Monday to Sunday):  
 (If you can not provide all of this information at this point you can submit a separate application in the future – see Appendix F)

	Starting on Monday the	Ending on Sunday the	No of weeks
Period 1			
Period 2			
Period 3			
<b>TOTAL NUMBER OF WEEKS</b>			

**Section B: Declaration to be completed by Employee**

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

Eligibility requirement	Tick
I have/will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/adoption date and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation	
At the date of the child's birth/adoption date, I have/will have the main responsibility, apart from the mother, for the care of the child and will refrain from any paid employment during the period of leave	
I will comply with the organisations shared parental leave notice and evidence requirements	
I am the father of the child, or at the date of the birth/adoption date I was/will be the mother's spouse, civil partner or living with the mother and her child in an enduring relationship.	
I will immediately inform the organisation if I cease to care for the child or if the child's mother informs me that she has revoked the curtailment of her maternity/adoption leave or SMP/Maternity Allowance/Adoption Pay	
I have attached copy of the MAT B1 Form/Child's Birth Certificate	
I agree to return to work for a period of 6 months following Shared Parental Leave and understand that if I do not I will be required to repay any Occupational Shared Parental Pay received	
I consent to the amount of Shared Parental Leave/Shared Parental Pay which the mother intends to take, as set out in this application	

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

Signed (partner):

Dated :

**Section C: Declaration to be Completed by the Mother\***

My name is:

My address is:

My national insurance number is:  
(Please advise if you have no national insurance number)

The name, address and contact details of my employer are:

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

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

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

Signed (\*Mother or parent claiming Maternity or Adoption Leave):

Dated :

### Form F - Shared Parental Leave: Period Of Leave Notice

<b>Name of employee:</b>			
<b>Pay Number:</b>			
<b>Job Title:</b>			
<b>Department:</b>			
<b>Location:</b>			
<b>Contact Details -Tel No: Email Address:</b>			
I wish to take the following period(s) of Shared Parental Leave. Please complete either section A <u>or</u> section B.			
My child's expected week of birth or adoption is/ child was born on:			
<b>Section A: please fill out if your child has already been adopted or born or if you know the exact dates on which you would like to take shared parental leave.</b>			
I intend to take shared parental leave on the following dates			
	<b>Starting on Monday the</b>	<b>Ending on Sunday the</b>	<b>No of weeks</b>
Period 1			
Period 2			
Period 3			
<b>TOTAL NUMBER OF WEEKS</b>			
<b>Section B: please fill out if your child has not been born yet and you wish your shared parental leave to start either on the day on which your child is born, or a specified number of days after the day on which your child is born. (tick to indicate)</b>			
<b>Start date</b>			<b>Tick</b>
I wish my shared parental leave to start on the day on which my child is adopted or born			<input type="checkbox"/>
I wish my shared parental leave to start _____ days following the date on which my child is adopted or born.			<input type="checkbox"/>
<b>Signed:</b>			
<b>Date:</b>			

**SECTION C: AUTHORISATION – to be completed by Line manager**

Having considered the above request for Shared Parental Leave I have circled the outcome below and confirm this was discussed with the staff member.			
<b>Approve block – Continuous</b>	<b>Approve blocks- Discontinuous</b>	<b>Alternative Blocks - Discontinuous</b>	<b>Declined blocks- Discontinuous</b>
Alternative blocks, if applicable			
	<b>Starting on Monday the</b>	<b>Ending on Sunday the</b>	<b>No of weeks</b>
Period 1			
Period 2			
Period 3			
<b>TOTAL NUMBER OF WEEKS</b>			
Signed – <b>Line Manager</b>		Dated	
Print Name		Job Title	

<b>I confirm that the alternative discontinuous blocks above are acceptable to me.</b>			
Signed – <b>Staff Member</b>		Dated	

**SHARED PARENTAL LEAVE IN TOUCH DAYS (SPLIT)  
PAYMENT REQUEST FORM**

*Please complete in BLOCK Capitals*

**EMPLOYEE NAME:** \_\_\_\_\_

**PAY NUMBER:** \_\_\_\_\_ **GROUP CODE** \_\_\_\_\_ **PAY POINT** \_\_\_\_\_

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

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

<b>Date of Shift</b>	<b>Start Time</b>	<b>End Time</b>	<b>Total no. of Hours to be paid for</b>	<b>Any Additional Information (e.g. any enhancements etc)</b>

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Authorising Manager:** \_\_\_\_\_ **Date:** \_\_\_\_\_