

Shared Parental Leave Guidance

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1.0 Introduction

- 1.1 Shared parental leave enables pregnant employees 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.
- 1.2 The following definitions are used for the purpose of shared parental leave:
- **"Partner"** means the parent 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 pregnant employee. This includes someone, of any gender, who lives with the pregnant employee and the child in an enduring family relationship but who is not the pregnant employee'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 pregnant employee's doctor or midwife expects them to give birth.

2.0 Scope of this shared parental leave

- 2.1 This policy applies in relation to employees of CWC. If the pregnant parent is employed by CWC, their partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their own employer, which may have its own shared parental leave policy in place.
- 2.2 Similarly, if it is the partner who is employed by CWC, the other parent must (where relevant) submit any notifications to take shared parental leave to their own employer.

3.0 Amount of shared parental leave available

- 3.1 The amount of shared parental leave to which an individual is entitled will depend on when the pregnant employee brings their maternity leave period to an end and the amount of leave that the other parent takes in respect of the child.
- 3.2 The first two weeks following birth are reserved for the pregnant employee as compulsory leave. This means that the pregnant employee cannot curtail their 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 (although it will normally be less than this because of the maternity leave that pregnant employees usually take before the birth).
- 3.3 Shared parental leave must be taken in blocks of at least one week. The

employee can request to take shared parental leave in one continuous block (in which case CWC is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs their managers agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

4.0 Eligibility for shared parental leave

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

Pregnant employee's eligibility for shared parental leave

The pregnant employee is eligible for shared parental leave if they:

- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with CWC until the week before any period of shared parental leave that they take;
- Have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- Are entitled to statutory maternity leave in respect of the child; and
- Comply with the relevant maternity leave curtailment requirements (or have returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the pregnant employee to be eligible for shared parental leave, the partner must:

- 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 pregnant employee, for the care of the child.

Partner's eligibility for shared parental leave

The partner is eligible for shared parental leave if they:

- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with the organisation until the week before any period of shared parental leave that they take;

- Have, at the date of the child's birth, the main responsibility, apart from the pregnant employee, for the care of the child; and
- Comply with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the pregnant employee must:

- 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).

5.0 Notice requirements for shared parental leave

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

- Aa "**maternity leave curtailment notice**" from the pregnant employee setting out when they propose to end their maternity leave (unless the employee has already returned to work from maternity leave);
- A "**notice of entitlement and intention**" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting; and
- A "**period of leave notice**" from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

5.2 The notice periods set out below (see pregnant employee's notice curtailing maternity leave, Employee's notice of entitlement and intention and Employee's period of leave notice) are the minimum required by law. However, the earlier the employee informs CWC of their intentions, the more likely it is that the manager will be able to accommodate the employee's wishes, particularly if they want to take periods of discontinuous leave.

5.3 Employees can provide more than one type of notice at the same time. For example, the pregnant employee 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 their notice of entitlement and intention and period of leave notice at the same time.

Pregnant employee's notice curtailing maternity leave

- 5.4 Before either parent can take shared parental leave, the pregnant employee must either return to work before the end of their maternity leave (by giving the required eight weeks' notice of their planned return) or provide their employer with a maternity leave curtailment notice (use form ShPL6). 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 pregnant employee gave the maternity leave curtailment notice to their employer; and
 - At least one week before what would be the end of the additional maternity leave period.
- 5.5 The pregnant employee must provide their maternity leave curtailment notice at the same time they provide either their notice of entitlement and intention or a declaration of consent and entitlement signed by the pregnant employee confirming that their partner has given their employer a notice of entitlement and intention (see Employee's notice of entitlement and intention below).

Revocation of maternity leave curtailment notice

- 5.6 The pregnant employee can withdraw their notice curtailing their maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the employee has not returned to work. The pregnant employee can withdraw their maternity leave curtailment notice if:
- It is discovered that neither the pregnant employee nor the partner are entitled to shared parental leave or statutory shared parental pay and the pregnant employee withdraws their 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 pregnant employee withdraws their maternity leave curtailment notice within six weeks of the child's birth; or
 - The partner has unfortunately died.

Employee's notice of entitlement and intention

- 5.7 The employee, whether the pregnant employee or the partner, must provide CWC with a non-binding notice of entitlement and intention in writing. This must be provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee and must set out the following

information.

- If the employee is pregnant or has recently given birth to a child, complete form ShPL1
- If the employee is the partner, complete form ShPL2
- If both parents are employees of CWC, complete form ShPL5

5.8 Within 14 days of receiving a notice of entitlement and intention from the employee, whether the pregnant employee or partner, CWC can request from the employee:

- 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 (or a declaration that the other parent has no employer).

5.9 The employee has 14 days from the date of the request to send CWC the required information.

Variation or cancellation of period of leave notice

5.10 The employee can vary or cancel their proposed shared parental leave dates following the submission of a period of leave notice, provided that they provide their 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 (use form ShPL3) 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.

5.11 The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy, although the organisation may waive this limit in some circumstances.

Employee's period of leave notice

5.12 To take a period of shared parental leave, the employee 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 – use form ShPL4.

- 5.13 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.

Continuous period of shared parental leave

- 5.14 If the employee submits a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave.

Discontinuous periods of shared parental leave

- 5.15 The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the pregnant employee and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

- 5.16 If the employee submits a period of leave notice requesting discontinuous periods of leave, CWC, 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.

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

- 5.18 If no agreement is reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee 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 employee must notify CWC of that date within five days of the end of the two-week discussion period. If the employee 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.

- 5.19 Alternatively, if CWC has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee 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 employee can make.

6.0 Amount of shared parental pay available

- 6.1 Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the pregnant employee has been paid when their maternity leave or pay period ends.
- 6.2 A total of 39 weeks' statutory maternity pay or maternity allowance is available to the pregnant employee. As there is a compulsory maternity leave period of two weeks, this means that a pregnant employee who ends their maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with their partner (although it will normally be less than this because of the maternity leave that employee's usually take before the birth).
- 6.3 Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

7.0 Eligibility for statutory shared parental pay

- 7.1 For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

Pregnant employee's eligibility for statutory shared parental pay

- 7.2 The pregnant employee is eligible for statutory shared parental pay if they:
- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with their employer until the week before any period of shared parental pay that they get;
 - have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
 - have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
 - are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay; and
 - are entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

In addition, for the pregnant employee to be eligible for statutory shared parental pay, the partner must:

- 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, at the date of the child's birth, the main responsibility, apart from the pregnant employee, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks.

Partner's eligibility for statutory shared parental pay

7.3 The partner is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with their employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, the main responsibility, apart from the pregnant employee, for the care of the child; and
- are absent from work and intends to care for the child during each week in which they receive statutory shared parental pay.

7.4 In addition, for the partner to be eligible, the pregnant employee must:

- 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 [currently £30] 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; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

8.0 Contact during shared parental leave

8.1 CWC reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' 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.

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

8.3 The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave.

9.0 Pay for working SPLIT days

9.1 If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you for each hour that you work during a SPLIT day at your normal hourly rate of pay.

10.0 Returning to work following shared parental leave

10.1 The employee has 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 employee in relation to the same child, is 26 weeks or less.

10.2 If the employee 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 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 employee 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 employee has the right to return to another job that is suitable and appropriate for them.