**Shared Parental Leave Policy**

September 2018

**Purpose**

Daniel Thwaites Plc ("the Company") operates the following policy in relation to providing employees with the general outline of the statutory provisions relating to shared parental leave and pay. This policy applies to all employees of the Company, regardless of their position. It applies equally to all employees regardless of their age, sex, marital or civil partnership status, racial or ethnic group, disability, sexual orientation, religion or belief.

**Scope**

The policy is a guide only and not contractual and applies to all employees within the Thwaites group of companies.

Principles

The key principles of this policy are to inform parents following the birth or placement of a child that Shared Parental Leave is an option. The leave gives both Parents/Partners the flexibility to decide how to share the care of their child in the first year following birth or placement. Assuming both Parents/Partners are eligible, they will be able to choose how to split the available leave between them and can decide to be off work at the same time or at different times.

# Definitions

**Expected Week of Childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects the employee, spouse, civil partner or Partner to give birth.

**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).

**Partner:** someone (whether of a different sex or the same sex) with whom the employee lives in an enduring family relationship, but who is not the employees parent, grandparent, sister, brother, aunt or uncle.

**Qualifying Week**: the fifteenth week before the EWC or the week the adoption agency notifies the employee or their Partner that they have been matched with a child for adoption.

**SPL:** Shared Parental Leave

**SMP**: Statutory Maternity Pay

**MA:** Maternity Allowance

**SAP:** Statutory Adoption Pay

**ShPP:** Statutory Shared Parental Pay

**Eligibility**

Employees will be entitled to SPL if the employee has been continuously employed by the Company for at least 26 weeks ending with the Qualifying Week, will still be employed in the week before the leave is to be taken and:

* Is the mother of the child
* Is the father of the child
* Is the Partner of the child's mother
* Has been matched with a child by an adoption agency
* Is the Partner of someone who has been matched with a child by an adoption agency
* Expects to share main responsibility for the child's upbringing
* Intends to take leave for the purpose of caring for the child, or supporting the child's mother, adopter or co-adopter in caring for the child.

If the employee is the child’s father or the mother’s Partner, they must:

* have worked (in employment or in a self-employed capacity) for at least 26 weeks out of the 66 weeks before the EWC (or in cases of adoption before the Qualifying Week); and
* had an average weekly earnings of £116.

To be entitled to SPL the employee must also give the necessary statutory notices and declarations. Further details can be found below.

# Entitlement

Employees are able to take up to a total of 52 weeks SPL, minus any time taken for maternity or adoption leave. The leave can be taken in continuous or discontinuous blocks and Parents are entitled to leave at the same time or on an alternating basis.

Mothers or adopters of the child cannot start SPL until after the compulsory maternity leave period of two weekshas been taken.

The child’s father or mother’s partner, providing the correct notice has been given, can take SPL immediately following the child’s birth or placement or at any time after the child’s mother has given notice to end her maternity or adoption leave. Please note that whilst employees will be entitled to paternity leave of up to two weeks, this entitlement will be lost upon commencement of SPL unless taken beforehand.

The SPL must end no later than one year after the child’s birth/placement or the leave will be lost.

**Notification**

Employees who wish to take SPL must provide notice in writing of their intention to do so eight weeks prior to the intended period of SPL. The notice must confirm:

* Name and the name of the other Parent/ Partner;
* The Expected Week of Childbirth or Qualifying Week in the case of adoption;
* The total number of SPL weeks available together with details of how many weeks the employee intends to take as SPL;
* The date the employee wishes SPL to start and finish;
* The start and end dates of any maternity or adoption leave to be taken;
* The SPL allocation between the employee and their Parent/Partner;
* An indication of the pattern of leave the employee wishes to take, including suggested start and end dates for each period of leave;
* The total number of ShPP weeks available and details of allocation to their Partner

Employees must also provide us with a declaration confirming:

* They meet the eligibility requirements for SPL; and
* They will immediately inform the Company upon ceasing to be eligible for SPL.

If the employee is the father of the child, or the mother’s Partner, they are only able to take SPL once the following has occurred. The employee must provide a written declaration from the mother of the child confirming:

* Name, address and National Insurance number;
* The date she intends to return to work;
* That the employee will share the main responsibility with her in caring for the child;
* She satisfies the employment and earnings test as detailed above;
* That, to her knowledge, the employee is the only person exercising an entitlement to SPL in respect of the child;
* She consents to the amount of SPL that the employee intends to take;
* She consents to us processing the information the employee has provided; and
* She will immediately inform us if the employee ceases to be entitled to SPL.

At the Company’s request, the employee may also be required to provide:

* A copy of the child's birth certificate; or
* Documentary evidence of the name and address of the adoption agency and the date on which the agency expects to place the child; and
* the name and address of the other Parent/ Partner’s employer.

# Ending Maternity or Adoption Leave

**Ending the employee’s maternity or adoption leave**

If the employee is the child’s mother and they are still on maternity or adoption leave, they must provide at least eight weeks written notice to end their leave (via a curtailment notice) before they can begin SPL.

Employees must provide notice of their Partner’s or the other Parent wishes to opt into the SPL scheme and a written declaration that the other Parent or Partner has given their employer an opt-in notice and necessary declarations. Provided that the employee has given this notice their Partner may be eligible to start SPL prior to them finishing their maternity or adoption leave.

The notice will be binding and cannot normally be revoked. Employees can only revoke a curtailment notice if their maternity or adoption leave has not yet ended and one of the following applies:

* The employee realises that neither parties are eligible for SPL and the notice is revoked in writing up to eight weeks after the original notice was given;
* The employee gave the notice before the birth and the employee serves notice to revoke it in writing up to eight weeks after it was originally given or 6 weeks after birth, whichever is later; or
* If the other Parent or Partner has died.

**Ending the employees Partner's maternity or adoption leave**

If the employee is not the mother, and their Partner is still on maternity or adoption leave or claiming SMP, MA or SAP, they will only be able to take SPL once she has either:

* returned to work;
* given her employer notice to end her maternity or adoption leave;
* given her employer notice to end her SMP or SAP; or
* given the benefits office a curtailment notice to end her MA.

# Commencing Leave

At least eight weeks prior to taking leave, employees must ensure they submit a period of leave notice detailing the exact dates they wish their leave to start. In cases of birth, employees will be able to specify that leave will begin on the date of birth.

On receiving the period of leave notice, an informal meeting may be arranged to discuss the employee’s SPL entitlement.

**Continuous Leave**

If the period of leave notice is for a single continuous block of SPL, employees will be entitled to take the leave as set out in their notice. The leave will be confirmed in writing within 14 days.

In total employees can give up to three period of leave notices which may enable them to take up to three different blocks of leave where the SPL is split into shorter periods (of at least a week) with periods of work in-between. Employees must submit a notice setting out their requested pattern of leave at least eight weeks before the intended leave date.

Discontinuous Leave

All requests for discontinuous leave will be carefully considered on a case by case basis considering individual and business needs.

Within 14 days of receiving the employee’s notice for discontinuous leave the Company may:

* accept the request and confirm this in writing;
* propose a modified period of discontinuous leave; or
* refuse the request.

If the request has been refused the Company will hold a meeting with the employee to discuss the reasons why and confirm this in writing. Following this, the employee will be entitled to take the leave in a continuous block starting on the date provided in the notice. Alternatively the employee may choose to:

* Vary the start and end dates of leave (which must be at least eight weeks after the original period of leave notice was given); or
* Withdraw the period of leave notice within 15 days after notification has been received.

**Changing Leave Dates**

Where an employee is due to take SPL in respect of a child’s birth or placement, they can provide written notice to cancel or vary the period of leave booked. This notice should be given at least eight weeks before:

* the original start date and the new start date;
* the original end date or the new end date;
* the start date of the first period of leave if the employee want to combine split periods of leave into a continuous period of leave; or
* the start date of leave if the employee wants to split periods of leave into a discontinuous period of leave.

If the employee is unable to provide eight weeks’ notice of their wish to vary leave, or their child has been born earlier than the EWC, they must notify the Company in writing as soon as possible.

**Premature Birth**

Where the child is born early (before the beginning of the EWC), employees may be able to start SPL in the eight weeks following birth even though eight weeks’ notice cannot be given. The following rules apply:

* If the employee has given a period of leave notice to start SPL on a set date in the eight weeks following the EWC, but their child is born early, the employee can move the SPL start date forward by the same number of days, provided they notify the Company in writing of the change as soon as possible.
* If the employee’s child is born more than eight weeks early and they want to take SPL in the eight weeks following birth, the employee must submit an opt-in notice and their period of leave notice as soon as possible.

**Statutory Shared Parental Pay**

Employees may be entitled to up to 39 weeks of ShPP if they have at least 26 weeks’ continuous service at the end of the Qualifying Week and their average weekly earnings are not less than the lower earnings limit set by the Government.

ShPP will be paid in the same way as salary, subject to deductions for tax and National Insurance contributions and will be paid at the same standard rate as maternity or adoption pay.

ShPP will be paid for a total of 39 weeks less any weeks of SMP, MA or SAP already claimed by the mother.

If an employee intends to claim ShPP, they must provide notice in writing eight weeks prior to the period in which they intend to claim ShPP. Employees must also provide a written declaration.

If an employee has provided incorrect or fraudulent information this may be treated as misconduct and will be dealt with under the Company’s disciplinary procedure.

**Terms and Conditions During Leave**

All terms and conditions remain in force during SPL except for the terms relating to pay. In particular:

* Benefits in kind shall continue;
* Annual leave entitlement shall continue to accrue; and
* Pension benefits shall continue. Pension contributions will continue to be made during any period when the employee is in receipt of ShPP but not during any period of unpaid SPL.

**Keeping in Touch Days**

The Company may make reasonable contact with the employee from time to time during SPL. To enable employees to keep in touch with the Company, the employee may agree with the Company to undertake work, training or activities for a limited number of up to 20 days during the leave period, without bringing that leave period to an end or losing entitlement to SPL. This may be in addition to any days taken during maternity or adoption leave.

Any time worked will be paid at the employee’s normal rate of remuneration and this will be inclusive of any ShPP entitlement.

Work undertaken is not obligatory and will be agreed between the employee and their line manager.

Shortly before an employee is due to return to work, a discussion (whether in person or by telephone) may be held about the arrangements on the employee’s return. This may cover:

* Updating the employee on any changes that have occurred during their absence;
* Any training needs the employee might have; and
* Any changes to working arrangements

**Returning To Work**

Employees who wish to return to work early from SPL or extend their SPL must provide at least eight weeks’ written notice. Failure to do so reserves the right for the Company to postpone the return. If an employee has provided three period of leave notices, they will not be able to end their SPL early without authorisation.

Employees who intend to return to work at the end of their leave entitlement will be entitled to return to the same job on the same terms and conditions which applied before leave commenced.

Employees who are unable to return to work from SPL as expected due to sickness or injury will be treated as being absent on sick leave and our Sickness Absence Policy will apply. In any other case, a late return will be treated as unauthorised absence.

Employees who wish to change their working patterns on return from SPL should follow the Flexible Working Policy.

Should an employee wish to resign, a resignation should be submitted in writing giving the correct notice as per the terms in their contract. Note that this does not affect an employee’s right to receive ShPP.

For further details about SPL see <https://www.gov.uk/shared-parental-leave-and-pay>