Shared Parental Leave and Pay Policy

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| **Risk Owner** | People Strategy & Projects Team |
| **Supported By** | Director of People and Culture |
| **Date Approved** | 6 April 2024  |
| **Date for review** | 5 April 2027 |
| **Distribution** | Internal - non confidential |

1. Purpose

Shared parental leave gives more choice in how 2 parents can care for their child. Eligible parents who are sharing responsibility for a child can get shared parental leave in the first year after:

* the birth of their child
* adopting a child
* getting a parental order if they had the child through surrogacy

Policy objectives:

* set out the entitlements and support available to colleagues who wish to take shared parental leave
* set out the roles and responsibilities for requesting and managing periods of Shared Parental Leave;
* ensure all requests for Shared Parental Leave are handled consistently, objectively and fairly.
1. Policy

# **2.1 Summary of Shared Parental Leave and Pay**

If a colleague is eligible the Regulations enable a colleague to end their maternity or adoption leave and pay, or Maternity Allowance (MA), early and share the untaken balance of the leave and pay as Shared Parental Leave and Shared Parental Pay with the other parent/their partner.

Summary of entitlements:

* Parents can begin a period of SPL at any time following the compulsory two-week maternity leave period/from day 1 of the child’s placement for adoption (as long as the parent/adopter has given the required notice to end their leave);
* Take the remaining 50 weeks as Shared Parental Leave (SPL);
* Take the remaining 37 weeks as Statutory Shared Pay (ShPP); subject to service requirements (see ‘Eligibility for Enhanced Shared Parental Pay’ section below) some of this pay may be paid at an enhanced rate;
* All SPL must be taken within the first year following the birth child’s placement for adoption;
* The leave does not have to be taken in one continuous block; colleagues are entitled to request a maximum of 3 separate (discontinuous) blocks of leave.
* A colleague on SPL is entitled to the same terms and conditions that would have applied had they been at work, with the exception of pay;
* Partners are entitled to paid time off to attend two ante-natal appointments with the pregnant parent;
* [Support Leave](https://inside.barnardos.org.uk/support-leave-policy)  is also available to partners. Support leave is the inclusive term that Barnardo’s uses for paternity leave. However, a colleague cannot take support leave once they have taken a period of shared parental leave in relation to the same child. Therefore, a colleague can choose to take both support leave and shared parental leave, but the period of support leave must come first;
* Parental leave continues to be available for parents – see [Parental Leave Policy & Procedure](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/unpaid-parental-leave-policy).
* Intended parents in surrogacy who meet certain criteria will be eligible for Shared Parental Leave and Pay – please refer to your People Team for further information;
* Parents can request to be off work at the same time and/or take turns to have periods of SPL to look after the child;
* A colleague can request to take SPL at any time before the child’s first birthday or before the first anniversary of the adoption placement.
* Colleagues who are identified as at risk of redundancy through consultation and have notified their manager that they are pregnant or who are on shared parental, adoption, maternity leave, have the right to be offered any suitable alternative work available. For details see Q11 in the [Redundancy FAQ](https://barnardosorguk.sharepoint.com/%3Aw%3A/s/Employeeandvolunteersupport/EQZm6FtUUJJKqkC-zTuuowUB22GZKRWOh4acUsX_UV0yXg?e=VG1ded) document.

# **2.2 Eligibility for Shared Parental Leave and Shared Parental Pay**

To qualify for shared parental leave and pay, a colleague and their partner must fulfil the criteria as set out below:

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| **Step** | **Criteria**  |
| 1 | They must have or expect to have shared responsibility for caring for the child. |
| 2 | Where **the pregnant parent/lead adopter** is a Barnardo’s colleague to qualify for SPL they must:* have worked for Barnardo’s for at least **26 weeks** at the end of the 15th week before the EWC (or date they are matched with their adopted child);
* remain in continuous employment until the week before any period of SPL is to be taken;
* have the main responsibility for the care of the child (apart from their partner)
* be entitled to maternity or adoption leave, or statutory maternity or adoption pay or maternity allowance; and
* have a ‘partner’ who:
	+ satisfies the ‘employment and earnings’ test below; and
	+ has the main responsibility for the care of the child (with the pregnant parent/primary adopter)
 |
| 3 | Where the **partner** is a Barnardo’s colleague to qualify for SPL they must:* have worked for Barnardo’s for at least 26 weeks at the end of the 15th week before the EWC (or date they are matched with their adopted child);
* remain in continuous employment until the week before any period of SPL is to be taken;
* have the main responsibility for the care of the child (apart from the pregnant parent/primary adopter); and
* have a ‘partner’ who:
	+ satisfies the ‘employment and earnings’ test below;
	+ has the main responsibility for the care of the child (with the pregnant parent/primary adopter); and
	+ has returned to work/curtailed an entitlement to maternity/adoption leave, SMP, SAP or MA.
 |
| 4 | **The Employment and Earnings test:**The other partner:* must have been employed or self-employed earner during at least 26 weeks out of the 66 weeks leading up to the EWC/adoption week; and
* have average weekly earnings of at least £30 for the 13 highest earning weeks during that 66 week period.
 |
| 5 | **Eligibility for Statutory Shared Parental Pay (ShPP)** In order to be eligible for ShPP the colleague must:* Meet the SPL eligibility test above; and
* Have earned at least £123[[1]](#footnote-1) per week in the 8 weeks before the ‘Qualifying Week i.e. end of the 15th week before the EWC

ShPP is paid at the rate of £184.03[[2]](#footnote-2) a week or 90% of a colleague’s average weekly earnings whichever is lower for a maximum of 37 weeks. The remaining 13 weeks entitlement of SPL are unpaid. |

# **2.3 Eligibility for Enhanced Shared Parental Pay (EShPP)**

Colleagues with at least one year’s Barnardo’s service at the 15th week before EWC, and remain in continuous employment until the week before any period of SPL is to be taken, are eligible for enhanced shared parental pay.

Where the **pregnant parent/primary adopter** is a Barnardo’s colleague and they were eligible for BMP, any remaining BMP entitlement will be converted into EShPP and transfer over into any period of SPL.

Where the **partner** is the Barnardo’s colleague, EShPP will and can only be paid within the 37 week pay period which is inclusive of ShPP as above, (total not to exceed normal weekly pay) plus:

* 55% of contractual weekly pay for 12 weeks commencing from week 1 of SPL

 or

* 50% of weekly pay for 13.2 weeks paid monthly commencing from week 1 of SPL

or

* 33% of contractual weekly pay for 20 weeks commencing from week 1 of SPL

or

* 30% of contractual weekly pay for 22 weeks commencing from week 1 of SPL

Once payment of EShPP begins the payment option chosen cannot be changed.

EShPP is calculated on salary immediately prior to shared parental leave and is dependent upon the colleague returning to work for a minimum of 3 months following the end of their final period shared parental leave. If the colleague fails to do so, Barnardo’s will reclaim all EShPP paid. A colleague who is uncertain whether they will be returning to work may defer receiving payment of EShPP until they return.

A colleague who has received EShPP during shared parental leave and does not return to work for the minimum 3 month period due to pregnancy and starting another period of maternity leave or shared parental leave relating to a different child, will not be asked to repay EShPP at that time provided they intend to return to work following the subsequent maternity/shared parental leave. No further EShPP will be paid and if the colleague does not return to work for a minimum of 3 months following the end of the subsequent maternity/shared parental leave, Barnardo’s will reclaim their EShPP (see above).

If a colleague on shared parental leave is unable to return to work for three months’ due to redundancy, they will not be required to repay any EShPP they have received.

# **2.4 Periods of Shared Parental Leave**

SPL can only be taken in weekly blocks; it cannot be taken as individual days.

A colleague can make three requests for leave in total and withdraw notices (where an employer has refused a request for discontinuous leave for example) do not count towards the limit.

### **Continuous block**

Colleagues can request to take their SPL in one continuous block of leave, which means a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row). As long as the eligibility and notice requirements have been met, Barnardo’s cannot refuse a request for a continuous block of SPL, nor can we require the colleague to take it at a different time.

### **Discontinuous blocks**

SPL does not have to be taken in one continuous block; requests can be made for discontinuous blocks. Discontinuous blocks means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the colleague returns to work (for example, an arrangement where a colleague will take six weeks of SPL and then take two further blocks at a later date). Only 3 blocks of discontinuous leave can be requested.

If a colleague gives notice requesting discontinuous blocks of leave, Barnardo’s will either:

i/ agree to the pattern of leave being suggested; or

ii/ refuse the request; or

iii/ propose other dates on which the leave can be taken.

If Barnardo’s wishes to propose alterative dates, the manager will arrange to meet with the colleague to discuss it. There will then be a 2 week period to enable further discussion with the colleague to see whether this (or a varied pattern) can be agreed.

If there is no agreement the colleague can either withdraw the leave notice, or take the total amount of leave requested in a single continuous period starting on the original start date or another date of the colleague’s choosing.

Some examples of potential Shared Parental Leave Patterns are attached at Appendix 1

### **2.5 Shared Parental Leave in Touch Days (SPLIT Days)**

Colleagues may work for up to 20 days during SPL without ending or extending their SPL or affecting their ShPP. Payment for these days will be at the colleague’s normal rate of pay. These are called ‘shared parental leave in touch’ (or SPLIT) days. These days do not have to be worked concurrently and are in addition to the 10 KiT days already available to those on maternity or adoption leave.

‘Work’ means any work done under the contract of employment and may include training or attending meetings.

Any work carried out on any particular day counts as a full day’s work for these purposes[[3]](#footnote-3). Colleagues will be paid their normal rate of pay[[4]](#footnote-4) for the actual hours worked on the day.

The colleague and their manager must mutually agree that these days are to be worked. There is no obligation for managers to offer them or for colleagues to work them.

### **2.6 Conditions of service**

A colleague on SPL will be entitled to the same terms and conditions that would have applied had they been at work, with the exception of pay.

### **Annual leave and bank holidays**

Colleagues will continue to accrue annual leave during SPL (except for teaching colleagues[[5]](#footnote-5)). Such leave must be requested and approved in the usual way. Leave can be taken before and/or after SPL leave, with line manager approval.

Colleagues will continue to accrue bank holidays during SPL. The amount of bank holidays owing should be calculated before SPL commences and the colleague should decide, with their line manager, when it is appropriate for this leave to be taken. Bank holiday entitlement should be calculated separately from annual leave entitlement.

See [Annual Leave and Bank Holiday Policy](https://inside.barnardos.org.uk/annual-leave-and-bank-holiday-entitlements) for further information.

**Term Time Only (TTO) colleagues**

Irrespective of the fact that they are deemed to be taking their holidays during non-working periods, TTO colleagues are entitled to opt to take their leave at a time other than during SPL. TTO colleagues and their managers should discuss the options with their People Team.

### **Childcare vouchers salary exchange**

Colleagues receiving childcare vouchers when commencing SPL have the right to continue to receive them throughout the leave period. Enhanced ShPP payments will be reduced by the voucher cost. During any period of statutory ShPP only or no pay period, the cost of the vouchers must be borne by the department/service.

### **Cycle to work salary exchange**

Colleagues participating in this scheme when commencing ShPP are entitled to retain their bike throughout the leave period. If a colleague is receiving ShPP only or is in a no-pay period, the cost of bike payments must be borne by the department/service. If the hire period has not expired, the salary exchange arrangements will continue when the colleague returns to work.

**Annual Pay Award**
A colleague's eligibility for any agreed annual pay award will not be affected by the taking of SPL leave.

### **Pension scheme - Barnardo’s Retirement Savings Plan (BRSP)**

Barnardo’s will continue to pay employer contributions during any period of paid SPL. The amount of these contributions will be based on earnings immediately prior to SPL leave (or maternity leave if SPL runs directly on from maternity leave).

Members on SPL will continue to pay their colleague contributions while they are receiving contractual pay which exceeds any statutory pay.

BRSP members paying contributions via salary exchange benefit from Barnardo’s paying both the colleague and employer contributions to their pension account during any period of paid SPL. Barnardo’s will make up the balance of the colleague’s salary.

1. **Scope**

The policy applies to all colleagues directly employed by the charity; however entitlements under this policy are subject to both partners meeting the eligibility criteria (see ‘eligibility’ section). They will need to decide how they will divide their total SPL and Shared Parental Pay (ShPP) entitlement between them. It is the responsibility of the colleague and their line manager to comply with the policy and procedures as set out in the policy.

1. **Definitions and Key Concepts**

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| **Adoption**  | The permanent legal transfer of parental responsibility from a child's birth parent(s) to the adoptive parent(s) by court order. The adoptive parent(s) acquire the same rights and responsibilities for the child as if they had been born to them. |
| **Adoptive parents/adopter**  | Those who undertake an adoption. Where the term is referred to in this policy is equally applies to same sex couples. |
| **BMP**  | Barnardo’s Maternity Pay. |
| **EShPP**  | Enhanced Shared Parental Pay. |
| **EWC**  | Expected Week of Childbirth. |
| **MA**  | Maternity Allowance |
| ****‘matching week’****  | The week in which a colleague has been notified of having been matched with a child for adoption. |
| **Partner**  | Includes spouse, civil partner, or someone, whether of a different sex or the same sex, who lives with the colleague in an enduring family relationship (but who is not their child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew). |
| **SAP**  | Statutory Adoption Pay. |
| **ShPP**  | Shared Parental Pay. |
| **SMP**  | Statutory Maternity Pay. |

1. **Roles and Responsibilities**

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| Roles | Responsibilities  |
| Risk Owner | Ultimately accountable for ensuring the risk is managed appropriately and responsibilities include keeping this policy remains fit for purpose, ensuring training is delivered, risk reporting is undertaken and the risk register is kept current. |
| Colleagues | Are responsible for complying with the notification and certification requirements within the deadlines set out in this policy. |
| Line Manager | Are responsible for discussing and agreeing any period of SPL with their colleague; ensuring any agreed periods of SPL are notified to their People Team. |
| People Team | Are responsible for advising and guiding colleagues and line managers on this policy; confirming in writing any agreed periods of maternity leave and pay to the individual; and ensuring that the leave and pay details are correctly recorded and actioned. |
| People Strategy & Projects Team | Are responsible for reviewing this policy at 3 yearly intervals, however, any legal or organisational developments may prompt more frequent reviews.  Any statutory changes will be incorporated automatically. |

1. **Procedures**

### **6.1 Ante-Natal Appointments**

Eligible parents/ partners are entitled to paid time off to accompany the pregnant parent to two antenatal appointments (up to a maximum one working day per appointment).

Antenatal care may include relaxation and parent craft classes that pregnant parent’s doctor, midwife or health visitor has advised them to attend, in addition to medical examinations.

For adoption and long-term fostering cases, eligible parents/ partners are entitled to paid time off to attend two interviews/appointments with social workers, fostering/adoption agencies and solicitors’ etc (up to a maximum of one working day per appointment).

The colleague must give their line manager as much notice as possible of appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

Any agreed paid time off must be recorded on a [Planned and Discretionary Absence Form](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/planned-and-discretionary-absence-form) which the line manager must forward to be entered onto Dynamics 365 to make the necessary pay adjustment.

**6.2 Requesting Shared Parental Leave and giving statutory notification**

For SPL to start the pregnant parent or adopter must do one of the following:

* Give the required 8 weeks’ notice and end their maternity or adoption leave by returning to work early; or
* Complete a Leave Curtailment Notice Form to give binding notice of the date when they’ll end their maternity or adoption leave (see [Maternity Leave and Pay policy](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/maternity-leave-and-pay-policy) on Inside.Barnardo’s for further information); or
* Give 8 weeks’ notice to end maternity pay or Maternity Allowance (if they’re not entitled to maternity leave e.g. they are an agency worker or self-employed).

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| **Requesting SPL and giving statutory notice** |
| **By Whom** | **Action** |
| Colleague | Must give Barnardo’s 8 weeks’ written notice of their entitlement to SPL and ShPP by completing and returning an Entitlement to SPL Declaration Form. The form will ask for non-binding information on how the partners intend to split the leave and pay. |
| People Team | Will ask for:* a copy of the child’s birth certificate[[6]](#footnote-6) or a copy of the adopter’s matching certificate (or other documentary evidence from the adoption agency)
* the name and address of the partner’s employer
 |
| Colleague | Once the notice of entitlement has been provided colleagues will then need to complete and return a notice to take SPL form at least 8 weeks before they want each period/s of leave to start. The notice can be given at the same as the entitlement form. The notice form includes the start and finish dates of the periods of leave they wish to take.  |
| People Team | Once notice is received, the People Team will write back to the colleague within 28 days to confirm the relevant start and end dates of SPL and ShPP (where applicable).  |
| Colleagues can vary periods of leave that have already been notified as long as they give 8 weeks’ written notice of the change. |

**6.3 Reasonable Contact**

Prior to a colleague starting shared parental leave, the manager and colleague should agree the appropriate level and methods of contact to be maintained between them during the leave period/s. Contact can be used to discuss a colleague’s plans for returning to work or to provide the colleague with an update on developments at work during their absence.

Colleagues should be kept informed of any potential changes in the workplace that could affect them and be given the opportunity to be involved in any consultation that takes place whilst they are on SPL.

# **6.4 Returning to work following shared parental leave**

A colleague has the right to return to the same job after taking a period of shared parental leave if the period of leave, when added to any period of statutory maternity, paternity or adoption leave taken by the colleague in relation to the same child, is 26 weeks or less.

For periods of 26 weeks and longer colleagues have the right to return to a suitable job, on not less favourable terms, if it is not possible to return to the same job.

The colleague may also wish to take (unpaid) parental leave if eligible. A maximum of 4 weeks can be taken in any one year, with approval of the line manager - see [Parental Leave Policy & Procedures](https://inside.barnardos.org.uk/employee-and-volunteer-support/taking-time/unpaid-parental-leave-policy) on Inside.Barnardo’s for further details.

# **6.5 Cancelling the decision to end maternity or adoption leave**

The parent or primary adopter may be able to change their decision to end their maternity or adoption leave early if both:

* the planned end date of the maternity/adoption leave has not passed; and
* they have not already returned to work

One of the following must also apply:

* it is discovered during the 8-week SPL notice period that neither partner is eligible for either SPL or ShPP;
* the colleague’s partner has died; or
* it is less than 6 weeks after the birth/placement for adoption (and they had already given notice to end their leave)
1. **Associated Legislation, Guidance, References and Documents**
* Adoption Leave policy & procedure
* Maternity Leave policy & procedure
* Parental Leave policy & procedure
* Support Leave policy and procedure
* Leave Curtailment Notice
* Entitlement to SPL Declaration Form
* Notice to take SPL
* Planned and Discretionary Absence Form
* Family Friendly Policies Sources of Support
* Shared Parental Leave (SPL) Regulations 2014
* Children and Families Act 2014
1. **Compliance and Oversight**

In addition to the compliance and oversight arrangements set out under Roles and Responsibilities, the following applies:

* The Risk Owner will ensure that management information demonstrating adherence to and compliance with this Policy is produced and provided to relevant parties as required and on request complete a business self-assessment;
* The Audit and Assurance Team will periodically and independently review adherence to and compliance with this Policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans;
* People Teams monitoring of general adherence to policy;
* Feedback from UNISON and Barnardo’s Equality, Diversity & Inclusion (EDI) Networks.
1. **Version History**

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| **Version** | **Date** | **Author** | **Comments**  | **Approval**  |
| 1.0 | 01.12.14 | Policy & Advice Team | New policy for Shared Parental Leave | Agreed by CMT |
| 1.1 | 05.04.15 | Policy & Advice Team | Update to Statutory pay rate |  |
| 1.2 | 01.04.16 | Policy & Advice Team | Update to reflect changes to pay and reward |  |
| 1.3 | 02.04.17 | Policy & Advice Team | Update to Statutory pay rate and update for gender neutral language |  |
| 1.4 | 06.04.19 | Policy & Advice Team | Update to Statutory pay rate |  |
| 1.5 | 05.04.20 | People Strategy & Projects Team | Update to Statutory pay rate |  |
| 1.6 | 02.08.22 | People Strategy & Projects Team | Updated to reflect agreed review date |  |
| 1.7 | 01.04.23 | People Strategy & Projects Team | Policy transferred into new template and updated to reflect 10% uplift to EShPP options |  |
| 1.8 | 06.04.24 | People Strategy & Projects Team | Update to include, new brand, EShPP rate and reference to new redundancy protection legislation. |  |

**Appendix 1**

**Some Examples of potential Shared Parental Leave Patterns Following Maternity Leave**

**Continuous Block**

Birth Parent

Birth Parent

Partner

|  |  |  |
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| Takes 26 weeks maternity leave and pay |  Birth Parent  returns to work  and the Partner  then takes 10  weeks SPL and  pay |  The Partner goes back to  work and Birth Parent  takes 16 weeks SPL and  remaining 3 weeks of pay |

Or

Birth Parent and Partner

Birth Parent commits to taking 27 weeks maternity leave and pay. The Partner takes two weeks statutory paternity leave (known as ‘Support Leave’ within Barnardo’s) and pay immediately after the baby is born and then 25 weeks SPL and 12 weeks ShPP at the same time as the Birth Parent.

**Discontinuous Block**

Partner

Birth Parent

Birth Parent & Partner

Birth Parent

|  |  |  |  |
| --- | --- | --- | --- |
| Birth Parent takes10 weeks of maternity leave and pay | Birth Parent commits to going back to work after 22 weeks; they take another 12 weeks maternity leave and pay and the Partner takes 12 weeks SPL |  Partner takes  another 8 weeks  of SPL and 5  weeks of pay and  Birth Parent  returns to work |  Partner goes back  to work and Birth  Parent takes the  remaining 10  weeks of SPL |

1. For tax year 2024-25 [↑](#footnote-ref-1)
2. The rate from 7 April 2024 [↑](#footnote-ref-2)
3. Payment is based on the actual hours worked. [↑](#footnote-ref-3)
4. For colleagues receiving statutory ShPP this will involve their pay being ‘topped up’ to their normal pay rate. [↑](#footnote-ref-4)
5. People Teams will clarify this if required. [↑](#footnote-ref-5)
6. If the request is being made before the birth, this must be provided at the earliest opportunity after the baby has been born. [↑](#footnote-ref-6)