

## HR37 – Shared Parental Leave Policy

<b>Policy Reference:</b>		HR37	
<b>Effective date:</b>	Aug 2024	<b>Review date:</b>	Aug 2029
<b>Approved by P&amp;PRG:</b>	June 2024	<b>Approved by BoM:</b>	Aug 2024
<b>Owner:</b>	Michael Catlin	<b>Job Title:</b>	Head of People & OD
<b>To be issued to:</b>			
<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 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 type="checkbox"/> Unite the Union <input type="checkbox"/> Employee Voices Group <input checked="" type="checkbox"/> Other: <u>Only when relevant</u>	
<b>Method of Delivery:</b>			
<input type="checkbox"/> Learn Pro <input type="checkbox"/> Board Portal <input type="checkbox"/> Line Manager to Share (e.g. Agencies)		<input type="checkbox"/> Policy Owner to Notify (e.g. Contractors) <input checked="" type="checkbox"/> Other: <u>Only when relevant</u>	
<b>Stakeholder Consultation Completed</b>			
<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	2.0	Cyclical Review Update to New Template

## Summary of Changes

Section	Change
1.0	Updated to reflect current values.
5.0	Updated to add new UK legislation introduced in 2023 re redundancy protection as outlined later in policy.
7.0	Updated gender terminology.
7.1	Added new section on Eligibility for SPL.
7.2	Added new section with new legislation around redundancy protection.
8.0	Removed separate section on Eligibility for SPL.

## Contents

1.0 Ark's Values.....	3
2.0 Purpose .....	4
3.0 Policy Statement .....	4
4.0 Scope.....	4
5.0 Legal/Regulatory Framework.....	4
6.0 Responsibilities .....	4
6.1 Board of Management.....	4
6.2 Executive Team .....	4
6.3 Operational Management Team.....	5
6.4 Managers .....	5
6.5 All Staff.....	5
7.0 What is SPL?.....	5
8.0 Eligibility for SPL.....	6
9.0 Related Policies & Procedures .....	7
10.0 Equality Impact Assessment (EIA).....	7
11.0 Data Protection Impact Assessment (DPIA).....	7
12.0 Stakeholder Consultation.....	7
13.0 Monitoring and Review.....	7
13.1 Monitoring .....	7
13.2 Review.....	8

## 1.0 Ark's Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

### Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

### Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

### Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

### Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

### Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

## 2.0 Purpose

The purpose of this policy is to set out employees' statutory rights and responsibilities in relation to Shared Parental Leave (SPL) and pay in respect of the birth of a child.

## 3.0 Policy Statement

SPL enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. This policy aims to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take SPL.

Ark employees are also entitled to statutory Shared Parental Pay (ShPP). This policy sets out the statutory rights and responsibilities of employees who wish to take statutory SPL and ShPP.

## 4.0 Scope

This policy and associated procedure apply to all Ark staff.

## 5.0 Legal/Regulatory Framework

The relevant legislation relating to shared parental leave and pay is:

- Employment Rights Act 1996
- Employment Act 2002
- Shared Parental Leave Regulations 2014
- Children and Families Act 2014
- The Protection from Redundancy (Pregnancy and Family Leave) Act 2023

## 6.0 Responsibilities

### 6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy.

### 6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required.

### 6.3 Leadership Team

Ark's Leadership Team is responsible for review of the policy, and for ensuring that relevant measures are put in place in order to implement its requirements.

### 6.4 Managers

Ark Managers are responsible for the effective implementation of this policy when staff are utilising SPL.

### 6.5 All Staff

All staff are required to ensure they are aware of the policy when considering their options in relation to SPL.

## 7.0 Shared Parental Leave Principles

SPL is leave available to working parents in the year following a child's birth. The total amount of SPL available is 52 weeks less the weeks spent by the child's mother on maternity leave (or weeks when the mother has been in receipt of statutory maternity pay or maternity allowance if they are not entitled to maternity leave).

The mother of the child cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

The SPL scheme is entirely optional. The default position is that the child's mother will take 52 weeks' maternity leave. Accordingly, if an employee wishes to utilise the scheme, they must opt-in to it and fulfil all the notification requirements set out in this policy.

### 7.1 Eligibility for SPL

For the purposes of this policy:

- **Expected Week of Childbirth** or EWC is the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.
- **Partner** means spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- **Qualifying Week** is the fifteenth week before the EWC.

SPL can only be used by two people:

1. The mother/adopter; and
2. 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.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption. Additionally, an employee seeking to take SPL must satisfy each of the following criteria:

- The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- The employee must still be working for Ark at the start of each period of SPL.
- The employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the Qualifying Week;
- The employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of January 2024) a week in any 13 of those weeks.

- The employee must correctly notify Ark of their entitlement and provide evidence as required.

SPL entitlement is in addition to paternity leave entitlement. However, once an employee starts SPL, the employee loses any untaken paternity leave entitlement.

## 7.2 Redundancy Protection

Employees on SPL have the right to be prioritised for redeployment offers in a redundancy situation, for 18 months after the child's date of birth or placement or date of entry into Great Britain.

## 8.0 Learning & Development Requirements

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

## 9.0 Related Policies & Procedures

This policy should be read in conjunction with:

- HR25 Flexible Working Policy
- HR25a Flexible Working Procedure
- HR11 Maternity Leave Policy
- HR12 Parental Leave Policy
- HR23 Adoption Policy
- HR24 Paternity Leave Policy

## 10.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

## 11.0 Data Protection Impact Assessment (DPIA)

No potential data protection issues have been identified in relation to the development of this policy, and consequently an DPIA has not been completed.

## 12.0 Monitoring and Review

### 12.1 Monitoring

Ark's Executive and Leadership Team will monitor implementation of this policy on an ongoing basis.

## 12.2 Review

This policy will be reviewed within 5 years from the date of approval by our Board of Management, in accordance with Ark's policy review framework.