

## **CLYDESDALE HOUSING ASSOCIATION LIMITED**

**Policy:** Shared Parental Leave Policy

**Date:** 7 December 2022

**Lead Officer:** Management Team

**Review Date:** 26/04/2025

### **Standard 5 The RSL conducts its affairs with honesty and integrity.**

Guidance 5.1 The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.

5.2 The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.

5.3 The RSL pays due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.

5.4 Governing body members and staff declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position.

5.5 The governing body is responsible for the management, support, remuneration and appraisal of the RSL's senior officer and obtains independent, professional advice on matters where it would be inappropriate for the senior officer to provide advice.

5.6 There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.

5.7 Severance payments are only made in accordance with a clear policy which is approved by the governing body, is consistently applied and is in accordance with contractual obligations. Such payments are monitored by the governing body to ensure the payment represents value for money. The RSL has considered alternatives to severance, including redeployment.

5.8 Where a severance payment is accompanied by a settlement agreement the RSL does not use this to limit public accountability or whistleblowing. The RSL has taken professional legal advice before entering into a settlement agreement.

## Contents

1.0	What is Shared Parental Leave? .....	3
2.0	Equal Opportunities .....	4
3.0	Shared Parental Leave Entitlement and Procedures .....	4
	You can take SPL as follows:.....	4
	Notification of Entitlement .....	5
	Requesting further evidence of eligibility .....	5
	Fraudulent Claims .....	5
	Discussions regarding Shared Parental Leave.....	5
	Booking Shared Parental Leave.....	5
	Types of Leave .....	5
	Responding to your Shared Parental Leave notification.....	6
	Variations to arranged SPL .....	6
	Shared Parental Pay (ShPP).....	6
	Terms and Conditions .....	7
	Annual Leave .....	7
	Contact during Shared Parental Leave .....	7
	Shared Parental Leave in Touch Days (SPLIT).....	7
	Returning to Work .....	8
4.0	General Data Protection Regulations .....	8
5.0	Review Period .....	9

## 1.0 What is Shared Parental Leave?

Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year from birth/adoption. SPL provides parents more flexibility in considering how best to care for, and bond with their child. All eligible employees have a statutory right to SPL and there may also be an entitlement to Shared Parental Pay. This policy sets out the rights and responsibilities of employees who wish to take shared parental leave and pay.

The following legislation relates to SPL:

- Shared Parental Leave Regulations 2014
- Shared Parental Pay (General) Regulations
- The Maternity and Adoption Leave (Curtailed of Statutory Rights Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

### 1. Who is eligible?

To be eligible for SPL, you must be:

- The mother/adopter or
- One of the following:
  - The father of the child (in the case of birth) or
  - The spouse, civil partner or partner of the child's mother/adopter.

To qualify for SPL the mother must;

- Have a partner,
- Be/have been entitled to statutory maternity/adoption leave and/or to statutory maternity/adoption pay or maternity allowance.
- Still be working for the organisation at the start of each period of SPL.
- Satisfy the continuity of employment test by having worked for us for 26 weeks at the 24th week of pregnancy or when the placement is confirmed.

To qualify a spouse/partner must:

- Be an employee,
- Share the primary care for the child with the other parent at the time of the child's birth/adoption.
- Have notified their employer of their entitlement providing any necessary evidence.
- Satisfy the requirements of the employment and earning test by having worked for us for at least 26 weeks in the 66-week period leading to baby's expected

date of birth or adoption and have earned an average of at least £30 a week in any 13 weeks within 66 weeks.

## **2.0 Equal Opportunities**

As an employer, Clydesdale Housing Association encourages equality of opportunity. In particular the observance of equal opportunity requirements as specified in the Equality Act 2010.

We do not discriminate against any member of staff in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## **3.0 Shared Parental Leave Entitlement and Procedures**

You are entitled to take up to 50 weeks SPL during your child's first year of birth/adoption. The number of weeks available will be calculated using the mother's/adopter's entitlement to maternity/adoption leave which allows them to take up to the maximum of 52 weeks leave. If they decide to reduce their maternity/adoption leave, then they and/or their partner may opt-in to the SPL system and take the remaining weeks as SPL.

A mother/adopter may reduce their maternity/adoption leave by returning to work before the end of their full 52 weeks entitlement or they may give notice to end their leave on a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or maternity allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they chose to do this, their partner may be entitled to up to 50 weeks of leave. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

You can take SPL as follows:

- For mothers after the compulsory two weeks of maternity leave immediately after the birth of your child.
- For adopters you can take SPL after taking at least two weeks of adoption leave.
- For the father/partner/spouse immediately following the birth/placement of the child but may choose to exhaust any paternity leave entitlement (as paternity leave or pay can't be taken once any SPL or shared parental pay has been taken).

Where a mother/adopter gives notice to end their maternity/adoption entitlement then the partner can take leave while they are still on maternity/adoption leave.

SPL will normally start on your chosen start date which is specified in your booking notification, or any subsequent variation to their original notice.

Shared Parental Leave must end no later than one year after the birth/adoption of the child and any untaken leave will be lost.

### **Notification of Entitlement**

You must give us at least eight weeks' notice before you are planning to start your leave. Please refer to Appendix 1 to complete the notice of eligibility form.

### **Requesting further evidence of eligibility**

Within 14 days of receiving your notification, we can request the following further evidence of eligibility:

- Name and business address of your partner's employer.
- A copy of the child's birth certificate or a declaration as to the time and place of birth.
- Documentary evidence of the name and address of the adoption agency, the date on when you were notified of being matched with your child and the date on which the agency expects your child to be placed for adoption.

### **Fraudulent Claims**

If we suspect that fraudulent information may have been provided or if HMRC advises us a fraudulent claim was made, we will investigate into the matter in accordance with our Disciplinary Policy.

### **Discussions regarding Shared Parental Leave**

- If you are thinking of taking SPL, we would like to have an early discussion about your entitlements and plans.
- Once we receive a notification of entitlement, we may invite you to an informal meeting to discuss your intentions and how you are planning to use your SPL entitlement.
- At the meeting you may be accompanied by either a trade union representative or a workplace colleague.

### **Booking Shared Parental Leave**

- You must give us your notice of entitlement as well as your notice to take the leave, both in writing, and both can be done at the same time.
- You can submit up to three notifications for leave which can be either for a period of continuous or discontinuous leave.
- SPL can begin on any day of the week but can only be taken in complete weeks.

### **Types of Leave**

You can request either continuous or discontinuous leave:

- I. **Continuous** leave is when you take an unbroken period of leave e.g. six weeks leave. We will always agree to a request for continuous leave so long as you are eligible.
- II. **Discontinuous** leave is taken over a certain period of time but with breaks in between full weeks (E.g. five weeks SPL followed by 4 weeks back at work, followed by a further two weeks SPL). We will try and accommodate your request for discontinuous leave but if we cannot do it for business reasons, we will try and reach an agreement with you. If we can't reach an agreement the following rules will apply:
- III. Within 14 days: if no agreement is reached or we refuse your request, the total amount of leave in the request **MUST** be taken as one continuous block.
- IV. Within 15 days: you may still withdraw your discontinuous leave request and it will not count as one of the three allowed notifications.
- V. Within 19 days: you can choose when the continuous leave will commence. However, it cannot start sooner than eight weeks from the date of your request.

## Responding to your Shared Parental Leave notification

Once the booking notification is received, we will confirm in writing that we have received it and give you an answer in writing within 14 days.

## Variations to arranged SPL

You can cancel an agreed and booked period of SPL as long as you give us at least eight weeks' notice for any new arrangement.

Any notification/variation/cancellation, which includes notice to return to work early, will normally count as a new notification therefore reducing your total number of 3 requests allowed. This would be unless it is because your child is born early or because we requested the change.

## Shared Parental Pay (ShPP)

If you are eligible you are entitled to take up to 37 weeks of ShPP. The amounts of weeks available will depend on the amount by which your partner reduces their maternity/adoption pay period or maternity allowance. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

To qualify for pay, you need to meet the following criteria:

- For mothers/adopters you must be/have been entitled to statutory maternity/adoption pay or maternity allowance.
- You must intend to care for the child during the week in which ShPP is payable.
- You must continue working for us until the first week of ShPP begins.
- You must give us notification as set out in Appendix 1 & 2.
- Your average weekly earnings for the period of eight weeks leading up to and including the 24th week of pregnancy or matching date are not less than the lower earnings limits in force for National Insurance contributions.

You need to give us eight weeks' notice advising of your entitlement to pay.

Any ShPP will be paid at the rate set by the government for the relevant tax year.

## Terms and Conditions

Your normal contract of employment will remain in force during the period of shared parental leave. Pension contributions will continue to be made while you are receiving ShPP but not during any period of unpaid leave. Your contributions will be based on actual pay, while employer contributions will be based on your normal salary.

## Annual Leave

Before you start your period of SPL, you should agree with us the dates of your annual leave. If it is not possible to take the leave within the annual leave year, we will transfer your remaining leave to the next year's entitlement. You cannot be paid instead of taking the leave.

If you plan to take annual leave before you return from SPL, you must notify us in writing giving at least 8 weeks' notice:

- The date you want your SPL to end,
- The period you then want to take as annual leave and,
- The date you will come back to work.

## Contact during Shared Parental Leave

We will contact you to discuss your return to work, possible promotion opportunities, any special arrangements update you on developments at work during your period of leave.

## Shared Parental Leave in Touch Days (SPLIT)

If we agree, you may work up to 20 days under your contract of employment during your shared parental leave without losing your right to SPL or ShPP. The 20 days limit stands no matter how long your leave is. The 20 days can be worked at any time during your SPL apart from the first two weeks after you give birth.

You do not have to work these days and we do not have to agree to you working them.

Before you start your leave, we will discuss with you the type of work that may be done during your SPLIT days. Any work carried out on a SPLIT day or part of a day will count as a day's paid work.

## Returning to Work

We will give you written notice on when your leave ends and you need to return to work on your next working day. If you do not return, we will treat this as an unauthorised absence.

If you want to return to work earlier than expected you must give us eight weeks written notice to vary the leave. This will count as one of your three allowed notifications.

If your combined maternity/adoption/paternity leave and SPL up to 26 weeks, you will return to the same job as the one you had just before your leave started.

If the combined leave is more than 26 weeks, you will return to the same job you occupied prior to commencing your last period of leave. If this is not possible, we will offer you another job, which is suitable and appropriate and on terms and conditions which are no less favourable.

If you choose to take a period of 4 weeks or less unpaid parental leave it will have no effect on your right to return to the same job as held prior to the last period of maternity/adoption/paternity and SPL so long as it does not exceed 26 weeks.

## 4.0 General Data Protection Regulations

Any information that we hold regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be

- lawfully, fairly and transparently processed
- processed for limited purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- accurate and kept up to date
- kept no longer than the period necessary and
- kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

The processing will be carried out in a way that ensures compliance with the rights of data subjects, including:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure (so far as applicable)
- the right to restrict processing
- the right to data portability (so far as applicable)
- the right to object to processing (including profiling); and
- the right not be subject to fully automated decision-making including profiling.



Further information is available by viewing the Association's Privacy Policy.

## **5.0 Review Period**

We will review the Policy every three years or sooner if required by statutory, regulatory or best practice requirements.

<b>Approved by the Committee of Management on: 7 December 2022</b>	
<b>Signed:</b>  <b>Secretary/Chairperson</b>	<b>Signed:</b>  <b>Staff Member</b>