

HR37a – Shared Parental Leave Procedure

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To be issued to: (check as needed)			
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Method of Delivery (check as needed)			
<input type="checkbox"/> LearnPro <input type="checkbox"/> Board Portal <input type="checkbox"/> Line Manager to Share (eg. Agencies)		<input type="checkbox"/> Policy Owner to Notify (eg. Contractors) <input checked="" type="checkbox"/> Other: <u>Only when relevant</u>	
Stakeholder Consultation Completed (check as needed)			
<input type="checkbox"/> Board of Management <input type="checkbox"/> All Staff <input type="checkbox"/> ET/SLT <input type="checkbox"/> Head Office Managers <input type="checkbox"/> Head Office Staff <input type="checkbox"/> Finance <input type="checkbox"/> Housing <input type="checkbox"/> Asset <input type="checkbox"/> ICT		<input checked="" type="checkbox"/> OD <input type="checkbox"/> Compliance <input type="checkbox"/> All Care & Support <input type="checkbox"/> C&S Managers (RM,OM, CSM) <input type="checkbox"/> C&S Staff <input type="checkbox"/> Contractors <input type="checkbox"/> Agency Staff <input checked="" type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input type="checkbox"/> Other: _____	

Version Control

Date	Owner	Version	Reason for Change
Jun 2024	Michael Catlin	1	Cyclical Review & Update to New Template.

Summary of Changes

Section	Change
All	Updated procedure format to new template and updated grammar.
8.0	Removed use of a company car as benefit in kind.
Appendices	Update Branding / Form Layout.

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1.0 Introduction

This procedure supports Ark's Shared Parental Leave Policy (HR37) and outlines employees' statutory rights and responsibilities in relation to Shared Parental Leave (SPL) and pay in respect of the birth of a child.

2.0 Learning & Development Requirements

No learning & development requirements have been identified in relation to this procedure.

3.0 Entitlement for SPL

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

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to end their leave at 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 do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child.
- The adopter can take SPL after taking at least two weeks of adoption leave.
- The father/partner/spouse can take SPL immediately following the birth/placement of the child but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to end their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice.

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period.

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

4.0 Continuous and Discontinuous Leave

Continuous leave notifications;

- A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.
- An employee may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications;

- A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).
- Where there is concern over accommodating the notification, Ark or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and Ark.

Ark will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it or can take the leave in a single continuous block.

5.0 Further Evidence of Eligibility

Ark may, within 14 days of the SPL entitlement notification being given, request:

- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead).
- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been

matched with the child and the date on which the agency expects to place the child for adoption.

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

6.0 Statutory Shared Parental Pay (ShPP)

Eligible employees are entitled to take up to 39 weeks ShPP (less any weeks of statutory maternity pay or adoption pay claimed by you or the other parent) while taking SPL. The number of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- The employee must intend to care for the child during the week in which ShPP is payable;
- The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- The employee must remain in continuous employment until the first week of ShPP has begun;
- The employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- The start and end dates of any maternity/adoption pay or maternity allowance;
- The total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;

- A signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform Ark should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for Ark to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

7.0 Variations to SPL

The employee is permitted to vary or cancel an agreed and booked period of SPL, if they advise Ark in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request. Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of Ark requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by Ark.

8.0 Terms and Conditions during SPL

During the period of SPL, the employee's contract of employment continues, and they are entitled to receive all their contractual benefits, except for terms relating to pay. Any benefits in kind (such as use of a company laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be deducted during any period when the employee is receiving Shared Parental Pay (ShPP) but not during any period of unpaid SPL. Employee contributions will be based on actual pay received, while Ark's contributions will be increased to include the shortfall in the members contribution based on the salary that the employee would have received had they not been taking SPL.

Annual Leave

- SPL is granted in addition to an employee's normal annual holiday entitlement. Employees should take annual leave before Shared Parental Leave starts if the period of leave goes into the beginning of the new annual leave calendar. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year. As with maternity leave, if the annual leave is untaken due to the

employee being on SPL, then it will automatically roll over into the following new holiday year.

Contact during Shared Parental Leave

- Before an employee's SPL begins, Ark will discuss the arrangements for them to keep in touch during their leave. Ark reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

Shared Parental Leave in Touch Days

- Your employee can work (or attend training) up to 20 days during SPL without bringing it to an end. These are called 'shared parental leave in touch' (or SPLIT) days.
- These days are in addition to the 10 'keeping in touch' (or KIT) days already available to those on maternity or adoption leave. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- Ark has no right to require the employee to carry out any work and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between Ark and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
- An employee, with the agreement of Ark, may use SPLIT days to work part of a week during SPL. Ark and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

9.0 Fraudulent Claims

Ark can, where there is a suspicion that fraudulent information may have been provided or where Ark has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with Ark's Disciplinary Policy and Procedure.

10.0 Booking SPL

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit up to three notifications specifying leave periods they are intending to take. Each notification may contain either;

- a single period of weeks of leave; or
- two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week. The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

11.0 Responding to a SPL Notification

Once the line manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to Ark against any adverse impact to the business.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL. The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, Ark may propose a modified version of the request.

If a discontinuous leave pattern is refused, then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin.

The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

12.0 Returning to Work after SPL

The employee will have been formally advised in writing by Ark of the end date of any period of SPL. The employee is expected to return on the next working day after this date unless they notify Ark otherwise. If they are unable to attend work due to sickness or injury, Ark's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give Ark at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave, then Ark does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

13.0 Implementation and Review

13.1 Implementation

The Head of People & Organisational Development is responsible for ensuring this procedure is implemented when required.

13.2 Review

The Head of People and Organisational Development will ensure that this procedure is reviewed at least every five years.

Appendix 1 - Shared Parental Leave Booking Form

I wish to inform you of my intention to take shared parental leave.

Employee Name:	Employee Number:
Manager:	Service:

I confirm that I am;

I am the child's mother or father;	<input type="checkbox"/>
Or, I am the person with whom a child is, or is expected to be, placed for adoption;	<input type="checkbox"/>
Or, I am married to or the civil partner of the child's mother / the adopter;	<input type="checkbox"/>
Or, I am living with the child and the child's mother / the adopter in an enduring family relationship (excluding grandparents and other close blood or adoptive relations)	<input type="checkbox"/>
And, The child's mother or adopter was entitled to statutory maternity or adoption leave and has or will return to work before her maternity or adoption leave has ended.	<input type="checkbox"/>
And, I have been continuously employed by Ark for 26 weeks up to and including the 15th week before the baby is due (in the case of pregnancy or surrogacy arrangements) or the week in which the adopter is notified of being matched with a child for adoption, and still be employed by Ark in the week before any shared parental leave is due to start;	<input type="checkbox"/>
And, I will share the main responsibility for the care of the child to whom the shared parental leave relates with the other parent and will notify you if this changes.	<input type="checkbox"/>

I intend to take shared parental leave and, where applicable, statutory parental pay during the following period(s):

(Please also clearly indicate whether you had intended to take statutory parental pay during any of these weeks.)

Shared parental leave may be taken in blocks of whole weeks prior to the child's first birthday or anniversary of placement of the child. Leave may be taken in one block or up to three discontinuous blocks.

I enclose a signed statement from the other parent that they were employed or self-employed in Great Britain for a total of at least 26 weeks (not necessarily continuously) in the period of 66 weeks immediately prior to the 15th week before the baby is due (in the case of pregnancy or surrogacy arrangements) or the week in which the adopter is notified of being matched with a child for adoption and that they earned an average of £30 per week in 13 of those weeks (not necessarily continuously).

By signing this notification of my intention to take shared parental leave,

I confirm that the mother or adopter has given a notice of entitlement to their employer and that the mother or adopter consents to me taking the leave set out in the notice of that entitlement.

I confirm that the information given is accurate and that I will inform the Human Resources team as soon as reasonably practicable if I am no longer responsible for the care of the child.

Employee Name:	Date:	
Employee Signature:		

Please return this form, together with the completed declaration from the other parent and required documentation, to Human Resources at HRTeam@arkha.org.uk.

Appendix 2 - Shared Parental Leave Declaration from the Other Parent

Employee Name:	Employee Number:
Manager:	Service:

Personal Details of the other parent

Name:	
Address:	
National Insurance Number:	
If you do not have a National Insurance Number, then please confirm by ticking this box	<input type="checkbox"/>
Name & Address of Employer:	
If you are self-employed, please tick this box	<input type="checkbox"/>
If you are unemployed, please tick this box	<input type="checkbox"/>

Declaration to be completed and signed by the other parent.

By signing this notification of my intention to take shared parental leave, I confirm that I have worked for 26 weeks out of 66 weeks up to the expected week of childbirth / placement of the child and have earned at least £30 in 13 of those weeks.

I confirm that I am;

The father of the child	<input type="checkbox"/>
The mother or adopter's partner	<input type="checkbox"/>
The mother or adopter's civil partner	<input type="checkbox"/>
The mother or adopter's spouse	<input type="checkbox"/>

I confirm that, together with the mother / adopter, I have the main caring responsibility for the child.

I consent to the mother / adopter taking _____ weeks of shared parental leave.

I consent to Ark processing the information about me included in this declaration.

I enclose a copy of the child's birth certificate or, where the child has been adopted, documents issued by the adoption agency confirming the matching and expected date of placement of the child.

Where a birth certificate is not available, a written declaration as to the reasons why it is not available must be included with this form.

Name:	Date:	
Signature:		

Please return this form, together with the completed booking notification form and required documentation, to Human Resources at HRTeam@arkha.org.uk.

Appendix 3 - Shared Parental Leave Variation Form

Employee Name:	Employee Number:
Manager:	Service:

I understand that I am entitled to make a maximum of three notifications to take shared parental leave. This includes my original booking notice, any additional booking notice and any variation form which I have submitted.

Date of original booking notice:	
Date(s) of any additional booking notice previously submitted:	
Date(s) of any variation form previous submitted:	

I have already taken _____ weeks of shared parental leave and (where applicable) _____ weeks of statutory parental pay.

I wish to vary the dates of my shared parental leave, which is currently booked for:

<i>(Please clearly indicate whether you had intended to take statutory parental pay during any of these weeks.)</i>

The revised dates on which I wish to take shared parental leave are:

<i>(Please clearly indicate whether you intend to take statutory parental pay during any of these weeks.)</i>

Shared parental leave may be taken in blocks of whole weeks prior to the child's first birthday or anniversary of placement of the child. Leave may be taken in one block or up to three discontinuous blocks.

By signing this notification of a variation to shared parental leave,

We confirm that the mother or adopter has given a notice of entitlement to their employer and that the mother or adopter consents to me taking the leave set out in the notice of that entitlement.

We confirm that the information given is accurate and that we will inform the Human Resources Department as soon as reasonably practicable if we are no longer responsible for the care of the child.

Both parents must sign this form to indicate their agreement to the new division of the shared parental leave and pay.

Mother / adopter

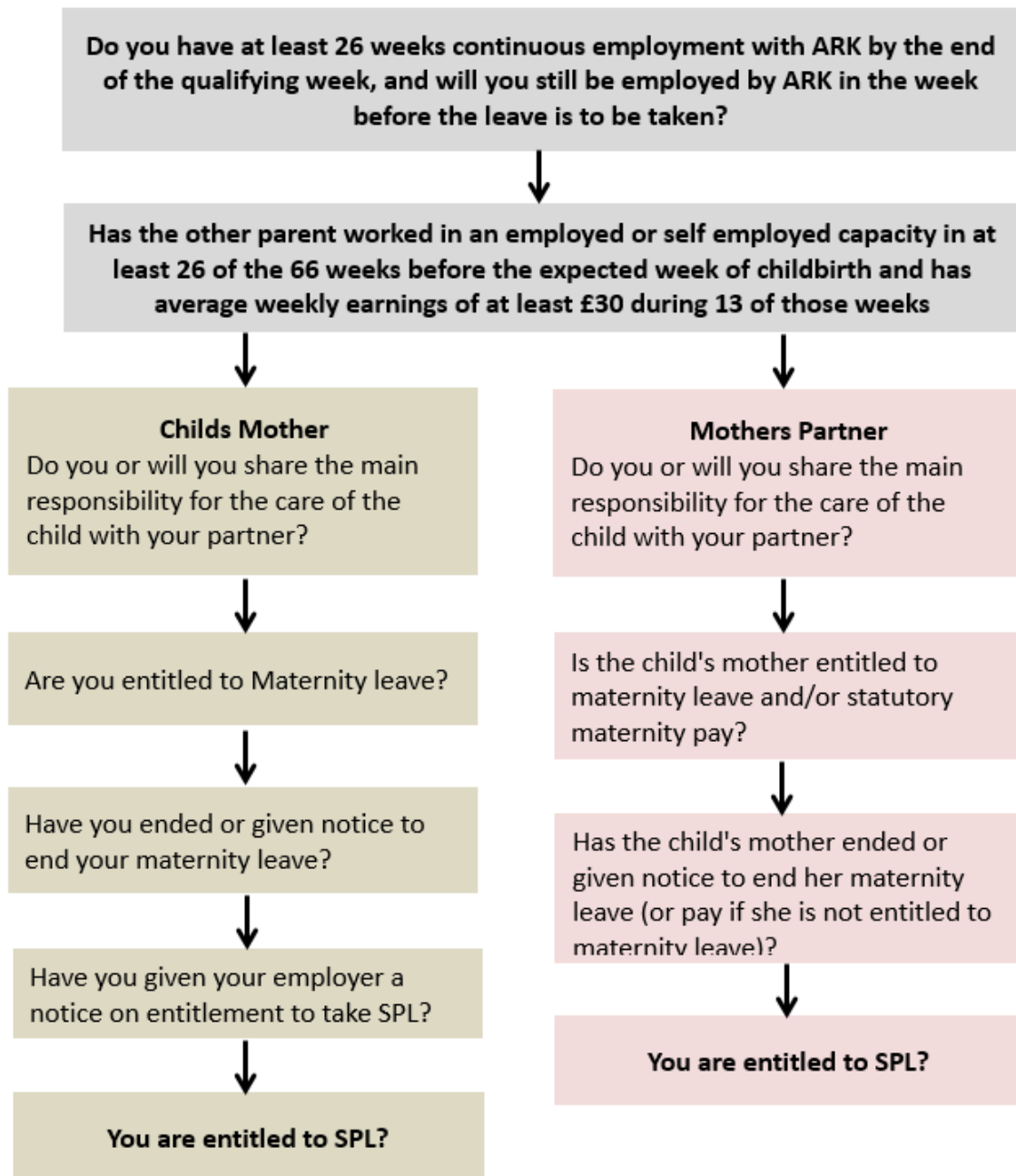
Name:	Date:	
Signature:		

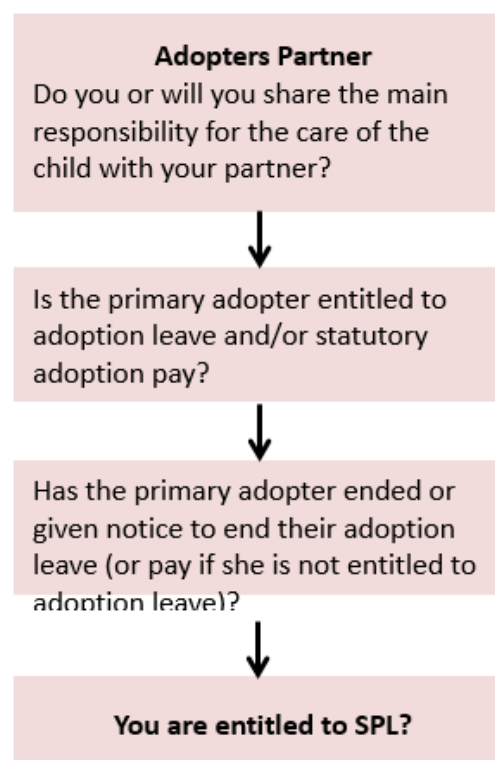
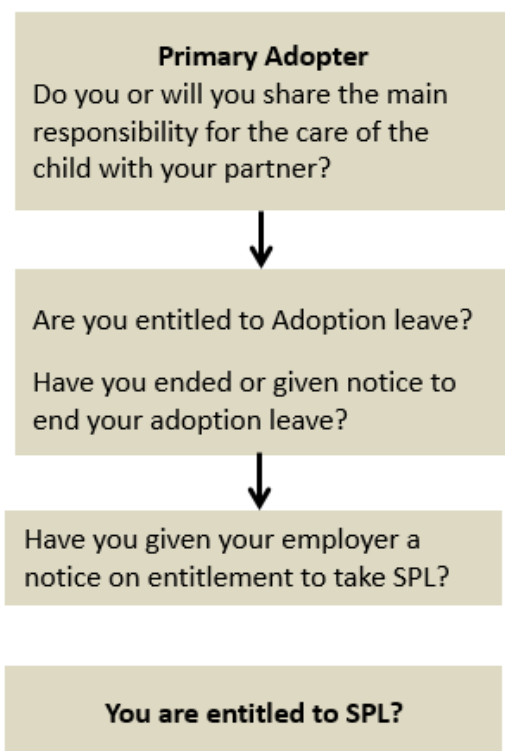
Father / partner / spouse

Name:	Date:	
Signature:		

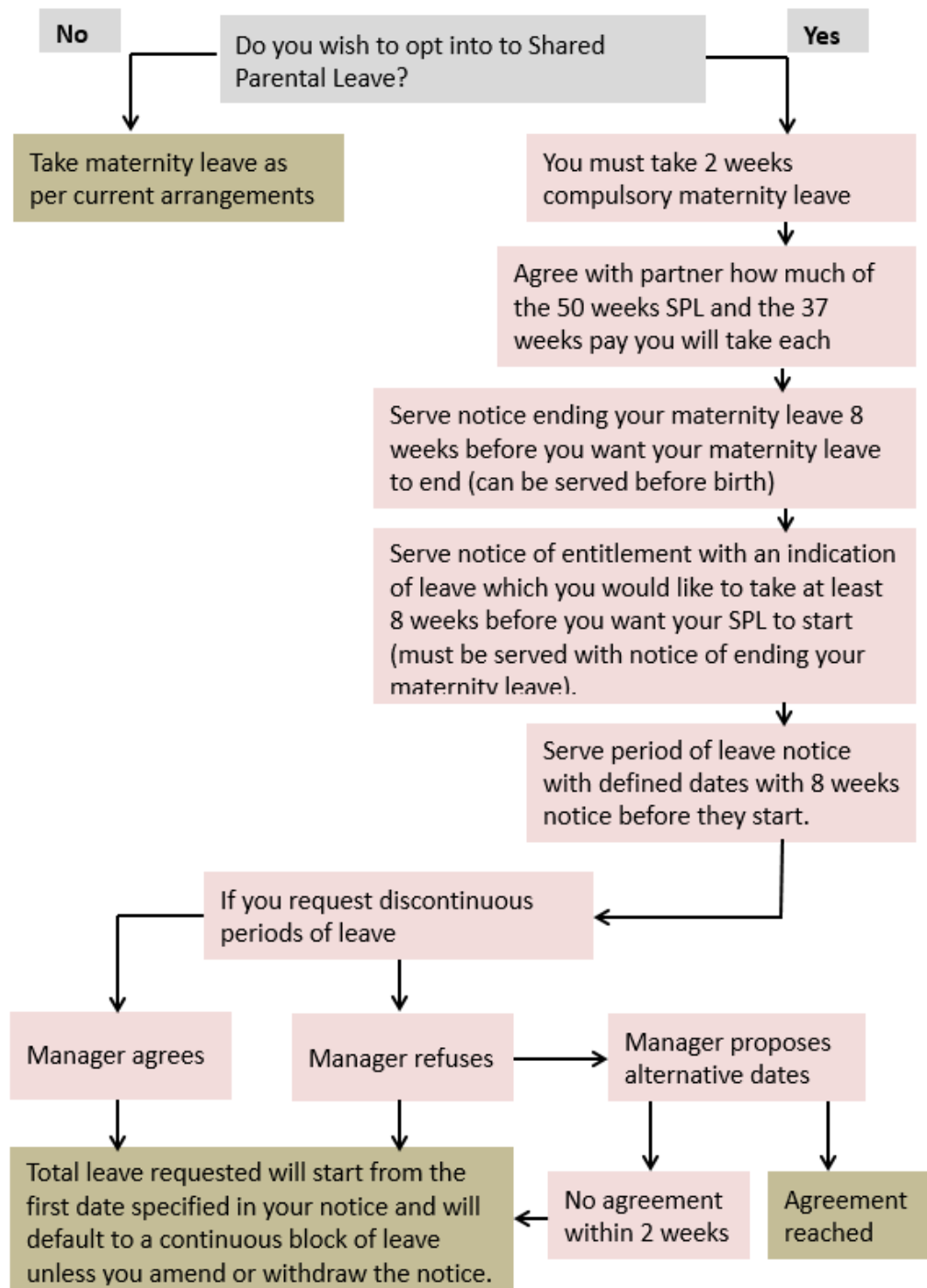
Please return this form, together with the completed booking notification form and required documentation, to Human Resources at HRTeam@arkha.org.uk.

Appendix 4 - Am I Eligible for Shared Parental Leave?

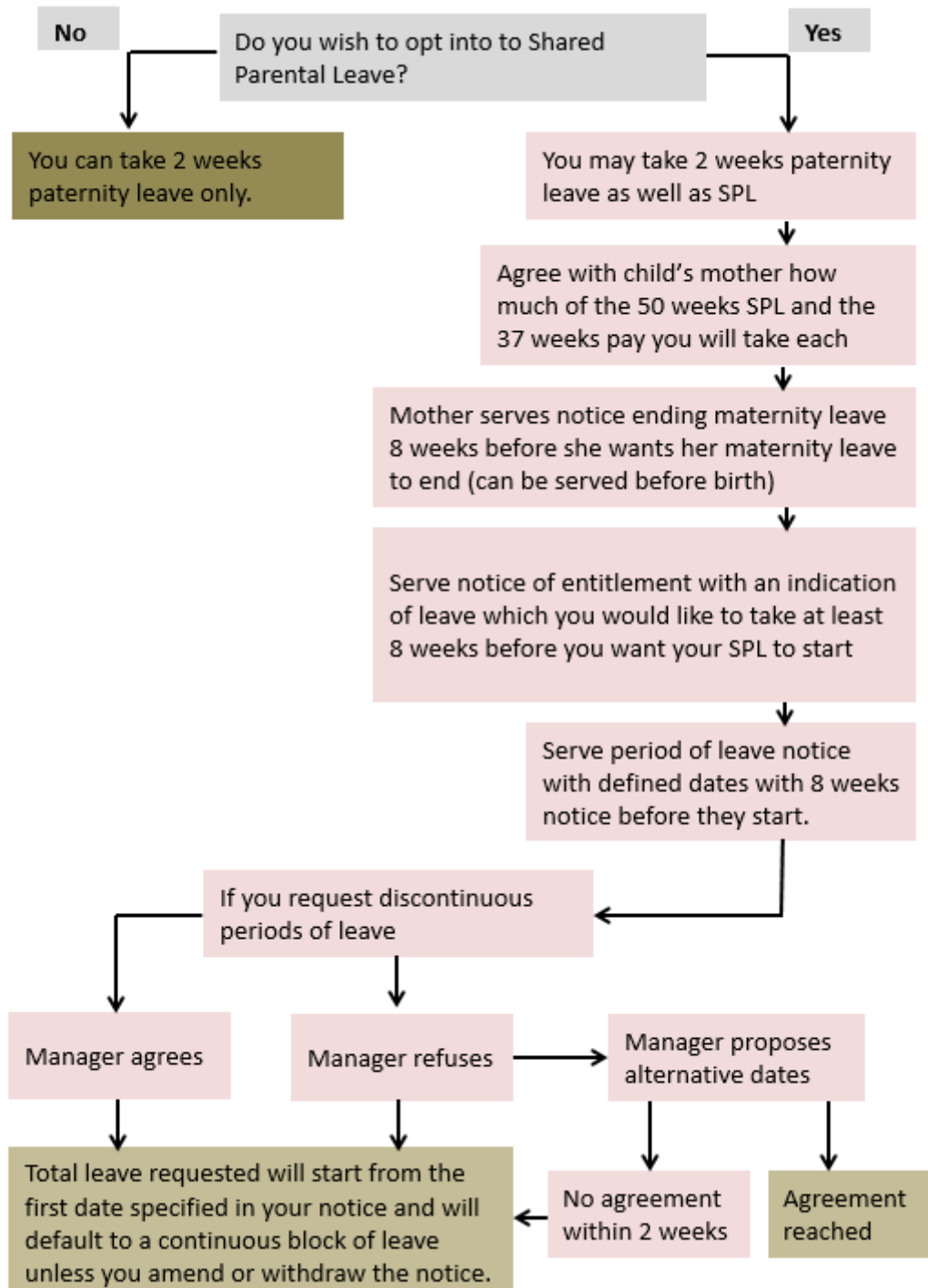




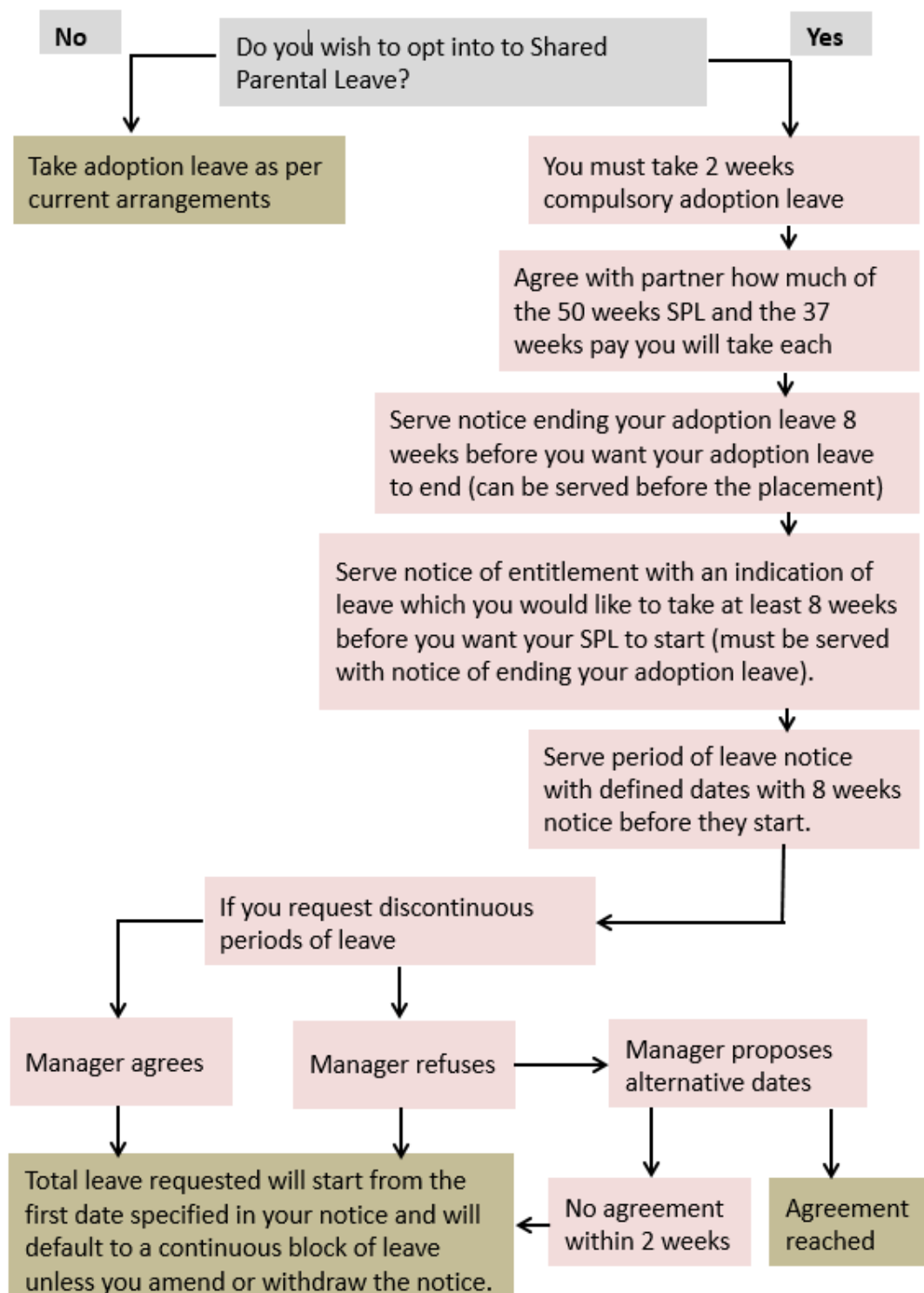
Appendix 5 - Birth Mother Process for Taking Shared Parental Leave



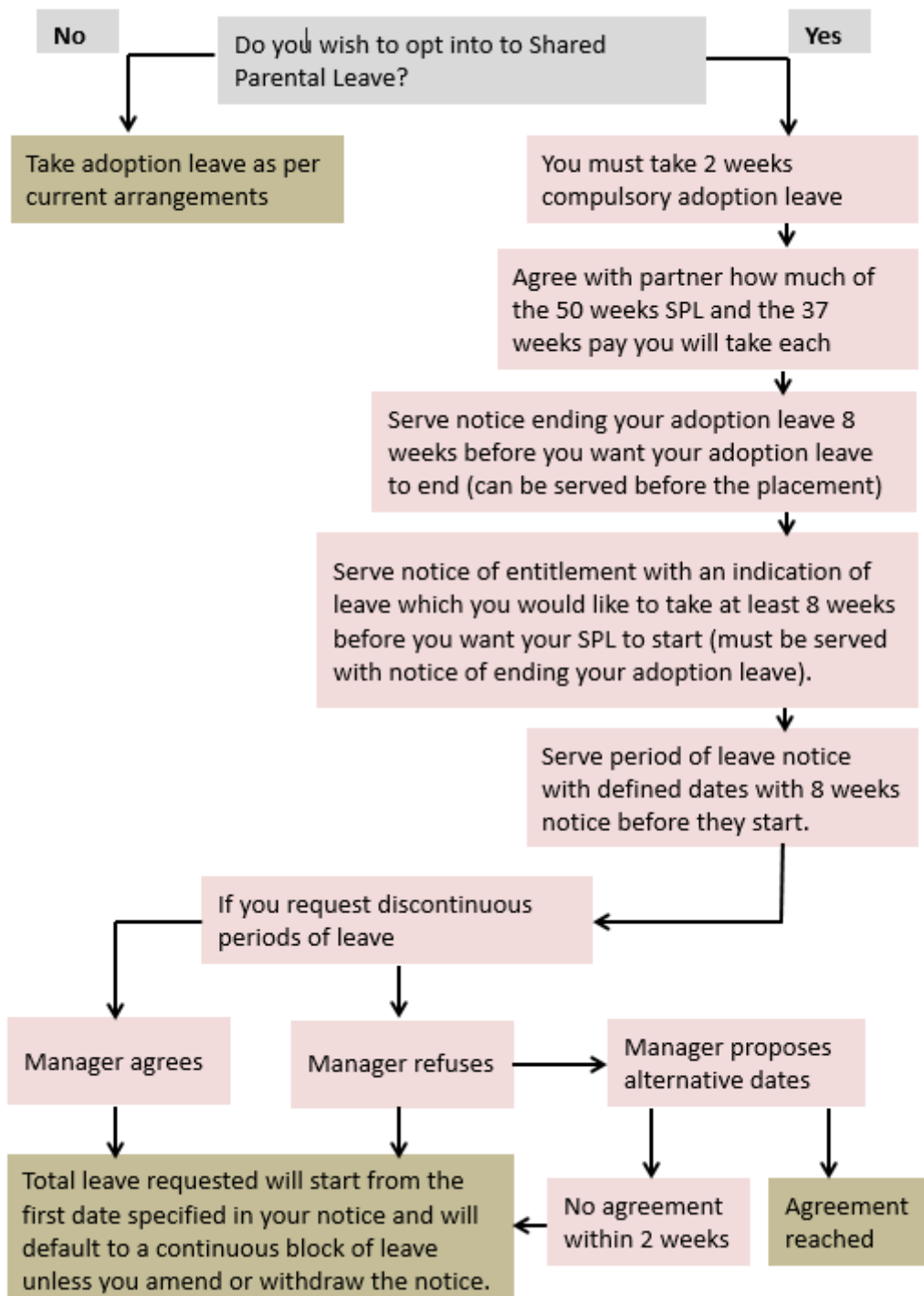
Appendix 6 - Birth Partner Process for Taking Shared Parental Leave



Appendix 7 - Primary Adopter Process for Taking Shared Parental Leave



Appendix 8 - Adopters Partners Process for Taking Shared Parental Leave



Appendix 9 - Process for Booking Shared Parental Leave

