

# Shared Parental Leave Policy

<b>Policy Number</b>	265
<b>Policy Owner</b>	Head of HR
<b>Version</b>	1.3
<b>Last Review Date</b>	May 2019
<b>Next Review Date</b>	June 2021
<b>Date of approval</b>	27 <sup>th</sup> May 2015
<b>Protective Marking</b>	Official

This document has been assessed for:	
Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

**Important notice:** During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

# Shared Parental Leave Policy

## 1. Policy statement

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Shared parental leave enables mothers to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay, as shared parental leave and pay with their partner, or to return to work early from maternity or adoption leave and opt in to shared parental leave and pay at a later date.

The procedures set out in this document apply to Police Officers and Police Staff (including Police Staff employed by the PCC (Police and Crime Commissioner) for Cleveland).

This policy must be applied fairly, equally, and consistently to all Police Officers and individuals irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

## 2. Purpose

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The purpose of the document is to highlight to Police Officers and Police Staff the process, procedure, and entitlements available under shared parental leave.

## 3. Underpinning procedures

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### 3.1 Shared Parental leave

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. It will also be possible for parents to both take leave at the same time as each other.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave. The organisation provides a separate policy on ordinary parental leave which is accessed on the intranet, in the staff policies section.

The organisation recognises that, from time to time, individuals may have questions or concerns relating to their shared parental leave rights. It is the policy of Cleveland Police to encourage open discussion with individuals to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an individual wishes to take shared parental leave, he/she should clarify the relevant procedures with People Services (extension 1234 Option 2) to ensure that they are followed correctly.

### **3.2 Definitions under shared parental leave policy**

The following definitions are used in this policy:

"Mother" means the mother or expectant mother of the child.

"Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

"Occupational" means the respective differences in pay for eligible Police Officers and Police Staff.

Shared parental leave is regarded as a period of unpaid leave

### **3.3 Scope of shared parental leave policy**

This policy applies in relation to individuals of the organisation, whether they are the mother or the partner. If it is the mother who is employed by and/or works for the organisation, her partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to his/her own employer/organisation, which may have its own shared parental leave policy in place, if he/she wants to take a period of shared parental leave.

Similarly, if it is the partner who is employed by the organisation, the mother must (where relevant) submit any notifications to take shared parental leave to her own employer/organisation.

The mother and the partner should ensure that they are each liaising with their own employer/organisation to ensure that requests for shared parental leave are handled as smoothly as possible.

### **3.4 Amount of shared parental leave available**

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. An individual can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the individual needs the organisation's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent. Depending on when any time off is taken then you may be on paid or unpaid leave

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave

to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (this might be less if any time off has been taken prior to the baby's birth). 39 weeks of which would attract statutory pay.

The primary adopter may commence ShPL after taking at least two weeks of adoption leave.

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that he/she is entitled to take up to two weeks' ordinary paternity leave following the birth of his/her child, which he/she will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of birth.

Parents can also take periods of annual leave between periods of shared parental leave if they so wish subject to the normal approval processes

### **3.5 Eligibility for shared parental leave**

For individuals to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

#### **3.5.1 Mother's eligibility for shared parental leave (if employed by Cleveland Police or the OPCC)**

The mother is eligible for shared parental leave if she:

- Has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth or of being notified of being matched with an adoptive child and remains in continuous employment with the organisation until the week before any period of shared parental leave that she takes;
- Has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- Is entitled to statutory maternity leave in respect of the child; and
- Complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must, if not employed by Cleveland Police or the OPCC:

- Have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- Have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

### 3.5.2 Partner's eligibility for shared parental leave (if employed by Cleveland Police or the OPCC):

The partner is eligible for shared parental leave if he/she:

- Has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that he/she takes;
- Has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- Complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must if not employed by Cleveland Police or the OPCC:

- Have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- Have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- Be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- Comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

### **3.6 Notice requirements for shared parental leave**

The notices that the parents must give to the relevant employer/organisation to be able to take shared parental leave are made up of three elements. They are:

- A "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);
- A "notice of entitlement and intention" from the individual giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and
- A "period of leave notice" from the individual setting out the start and end dates of each period of shared parental leave that he/she is requesting.

The notice periods set out below (see Mother's notice curtailing maternity leave, Individual's notice of entitlement and intention and Individual's period of leave notice) are the minimum required by law. However, the earlier an individual informs the organisation of his/her intentions, the more likely it is that the organisation will be able

to accommodate the individual's wishes, particularly if he/she wants to take periods of discontinuous leave.

Individuals are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement, and intention and period of leave notice at the same time. Similarly, the partner could provide his/her notice of entitlement and intention and period of leave notice at the same time.

### 3.6.1 Mother's notice curtailing maternity leave

Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave (by giving the required eight weeks' notice of her planned return) or provide her employer with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

- After the compulsory maternity leave period, which is the two weeks after birth;
- At least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her employer; and
- At least one week before what would be the end of the additional maternity leave period.

The mother must provide her maternity leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention (see Individual's notice of entitlement and intention below).

### 3.6.2 Revocation of maternity leave curtailment notice

The mother can withdraw her notice curtailing her maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:

- It is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- The maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- The partner has died.

### 3.6.3 Individual's notice of entitlement and intention

An individual whether the mother or the partner must provide the organisation with a non-binding, notice of entitlement and intention. The individual's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the individual, must set out the following information.

If the individual is the mother, the notice of entitlement and intention must set out:

- The mother's name;
- The partner's name;
- The start and end dates of any statutory maternity leave taken or to be taken by the mother;
- The total amount of shared parental leave available;
- The child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother);
- How much shared parental leave the mother and partner each intend to take; and
- A non-binding indication as to when the individual intends to take shared parental leave (including the start and end dates for each period of leave).

The mother's notice of entitlement and intention must include a declaration signed by her that:

- She satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- The information she gives in the notice of entitlement and intention is accurate; and
- She will immediately inform the organisation if she ceases to care for the child.

In addition, the mother's notice of entitlement and intention must include a declaration signed by her partner:

- Specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- Declaring that the partner satisfies, or will satisfy, the conditions set out above (see [Mother's eligibility for shared parental leave](#));
- Declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother;
- Declaring that the partner consents to the amount of leave that the mother intends to take; and
- Declaring that the partner consents to the mother's employer processing the information in the partner's declaration.

If the individual is the partner, the partner's notice of entitlement and intention must set out:

- The partner's name;
- The mother's name;
- The start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother;
- The total amount of shared parental leave available;
- The child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the partner);
- How much shared parental leave the partner and mother each intend to take; and
- A non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).

The partner's notice of entitlement and intention must include a declaration signed by the partner that:

- He/she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- The information given by the partner in the notice of entitlement and intention is accurate; and
- He/she will immediately inform the organisation if he/she ceases to care for the child or if the mother informs him/her that she no longer meets the requirement to have curtailed her maternity leave or pay period.

In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother:

- Specifying the mother's name, address, and national insurance number (or declaring that the mother does not have a national insurance number);
- Declaring that the mother satisfies, or will satisfy, the conditions set out above (see [Partner's eligibility for shared parental leave](#)) and she will notify the partner if she no longer qualifies for maternity leave, statutory maternity pay or maternity allowance;
- Declaring that the mother consents to the amount of leave that the partner intends to take;
- Declaring that she will immediately inform the individual if she no longer meets the requirement to have curtailed her maternity leave or pay period; and
- Declaring that the mother consents to the partner's employer processing the information in the mother's declaration.

Within 14 days of receiving a notice of entitlement and intention from an individual, whether the mother or partner, the organisation can request from the individual:

- A copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- The name and address of the other parent's employer/organisation (or a declaration that the other parent has no employer/organisation).

The individual has 14 days from the date of the request to send the organisation the required information.

### **3.7 Variation or cancellation of notice of entitlement and intention**

The individual can vary or cancel his/her proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that he/she provides the organisation with a written notice. The written notice must contain:

- An indication as to when the individual intends to take shared parental leave (including the start and end dates for each period of leave);
- Details of any periods of shared parental leave that have been notified through a period of leave notice;
- Details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- A declaration signed by the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that the individual provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the individual can make.

### **3.8 Individual's period of leave notice**

To take a period of shared parental leave, the individual must provide the organisation with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

### **3.9 Variation or cancellation of period of leave notice**

The individual can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides

his/her employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- Vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- Request that a continuous period of leave become discontinuous periods of leave; or
- Request that discontinuous periods of leave become a continuous period of leave.

### **3.10 Limit on number of requests for leave**

An individual can provide a combined total of up to three periods of leave notices or variations of period of leave notices per pregnancy.

### **3.11 Continuous period of shared parental leave**

If an individual submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave.

### **3.12 Discontinuous periods of shared parental leave**

An individual may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers / organisations that allows them to alternate childcare responsibilities.

If an individual submits a period of leave notice requesting discontinuous periods of leave, the organisation, in the two weeks beginning with the date the period of leave notice was given, can:

- Consent to the pattern of leave requested;
- Propose an alternative pattern of leave; or
- Refuse the pattern of leave requested.

If agreement is reached within those two weeks, the individual is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the individual is entitled to take the leave as one continuous period of leave. In that event, the individual must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The individual must notify the organisation of that date within five days of the end of the two-week discussion period. If an individual does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the organisation has refused the request or no agreement has been reached during the two-week discussion period, the individual may withdraw a period

of leave notice requesting discontinuous periods of leave. An individual can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an individual can make.

### **3.13 Shared Parental Leave pay**

In accordance with Home Office circular 011/2015 all Police Officers and Police Staff participating in shared parental leave shall be eligible for statutory shared parental pay during shared parental leave. This will be paid at a rate set by the Government for the relevant tax year, or at 90% of the individual's average weekly earnings, if this figure is lower than the Government's set weekly rate.

This pay is pensionable, reckonable for incremental pay and included in any probationary period.

### **3.14 Rights during shared parental leave**

During shared parental leave, all conditions of service (Police Officers) and terms and conditions of employment (Police Staff) except basic pay shall continue. Basic pay will be paid in accordance with shared parental leave entitlement eligibility. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

If during the period of such leave there is need to reorganise the team in which the person taking the leave works , then you would be contacted and consulted upon in line with existing force polices and procedures.

### **3.15 Contact during shared parental leave**

The organisation reserves the right to maintain reasonable contact with individuals during shared parental leave. This may be to discuss individuals' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

An individual can agree to work for the organisation (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

The organisation has no right to require individuals to carry out any work and individuals have no right to undertake any work during their shared parental leave. However, should all parties agree to a number of SPLIT days, the organisation shall pay you for each hour that you work during a SPLIT day at your hourly contractual rate.

Depending upon when the SPLIT days are taken payment may be paid as overtime and paid through payroll at the next available pay period. For further information on this issue please discuss with your line manager in the first instance.

### **3.16 Returning to work following Shared Parental Leave**

All Police Staff have the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory maternity leave or statutory paternity leave, taken by the individual in relation to the same child, is 26 weeks or less.

If an individual is returning to work from shared parental leave and the period of leave taken is more than 26 weeks, when added to any other period of shared parental leave, statutory maternity, adoption or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave, the individual has the right to return to the same job unless this is not reasonably practicable.

In these circumstances, if it is not reasonably practicable for the organisation to permit a return to the same job, the individual has the right to return to another job that is suitable and appropriate for him/her.

Police officers will return to their previous role unless any organisational restructuring has taken place, in which case the necessary consultation would have taken place whilst off.

### **3.17 Records**

People Services will record and monitor the amount of shared parental leave taken by a Police Officer and/or member of Police Staff. This will be recorded on the Oracle system.

## **4. Appendices**

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This policy has no appendices

## **5. Compliance and monitoring**

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Cleveland Police expects every individual to act within approved policies and take appropriate professional advice as necessary.

All individuals should be briefed on the Shared Parental Leave policy at their induction and their attention drawn to key points.

The Head of HR will monitor the implementation of and compliance with this policy on an ongoing basis.

## 6. Version control

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This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Cleveland intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	01.04.15	New policy in line with Employment Law legislation (Families Act 2014)	████████
0.2	22.4.15	Second consultation re amendment to reflect the payment of SHPL now being recommended as statutory and not as occupational	████████
1.0	June 2015	Published version following approval	████████
1.1	May 2019	Reviewed, slight changes to add additional information to make it easier for use.	████████
1.2	Feb 2020	Change of owner dept. name	████████
1.3	Apr 2020	Addition of COVID 19 message	████████