

Shared Parental Leave Policy

Purpose

The aim of this policy is to create a new, more equal system which allows both parents and / or partners to assist with childcare and keep a strong link to their workplace.

For the purpose of this policy, mother, father, parents and employee are referred to, however it is important to note that the criteria covers a mother or fathers partner, including same sex partner where they have joint responsibility for caring the baby.

What is Shared Parental Leave?

This document explains the Policy for Shared parental leave, which is a great new way for parents to share statutory leave and pay on the birth of their child.

- It replaces the current additional paternity leave regime. However, it is separate from the right to unpaid parental leave;
- Does not replace the current maternity leave and pay arrangements.
- Similar rights apply to adoptions.
- The intended parents in a surrogacy arrangement are also entitled to take advantage of shared parental leave.
- These rights also apply to partnerships of the same sex, so references to fathers should be taken as including women in same-sex partnerships.

Whilst every attempt has been made to simplify the detail, the policy itself is fairly complex. Therefore, we strongly recommend that you contact a member of the Coach HR Team with any queries, on how shared Parental Leave can work for employees.

Who does Shared Parental Leave Apply to?

After the initial two week compulsory maternity leave period, a mother can choose to end her maternity leave, should she wish to do so, and the parents can commence Shared Parental Leave. The parents can decide how to split the remaining weeks of leave between them and the leave can be taken separately or at the same time.

How does shared parental leave impact on current maternity and paternity arrangements?

The impact of the introduction of shared parental leave on the current system of maternity and paternity leave is as follows.

Maternity leave

- The mothers will continue to be entitled to take 26 weeks' ordinary and 26 weeks' additional maternity leave as they are now.

- The mother must take two weeks' compulsory maternity leave immediately following the birth of the child, which may not be shared with the father.
- The mothers rights during maternity leave will stay the same.
- Statutory maternity pay entitlements will stay the same.

However, the key change is that the mother can elect to bring maternity leave to an end early and opt-in to a period of shared parental leave and pay instead.

(Please also refer to the Company Maternity Policy).

Paternity leave

- The two week period of ordinary paternity leave (paid at the statutory rate) will continue to be available.
- Ordinary paternity leave must be taken during the eight weeks following the birth of the child (but is not compulsory) and may not be shared with the mother.

Additional paternity leave and additional statutory paternity pay will be abolished in relation to parents of children due on or after 5 April 2015 and replaced with shared parental leave and pay.

How shared parental leave will work?

The new system of shared parental leave is explained below.

Am I eligible for shared parental leave?

If a mother decides not to take her full maternity leave entitlement, she and the father will be able to opt-in to shared parental leave. A mother must end her maternity leave in writing, this is called curtailment. Please submit a Leave Curtailment Notice ([please see appendix 1](#)) Once curtailment has happened a mother cannot opt to go back on to maternity leave.

Both parents must meet a set of eligibility criteria, which are:

Eligibility Criteria	√ / x
You must have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth	
You must remain continuously employed until the week before any period of shared parental leave starts	
You already have or expect to have main responsibility for caring for the child	
The mother is entitled to statutory maternity leave.	
The mother has curtailed her entitlement (formally ended her maternity leave in writing) to maternity leave or has returned to work.	

You have provided your line manager / HR with notice of entitlement and intention to take shared parental leave (see appendix 2).	
You have provided the evidence requested by your line manager/HR within 14 days of the request. This may include a copy of the birth certificate, or a declaration from you confirming the date and place of the child's birth if the birth certificate is not yet available, and the name and address of the other parent's employer.	
You have given your line manager/HR a period of leave notice (see appendix 2).	

Shared parental leave is available to both Parents, where they satisfy the eligibility criteria. Please contact the HR department for further information. However, in order to be eligible, both Parents must qualify for shared parental leave.

What is my entitlement for adoption/surrogacy?

Shared parental leave will apply to parents who are adopting a child due to be placed on or after 5 April 2015 via an adoption agency. In order for adoptive parents to take shared parental leave in respect of a child they must meet similar eligibility criteria as described above, and be entitled to statutory adoption leave. Parents must provide a similar notice of entitlement to their line manager/HR. However, the notice must also confirm:

Eligibility Criteria	√ / x
the date the parents were notified as having been matched with the child,	
the date the child is expected to be placed with the parents	
a declaration which includes the parents' national insurance numbers and consent to the amount of time the other parent intends to take.	

If the line manager/HR request any evidence of eligibility then, instead of providing a birth certificate, the employee may be asked to provide copies of documents issued by the adoption agency confirming the date the parents were matched with the child. The other requirements such as for giving notice, timeframes and periods of continuous or discontinuous parental leave follow the same process as outlined above.

For surrogacy arrangements, if the intended parents have applied, or intend to apply, for a 'parental order' then, subject to meeting qualifying conditions, the nominated 'primary' adopter will be entitled to take adoption leave and pay and to end their adoption leave early and move onto shared parental leave.

What amount of shared parental leave is available to you?

The maximum amount of leave that can be shared between the parents is 50 weeks. The leave can be taken during the 12 months following the birth of the child, but cannot begin earlier than two weeks following the child's birth, as the mother has two compulsory leave weeks following the birth of her child.

Taking into account a mother's entitlement to Maternity leave and a father's entitlement to Paternity leave (please see separate policies), a mother or father may take 52 weeks shared parental leave in total. This reduces where either take a portion of the 50 weeks shared leave.

Shared parental leave only becomes available once the mother has given notice to end her entitlement to maternity leave early (curtail her maternity leave). This means that the portion of maternity leave which is untaken by the mother will, in effect, be converted into shared parental leave.

Only the two weeks of compulsory maternity leave may not be shared in this way. Therefore, any period of maternity leave taken by the mother will be deducted from the period of 50 weeks' shared parental leave, with the balance available to be shared between the parents.

For example;

- A mother takes 10 weeks maternity leave;
- She gives 8 weeks notice after 2 weeks compulsory maternity leave to curtail her leave;
- She returns to work after taking 10 weeks maternity leave;
- This means that 42 weeks Shared Parental leave remain to be shared.

The leave can be taken separately or at the same time, subject to the following requirements:

- the minimum period of leave is one week,
- the leave is taken in multiples of complete weeks, and
- the leave may be taken as one continuous period or discontinuous periods.

The mother can return to work after maternity leave and take shared parental leave at a later date or dates (subject to the notice requirements explained below).

Similarly, the father can take shared parental leave at any time with 8 weeks notice – it does not need to start as soon as the mother has given notice to curtail her entitlement to maternity leave or have returned to work.

Shared parental leave can also be taken when the other partner is on another type of leave, such as paternity leave or unpaid parental leave. A father could start a period of shared parental leave while the mother is still on maternity leave provided she has given a binding notice to end her entitlement to maternity leave (see below).

How do I notify the end of my maternity leave and make a request to take shared parental leave?

This starts with the mother giving notice to end her maternity leave early (curtailment notice).

The parent or parents wishing to take shared parental leave must then give notice of this to their line manager. Separately, you should also give details of the leave requested.

Notice to end maternity leave

The mother must provide her employer eight weeks' notice to end her entitlement to maternity leave early, which will then enable both parents to take advantage of shared parental leave.

This notice can be given before or after the birth. If it is given after the birth, the notice is binding. However, if notice is given before the birth, the mother is able to revoke the notice up to six weeks after the birth – this is in case an unplanned situation arises following the birth of the child.

Notice of entitlement and intention to take shared parental leave

If one or both parents wish to take shared parental leave they must submit a written 'notice of entitlement' to their Line Manager at least eight weeks before the start of the first period of shared parental leave. The notice should include the following information:

- the mother's and father's names and national insurance numbers,
- the start and end date of any period of statutory maternity leave taken/to be taken by the mother,
- the amount of any statutory maternity pay or maternity allowance received or to be received by the mother,
- the expected week of childbirth and/or actual date of birth of the child,
- the total amount of shared parental leave available,
- confirmation that the mother/father is sharing child care responsibilities with their partner,
- a non-binding indication of how much shared parental leave both parties intend to take and the proposed start and end dates of such leave, and
- a declaration from each parent to confirm that:
 - the mother satisfies the eligibility criteria,
 - the father satisfies the eligibility criteria,
 - that the information given is accurate, and
 - that if either parent ceases to meet the conditions of entitlement to shared parental leave then they will immediately notify the employer.

Parents may vary the amount of shared parental leave they intend to take by giving written notice to their employers and there is no limit on the number of times the parents may make a variation to a notice of entitlement to shared parental leave, so

long as this is done before the formal 'period of leave' notice has been given (see below).

Period of leave notice

Parents must also provide their Line Manager with a written 'period of leave' notice by giving the start and end dates of the periods of leave requested. The period of leave notice will trigger a discussion with your line manager/HR to agree the leave.

- The notice must be given not less than eight weeks prior to the requested start date.
- The notice can be given at the same time as the notice of entitlement referred to above, or can be given later.
- The notice can request one or more periods of leave.
- If the notice has been given before the child is born then the start date may be expressed as a number of days from the date the child is born.

Only three period of leave notices can be given by each parent. A notice to cancel or vary a period of leave that has already been arranged (referred to below) may count as one of the three period of leave notices.

Managers guidance on Managing Shared Parental Leave

Managing shared parental leave can be complex, so if you have any questions or would like support please contact HR who will help you understand employees entitlements.

We recommend that all shared parental leave requests are discussed in a face to face meeting with the employee to enable you both to fully understand the requests and to enable the manager to make plans to cover the role in the parent's absence.

Agreeing shared parental leave with employees

The rules on agreeing requests for shared parental leave with the employee vary depending on the pattern of leave that has been asked for.

Continuous periods of shared parental leave

If an employee simply requests one period of continuous shared parental leave, the employee is entitled to take that period of leave. The employer cannot refuse this request provided the employee meets the eligibility criteria stated above.

Discontinuous periods of shared parental leave:

Agreement for a period of leave is necessary if an employee requests discontinuous periods of shared parental leave – meaning two or more periods of leave separated by periods at work. Within two weeks of the date of the period of leave notice the employer may:

- agree to the periods of leave requested,
- propose alternative dates, or
- refuse the leave without proposing alternative dates.

If the parties can agree the periods of leave within this two week period then the employee is entitled to take that leave on the agreed dates. If the parties cannot agree the periods of leave then the employee may either withdraw the request or take the total amount of leave requested as one continuous period of leave. The default position is that leave should be taken in a single block commencing on a date specified by the employee but with at least eight weeks' notice to the employer. Where an employee withdraws their request, this will then not count as a 1 of their 3 applications.

Variations to a period of shared parental leave

Once a period of leave has been agreed, if the employee wishes to cancel or amend the period they must send their line Manager/HR written notice to vary the leave.

The variation notice may:

- cancel a period of leave,
- vary start and end dates,
- vary the amount of leave, or
- ask for a single period of leave to become discontinuous or vice versa.

The notice must be given at least eight weeks before the original start date (when seeking to cancel a period of leave) or the date to be varied and the new date (when seeking to make a variation to the period of leave).

A notice to cancel or vary a period of leave will count as one of the three period of leave notices, unless:

- *the variation is as a result of the employee's child being born earlier or later than the expected week of childbirth;*
- *the variation is at our request; or*
- *we agree otherwise.*

Change in employees' circumstances

We recognise that a parent's circumstances may change after periods of shared parental leave have been arranged. This could be difficult for managers if the change is at short notice and arrangements to cover the absence are already in place. Therefore, the regulations allow the line manager/HR to hold the employee to the agreed arrangements in certain circumstances. This is designed to ensure that there will always have at least eight weeks' notice of a change in the planned arrangements.

If less than eight weeks before either parent is due to take a period of parental leave

- the parent informs their line manager/HR that they no longer meet the conditions of entitlement and,
- it is not reasonably practicable for the line manager/HR to accommodate this change in circumstances

The line manager/HR may still require that the parent takes a period of leave. The leave must be treated as shared parental leave and will start on the same date that the next period of shared parental leave was due to start. It will either end on the same end date, or eight weeks from the date the line manager/HR is informed of the change in circumstances, whichever is earlier.

Entitlement to shared parental pay

Up to 37 weeks of shared parental pay will be available to be shared between the parents.

Statutory shared parental pay is paid for 37 weeks at the **lower** of the statutory prescribed rate or 90 per cent of the relevant parent's normal weekly earnings (subject to the lower earnings limit). The remaining 13 weeks of shared parental leave are unpaid.

This means that statutory shared parental pay is paid at the lower level throughout the leave period.

Shared Parental Leave In Touch (Split) days

Each parent is entitled to 20 SPLIT days under shared parental leave. These are in addition to the Keeping in touch (KIT) days already available for women on statutory maternity leave.

Protections for employees taking up shared parental leave

As with maternity and paternity leave, protections have been put in place for employees who take shared parental leave in order to ensure that they are not disadvantaged by taking this leave. These protections relate to terms of employment, return to work, and general treatment. Employees who take shared parental leave are entitled to the benefit of all terms and conditions of employment, except remuneration, which would have applied if they had not been absent.

An employee's right to return to the same job varies depending on the length of the leave. The key time period is 26 weeks, including any combination of maternity, adoption, paternity or shared parental leave. Employees are entitled to return to the same job if they have taken leave of 26 weeks or less, regardless of how many periods of leave they have taken.

Employees who take more than 26 weeks' leave have the right to return to either the same job, or a similar job if it is not reasonably practicable to return to the same position.

Employees also have protection against dismissal or detriment for making or proposing to make use of the new shared parental leave system.

How does this impact adoption and surrogacy arrangements?

Shared parental leave will apply to parents who are adopting a child due to be placed on or after 5 April 2015 via an adoption agency. In order for adoptive parents to take shared parental leave in respect of a child they must meet similar eligibility criteria as described above, and be entitled to statutory adoption leave. Parents must provide a similar notice of entitlement to their line manager/HR. However, the notice must also confirm:

- the date the parents were notified as having been matched with the child,
- the date the child is expected to be placed with the parents, and
- a declaration which includes the parents' national insurance numbers and consent to the amount of time the other parent intends to take.

If the line manager/HR request any evidence of eligibility then, instead of providing a birth certificate, the employee may be required to provide copies of documents issued by the adoption agency confirming the date the parents were matched with the child. The other requirements such as for giving notice, timeframes and periods of continuous or discontinuous parental leave follow the same process as outlined above.

For surrogacy arrangements, if the intended parents have applied, or intend to apply, for a 'parental order' then, subject to meeting qualifying conditions, the nominated 'primary' adopter will be entitled to take adoption leave and pay and to end their adoption leave early and move onto shared parental leave.

Protecting employees on return from Shared Parental Leave

It is recommended that all parents returning from Shared Parental leave meet with their line manager and complete a risk assessment to ensure they are protected upon their return to work. It may be challenging for employees returning to work for short periods to adjust to the workplace, so it is for the line manager and the employee to assess possible risks and to put appropriate plans in place. Please speak to Health and Safety Team for further support on risk assessments if needed.

For further queries on this policy, please do not hesitate to contact a member of the Coach HR team.

Appendix 1

Notice of Intention to Curtail Leave

This form is to be completed if:

- you are on maternity/adoption leave;
- in receipt of statutory maternity/adoption pay.

This notice is to inform The Company that you wish your maternity/adoption leave and pay to end in order that the person who shares main responsibility to care for the child can take shared parental leave.

Your partner/the other parent is not entitled to take shared parental leave until you have submitted this notice of curtailment.

You are required to provide at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

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

Name

Signature

Date

Please submit a copy of this form to your line manager and the HR department.

Date form submitted:	
Date received by HR:	
Date received by Line Manager:	

Appendix 2

Notice of Entitlement and Intention to take Shared Parental Leave (SPL)

Criteria	Details
Employee Name / Employee Number	
Line Manager Name:	
Mothers Name / NI Number	
Fathers Name / NI Number	
Details of Maternity Leave: Start date / Intended start date End date / intended end date	
Please provide the details of statutory maternity pay or maternity allowance to be received / already received by the mother	
The expected week of childbirth /or actual date of birth (available from the mothers MATB1 certificate or Childs birth certificate)	
Please state the amount of shared parental leave available	
Please detail or give an indication as to the amount of shared parental leave both parties intend to take as well as the proposed start and end dates of the leave	

<p>Please sign opposite to confirm that you are sharing child care responsibilities.</p> <p>Please state your name and sign also</p>	
<p>Please state your full names and provide a signature to confirm that both parties satisfy the following criteria:</p> <ul style="list-style-type: none"> • the mother satisfies the eligibility criteria, • the father satisfies the eligibility criteria, • that the information given is accurate, and • that if either parent ceases to meet the conditions of entitlement to shared parental leave then they will immediately notify the employer. 	<p>Mothers name:</p> <p>Mothers signature:</p> <p>Date:</p> <p>Father's name:</p> <p>Father's signature:</p> <p>Date:</p>

For completion by employee's partner:

(This should be completed if National Express should need to contact your partners/husbands employer)

Company Name:	
Company Address:	
Company Telephone Number:	
Job Title:	
Manager Name and contact email address:	

Declaration

We confirm that the information provided above is true and accurate at the time of completion.

Name	
Signature	
Date	
Name	
Signature	
Date	

Please submit a copy of this form to your line manager and the HR department.

Date form submitted:	
Date received by HR:	
Date received by Line Manager:	

Appendix ?

Notice To Vary a Period of Shared Parental Leave

Please complete and return this form to your manager if you wish to request to vary a previously approved period either by varying start and end dates; the amount of leave or where a request is to amend a single period to be discontinuous or vice versa.

You must

- have previously submitted the Notice of Entitlement and Intention to Take Shared Parental Leave
- have had your entitlement to shared parental leave confirmed
- give at least eight weeks' notice of the start date of the leave.

Please refer to The Company's Shared Parental Leave policy for details on eligibility and further information before completing this form.

Both parents should sign the declaration at the end of the document.

Name of employee	
Name of other parent / person responsible for sharing child care	
Please detail original shared parental leave dates to be varied or cancelled: Start Date End Date Number of Weeks	
Please detail new Shared Parental Leave Dates: Start Date End Date Number of Weeks	
Please state the number of weeks' you have claimed/intend to claim	

Number of weeks' you have claimed	
Number of weeks' you intend to claim	
Number of weeks' the other parent / person responsible jointly for the care of the child has claimed	
Number of week the other parent / person responsible jointly for the care of the child intends to claim	

Declaration

We confirm that we agree to the request /variation(s) detailed above.

Name	
Signature	
Date	
Name	
Signature	
Date	

Please submit a copy of this form to your line manager and the HR department.

Date form submitted:	
Date received by HR:	
Date received by Line Manager:	



Letter Requesting Employee to attend meeting to discuss Discontinuous Leave Request

Name
Address
Address

Date

Dear Name,

Thank you for submitting your notice to take a period of shared parental leave (SPL).

Or

Thank you for your notice to vary a previously submitted period of shared parental leave (SPL) request.

You have indicated that you would like to take leave on the following dates:
(insert dates submitted on the period of leave notice)

* You have also confirmed that you wish to claim shared parental pay for the following dates:

- (insert dates submitted on the period of leave notice)

As the dates you have requested are discontinuous, before we can confirm whether or not The Company is able to agree to those dates we would like to meet with you to discuss your request in more detail.

A meeting has been arranged with Name, Job Title on Date at Time at Location.

I would be grateful if you would please confirm your attendance with me by telephoning me on Number no later than Date.

Further details of The Company's Shared Parental Leave policy are available in the SPL Policy.

Yours sincerely,

Name
Job Title



Letter declining a period of shared parental leave

Name
Address
Address

Date

Dear Name,

Thank you for submitting your notice to take a period of shared parental leave (SPL). You have indicated that you would like to take leave on the following dates:

(Insert dates submitted on the period of leave notice)

Having given the proposal thorough consideration, I regret that The Company is unable to agree to the pattern of discontinuous leave that you requested. Your manager has discussed alternative options with you, but agreement to an alternative pattern of leave has not been reached because PLEASE INSERT REASONS

Given that we have not reached agreement, you have the following options:

- To take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- To take the continuous block starting on a new date. The new start date cannot be sooner than eight weeks from the date the original notification was given, and you notify the company of the new date within 19 days of the original request
- To withdraw the request at any time up to the 15th day after it was originally made. If the request is withdrawn in these circumstances it will not count as one of your three requests
- To submit another period of leave request.

I would be grateful if you would please contact me by Date with details of your final decision. PLEASE INSERT CONTACT DETAILS

Please do not hesitate to contact me if you have any further queries.

Yours sincerely,

Name
Job Title



Letter confirming a period of shared parental leave

Name
Address
Address

Date

Dear Name,

Thank you for submitting your notice to take a period of shared parental leave (SPL).

Or

Thank you for your notice to vary a previously submitted period of shared parental leave (SPL) request.

You have indicated that you would like to take leave on the following dates:

(Insert dates submitted on the period of leave notice)

* You have also confirmed that you wish to claim shared parental pay for the following dates: (Insert dates submitted on the period of leave notice)

I can confirm that the dates you have given are binding and that you are entitled to the shared parental pay you have claimed for those dates.

You will continue to receive your usual contractual benefits during your SPL period (apart from remuneration). Your contractual holiday entitlement continues to accrue and your manager may discuss appropriate arrangements for taking your holiday entitlement with you before your SPL starts.

You may be asked to attend work on occasional days during your SPL period or can request yourself to attend work during your SPL. These days could be for training, to attend department meetings, or just for 'keeping in touch'. You may work for up to 20 days without bringing the SPL to an end, but work during SPL will not have the effect of extending your SPL period. If you do work, you will be paid your normal rate of pay inclusive of any shared parental pay entitlement. You are under no obligation to work during SPL, and the company is under no obligation to offer work.

If you wish to return early from SPL, or extend the period of your SPL, you must notify the company at least eight weeks' before both the original end date and the new end date.

Please remember to give at least eight weeks' notice of any additional period of leave requests, or any requests to vary periods of leave.

Please do not hesitate to contact me if you have any further queries.

Yours sincerely,
Name
Job Title