



SOUTH LANARKSHIRE
Leisure & Culture

**Maternity, Adoption, Paternity Leave, Additional Paternity Leave,
Shared Parental Leave and Pay Policy**

2023

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MATERNITY LEAVE

1. INTRODUCTION

- 1.1** This policy applies to women whose Expected Week of Childbirth (EWC) begins on or after 5 October 2008.
- 1.2** There are two maternity schemes, Scheme A and B, described below. All pregnant women, irrespective of length of service and hours worked are entitled to a 52 week maternity leave. Entitlement to either scheme, as well as statutory maternity pay and maternity allowance, is dependant on service and earnings related conditions which are explained in this document.
- 1.3** It is important that women are aware both of their entitlement to leave and pay and also of the support available during their pregnancy and while on maternity leave. Employees are therefore encouraged to contact the HR team as early as possible. Employees will be directed to the maternity briefing on SLC's intranet or alternatively a "maternity briefing" will be arranged either face to face or over the phone if the employee does not have access to the intranet.
- 1.4** One of the matters which will have to be discussed with the Line Manager is how the work area will keep in touch with the employee during her maternity leave. Arrangements will be made to send her routine items such as payslips, copies of "What's the Buzz in SLLC", SLC's "The Works" magazine, and other items of interest such as copies of Team Talk. Further information can be sent out by agreement and a named "buddy" will be designated who will keep in personal contact. This will provide additional means of communication, "ease" the employee's return to work in due course and ensure that support can be provided if needed. Her work area will ensure that she is contacted prior to her return to work to make any necessary arrangements (see also Para 5.5 –"Right to be Kept Informed").
- 1.5** The two maternity schemes are outlined below however, regardless of which scheme an employee is entitled to, the undernoted conditions apply:
 - To be entitled to maternity leave, an employee must continue to be employed up to and including the last working day before the beginning of the 11th week before the Expected Week of childbirth, whether or not she is actually at work.
 - A period of maternity leave cannot start before the beginning of the 11th week before the Expected Week of Childbirth (EWC), or from the date of childbirth if that is earlier.
 - The notification procedures must be followed (see para 4.1)

- There is a compulsory 2 week period of maternity leave which begins on the day on which childbirth occurs.
- In relation to the Expected Week of Childbirth (EWC), “week” means a period of 7 days beginning on midnight of the day the employee specifies her notice, providing she starts her leave on this day.
- The term “a week’s pay” for employees whose pay for normal working hours does not vary with the amount of work done in that period, is the amount she is paid for working her normal hours in a week. Where there are no normal working hours, “a week’s pay” is the average pay in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no pay was earned.

2. ORDINARY MATERNITY LEAVE (SCHEME A)

Employees eligible for this scheme will have less than 26 weeks continuous service by the end of the 15th week before the expected Week of Childbirth (EWC).

2.1 Maternity Leave

- All employees are entitled to take up to 26 weeks ordinary maternity leave, and 26 weeks additional maternity leave under this scheme, totalling 52 weeks maternity leave.
- Maternity leave can begin any time from the beginning of the 11th week before the expected week of childbirth, unless childbirth takes place prior to this.
- Maternity leave will start on the day the employee specifies her notice, provided she starts her leave on this day.
- For parents of children due on or after 5 April 2015, please see Shared Parental Leave section.

2.2 Maternity Pay

Payment for employees with less than 26 weeks continuous service ending with the 15th week before the Expected Week of Childbirth (EWC) will be the employee’s entitlement to statutory maternity pay, or maternity allowance. For further information see Appendix 1.

3. ADDITIONAL MATERNITY LEAVE (SCHEME B)

Employees eligible for this scheme will have completed at least 26 weeks continuous service ending with the 15th week before the Expected Week of Childbirth (EWC).

3.1 Maternity Leave

- Employees are entitled to take up to 52 weeks maternity leave.
- Maternity leave can begin any time from the beginning of the 11th week before the expected week of childbirth, unless childbirth takes place prior to this.
- Maternity leave will start on the day the employee specifies her notice, provided she starts her leave on this day.
- For parents of children with a due date or adoption placement date on or after 5 April 2015, please see Shared Parental Leave section

3.2 Maternity Pay

Payment for employees who have completed no less than 26 weeks continuous service ending with the 15th week before the Expected Week of Childbirth (EWC) will be as follows:

- For the first 6 weeks of absence an employee will be entitled to nine tenths of a week's pay offset against SMP payments.
- For employees intending to return to work, this is followed by an additional twelve weeks at half pay, without any deduction except to the extent to which the combined pay and SMP exceeds full pay.
- The subsequent 21 weeks are at the new standard rate of SMP.
- Remaining 13 weeks are unpaid.

3.3 Requirement to return to Work

- An employee must actually return to, and remain at work for a 3 month period after additional maternity leave otherwise the 12 weeks leave at half pay must be repaid. Payment made by way of SMP or Maternity Allowance is not refundable.
- Annual leave and public holidays will count towards the calculation of the 3 month period, but periods of sickness absence either before or after a physical return to work, will not.
- In special cases of hardship, the Senior Manager may recommend to the HR Manager that consideration be given to waiving the repayment.
- If an employee is unsure if she wishes to return to work, and is concerned about possibly having to repay the 12 weeks at half pay, she can opt to waive receipt of this payment until she returns to work.
- Where an employee does not intend to return to work, she will receive statutory maternity pay only, that is, 6 weeks at nine tenths of her average weekly pay followed by 33 weeks at the standard rate of SMP.
- Where an employee wishes to start a career break immediately after maternity leave, occupational maternity pay i.e. the 12 weeks at half pay will be withheld and paid on her return to work.

4. NOTIFICATION REQUIREMENTS

4.1 Intention to Take Maternity Leave

The following notification requirements apply to both schemes.

An employee must advise SLLC in writing by completing the application form **PER/ML/1/05**, by the first working day of the 15th week prior to the Expected Week of Childbirth (EWC) or as soon as reasonable practicable:

- that she is pregnant;
- of her Expected Week of Childbirth (EWC); and
- the date on which she intends to begin her maternity leave

A Mat B 1 form will also be required, when available, from her registered medical practitioner or certified midwife. This confirms the Expected Week of Childbirth (EWC). Her employing work area will provide written confirmation of her entitlement to leave and pay, where applicable, within 28 days of receipt of her notification. This will include advising her of the latest date on which she can return to work if she takes her full leave entitlement.

If an employee wishes to change the start of her maternity leave, she must notify SLLC of the change at least 28 days before the original date or the date varied, or give as much notice as is reasonably practicable in the circumstances, for example if she has given birth early.

4.2 Return to Work

- An employee returning to work at the end of her entitled maternity leave will be required to confirm her date of return by completing the form **PER/ML/2/05**. This enables the work

area to make the necessary administrative arrangements, for example, to reinstate her on the payroll.

- An employee wishing to vary her return to work date must give her employing work area at least 8 weeks notice by completing the **PER/FW/1/09** form. Failure to do this may result in a postponement of her return to work by up to 7 days.

5. EMPLOYMENT RIGHTS

5.1 General

An employee is entitled not to suffer any detriment because she is pregnant, has given birth or taken maternity leave. The dismissal of an employee on the grounds of pregnancy is automatically unfair.

5.2 Continuous Service

For the purpose of calculating maternity leave and pay, continuous service begins from the date an employee joined South Lanarkshire Leisure and culture, South Lanarkshire Council or another local authority. Normally service is broken if there is a gap of seven days or more.

An employee on maternity leave continues to be employed during the maternity leave period unless appointed on a temporary contract which ends for a reason other than that the woman is pregnant or taken maternity leave.

All of an employee's contractual terms and conditions except for remuneration are preserved during the period of maternity leave and the maternity leave period counts towards continuous employment for the purposes of assessing service, increments etc.

5.3 Keeping in Touch Days

An employee on maternity leave is allowed up to 10 days at work with normal pay as 'Keeping in Touch Days', without bringing the maternity leave or additional leave period to an end. Normal pay will be an amount inclusive of SMP or Maternity Allowance as appropriate. These days do not have to be consecutive and can be used for training and any other activity which enables the employee to keep in touch with the place of employment. 'Keeping in Touch Days' can only be taken following agreement between the employer and the employee to both the activity and timing.

Arrangements made regarding communication with an employee as outlined in paragraph 1.4, does not constitute work, and does not therefore count toward the 10 days.

To apply for keeping in touch days employees should complete the application form **PER/ML/03/05**.

5.4 Right to Return

An employee has the right to return to the job in which she was employed under her original contract of employment and on terms and conditions no less favourable than those applicable if she had not been absent on maternity leave. "Job" for this purpose means the nature of work which she is employed to do and the capacity and place in which she is employed.

If an employee resigns because of pregnancy or childbirth, and her child does not live, SLLC will make every effort to allow her to return to work although there is no guarantee this will be to the same establishment or at the same grade if she held a promoted post.

5.5 Right to be Kept Informed

An employee's work area will make suitable arrangements to maintain contact with her while she is on maternity leave, for example by sending copies of "What's the Buzz in SLLC" Team Talk, SLC's "The Works" and other information. The work area will also ensure that she is kept fully informed about any vacancies in SLLC and any other relevant matters affecting her rights and conditions of employment, including any proposals for any restructuring or other developments within the work area which affect her.

(See also Para 1.4 on arrangements for contact with an employee while on maternity leave)

5.6 Right to Apply for Vacancies

While on maternity leave, an employee may apply for, and if successful be appointed to, any vacancy in SLLC.

5.7 Right to Request to Work Flexibly

In terms of SLLC's Policy on Flexible Working, an employee may submit a request to work flexibly. This should be done by completing the **PER/FW/1/15 form**, detailing the changes requested, the date from which it is proposed to become effective, and the duration if the change is to be temporary. The employing work area will contact the employee to discuss how the arrangements can be met or to consider a suitable alternative.

5.8 Accrual of Leave during Maternity Leave

Annual leave entitlement continues to accrue during both ordinary and additional maternity leave and the period of time on maternity leave will therefore be taken into account in calculating leave entitlement for the leave year(s) in which maternity leave is taken. On her return to work, an employee on maternity leave will be entitled to a day in lieu for each Public Holiday that coincides with the duration of the maternity leave period.

6. GENERAL CONDITIONS

6.1 Ante-Natal Care

Any pregnant employee has the right to reasonable time off without loss of pay to attend ante-natal appointments. She may be asked to produce an appointment card or other evidence of the appointments having been made. Ante-natal care can include not only medical examinations but also dental appointments, relaxation and parent-craft classes. However, where possible, an employee should make every effort to arrange these appointments out with working hours.

6.2 Health and Safety

An employee who is pregnant, has recently given birth or is breast feeding and who cannot carry out her normal duties because of health and safety regulations has the right to be offered suitable alternative work, or if such work is not available, to be removed from the workplace with normal pay. When calculating the "normal pay" of an employee during maternity leave, SLLC will include elements such as contractual overtime, irregular hours, and payments for weekend working, pay awards and any increments due to the employee.

6.3 Childbirth

Childbirth means the live birth of a child, or a stillbirth after a pregnancy lasting at least 24 weeks. Therefore if a child is born but dies, or is stillborn, on or after the 25th week of pregnancy an employee will be entitled to maternity leave and pay in accordance with this scheme.

6.4 Sickness Absence

Maternity leave will not be treated as sick leave and will not be taken into account in calculating an employee's entitlement under SLLC's Sickness Allowance Scheme, except in the case of miscarriage i.e. prior to the 24th week of pregnancy. However, any absences on account of illness due or attributable to pregnancy or childbirth, which occur before or after maternity leave, will be treated as sickness absence in terms of the Sickness Allowance Scheme. Occupational sick pay is not payable from the date notified as the start of maternity leave and the notified return date.

If an employee is absent from work on pregnancy-related grounds, and there are 4 weeks or less before her child is due, her maternity leave will start automatically from the first Sunday following the date on which she became unfit.

Depending on entitlement, maternity leave can last no longer than 52 weeks. If at the end of the agreed maternity leave period, an employee is unfit to return to work because of sickness, her maternity leave will end and she will be covered by the terms of SLLC's Sickness Allowance Scheme and Maximising Attendance Policy.

ADOPTION LEAVE

7. INTRODUCTION

7.1 South Lanarkshire Leisure and Culture has always recognised the importance of providing leave for an adoptive parent. The Employment Act 2002 introduced a new statutory right for adoptive parents to take leave following the adoption of a child. This is in addition to the right introduced in 1999 for adoptive parents to take unpaid parental leave. From 1 April 2007 and 5 April 2015 these rights have been enhanced;

- The rights apply to a child (under the age of 18 years) matched for adoption where an approved adoption agency notifies the adopter of a match with a child on or after 1 April 2007, or where the agency notifies the adopter of a match before this date but the child is placed after 1 April 2007.
- The rights to adoption leave and pay are available to an individual who adopts or to one member of a couple who adopt jointly. The couple may choose which partner takes adoption leave, however, Shared Parental Leave applies to those matched by an adoption agency. A partner can take statutory paternity leave or maternity support leave if s/he meets the qualifying conditions.
- Adoption leave applies only where a child is newly placed with adoptive parents. The scheme also applies to the prospective parents in a surrogacy arrangement where the child's expected week of birth begins on or after 5 April 2015. It will not apply to stepparent adoptions or to adoptions by existing foster carers. An employee must have been notified that s/he has been matched by an adoption agency with a child for the purposes of adoption and be able to produce evidence of entitlement such as a "matching certificate" issued by the adoption agency.
- There is no length of service qualification for Ordinary Adoption Leave or Additional

Adoption Leave. The right to adoption leave applies to all employees regardless of the number of hours worked.

- Employees taking adoption leave have similar rights to those enjoyed by women taking maternity leave namely the right to:
 - Protection from detriment as a result of having taken adoption leave
 - The benefit of continuity of terms and conditions of employment except pay
 - The right to return to the same job, or, if not reasonably practicable, a suitable and appropriate alternative job.

7.2 Adoption Leave

An employee who will be the principal carer for the adopted child is entitled to take up to 52 weeks adoption leave which can begin on either:

- the date of the child's placement
- from a fixed date up to 14 days before the expected date of placement.

Where the adoption placement date is on or after 5 April 2015, please see Shared Parental Leave section.

In surrogacy cases, the "primary" adopter would request to take adoption leave and then end the adoption leave in order to request shared parental leave.

In the case of a multiple adoption, only one period of ordinary adoption leave can be taken.

Where the placement is "disrupted" i.e. ends for any reason during Adoption Leave, the employee will be entitled to remain absent on adoption leave and pay, if applicable, for up to 8 weeks after the end of the week in which the placement ends.

7.3 Adoption Pay

Where an employee has less than 26 weeks continuous service by the end of the week they are notified they have been matched to a child, the employee has no entitlement to pay during Adoption leave.

For employees who have been continuously employed for at least 26 weeks at the end of the week of being matched for adoption and who have average weekly earnings above the lower earnings limit for National Insurance contributions, payment will be paid as follows:

- The first 6 weeks at 9/10ths of average weekly earnings (this figure is inclusive of any Statutory Adoption pay to which the employee is entitled during this period)
- For employees intending to return to work, twelve weeks at half pay without deduction except to the extent where the combined pay and SAP exceeds full pay.
- Twenty one weeks of Statutory Adoption Pay
- Any further period of leave is unpaid.

7.4 Adoption appointments

The primary adopter can take paid time off for up to five adoption appointments and the secondary adopter can take unpaid time off for up to two adoption appointments.

7.5 NOTIFICATION REQUIREMENTS

7.5.1 Intention to take Adoption Leave

An employee must give notice in writing by completing the application form **PER/ADPT/01/05**, of his/her intention to take adoption leave within 7 days of being notified by their adoption agency that s/he has been matched with a child for adoption, where this is reasonably practicable. Notification must include details of the following:

- The date when the employee was notified of being “matched” with a child or parental order being granted
- The name and date of birth of the child
- The expected date of placement
- The date that the employee has chosen for the adoption leave to begin
- A “matching” certificate provide by the adoption agency

The employee may vary the start date by giving twenty eight days notice in writing or as much notice as is reasonably practicable.

Within 28 days of receipt of notice of the intention to start adoption leave, the employing work area will confirm in writing the date for return to work and will send the employee a copy of the pro forma requesting that this is used to confirm the date of return for pay purposes.

An employee wishing to vary the date of return to work must give **8 weeks notice** or as much as is reasonably practicable to allow administrative arrangements to be made, otherwise SLLC may postpone the return for the full period of notice required.

7.6 Keeping in Touch Days

An employee on adoption leave is allowed up to 10 days at work with normal pay as ‘Keeping in Touch Days’, without bringing the adoption leave period to an end. Normal pay will be an amount inclusive of SAP. These days do not have to be consecutive and can be used for training and any other activity which enables the employee to keep in touch with the place of employment. ‘Keeping in Touch Days’ can only be taken following agreement between the employer and the employee to both the activity and timing.

To apply for keeping in touch days employees should complete the application form **PER/ADPT/03/05**.

7.7 Return to Work

Employees in receipt of additional adoption pay must actually return to, and remain at work, for 12 weeks after the period of adoption leave otherwise the 12 weeks leave at 50% pay must be repaid. Annual leave and public holidays will count towards the calculation of the 12 week period but periods of sickness absence either before or after a physical return to work will not.

In special cases of hardship, the Senior Manager may recommend to the HR Manager that consideration be given to waiving the repayment. If an employee is unsure if s/he wishes to return to work, and is concerned about having to repay the 12 weeks, s/he can opt to waive receipt of additional adoption pay until s/he returns to work.

- An employee returning to work at the end of their adoption leave will be required to confirm their date of return by completing the form **PER/ADPT/02/05**. This enables the work area to

make the necessary administrative arrangements, for example, to reinstate them on the payroll.

- An employee wishing to vary their return to work date must give their employing work area at least 8 weeks notice by completing the **PER/FW/1/09** form. Failure to do this may result in a postponement of their return to work by up to 7 days.

STATUTORY PATERNITY LEAVE

8. INTRODUCTION

8.1 The Employment Act 2002 introduced a statutory right to 2 weeks paid paternity leave on the birth of a child or placement of a child for adoption. This is in addition to the existing entitlement to unpaid parental leave.

- The right to paternity leave applies to a child born, or expected to be born, or placed for adoption after 6 April 2003.
- Paternity leave may be taken not just by the biological father but by a partner if that person will have the main responsibility for the child's upbringing apart from any responsibility on the part of the mother. Therefore a cohabiting partner of either gender may apply for paternity leave.
- In the instance of a multiple birth or adoption, only one period of paternity leave is allowed.
- The Act gives employees taking paternity leave similar rights to those enjoyed by women taking maternity leave i.e:-
 - Protection from any detriment as a result of having taken paternity leave
 - The benefit of the terms and condition of employment except pay
 - The right to return to the same job, or, if that is not reasonably practicable, a suitable and appropriate alternative job

8.2 Fathers or partners of an expectant mother, or adopters, who have 26 weeks continuous service ending with the 15th week before the Expected Week of Childbirth (EWC) or ending with the week in which an approved "match" for adoption is notified will be entitled to 4 weeks leave, to be taken consecutively.

8.3 An employee will be treated as having satisfied the continuous employment conditions but for the fact that the child was born early. A newborn child includes a child stillborn after 24 weeks of pregnancy.

8.4 Statutory Paternity Leave must be taken during the period of 56 days beginning with the date of birth or the first date of the expected week of the child's birth whichever is later, or the date of placement for adoption. This covers the situation of a premature birth. Where 2 weeks leave are taken these must be consecutive.

8.5 NOTIFICATION REQUIREMENTS

8.5.1 Intention to Take Paternity Leave

The following notification requirement applies to this scheme.

An employee must advise SLLC in writing by completing the application form **PER/PL/01/03**;

- In or before the 15th week before the expected week of childbirth;
- No more than 7 days after the date of notification of having been "matched" for adoption or;
- As soon as is reasonably practicable.

8.5.2 This will provide the following information:-

- The Expected Week of Childbirth or date of notification of “matching” for adoption;
- The date on which leave will begin;
- Confirmation of entitlement to paternity leave i.e. a declaration that they meet the conditions as to responsibility for the child.

8.5.3 An employee may vary the date that Statutory Paternity Leave starts by giving 28 days notice in writing, where this is reasonably practicable.

MATERNITY SUPPORT LEAVE

9. INTRODUCTION

9.1 Maternity Support Leave of up to 5 days leave with pay is available to the child’s father, secondary carer in adoption, partner or nominated carer of an expectant mother at or around the time of the birth. The nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth i.e. within 1 week before and 3 weeks after the birth. The 5 days do not need to be consecutive. Maternity support leave is available to employees with 26 weeks continuous service at the time of birth or notification of adoption.

9.2 NOTIFICATION REQUIREMENTS

9.2.1 Intention to Take Maternity Support Leave

The following notification requirement applies to this scheme.

An employee must advise SLLC in writing by completing the application form **PER/MSL/03**;

- In or before the 15th week before the expected week of childbirth;
- No more than 7 days after the date of notification of having been “matched” for adoption or;
- As soon as is reasonably practicable.

9.2.2 This will provide the following information:-

- The Expected Week of Childbirth or date of notification of “matching” for adoption;
- The dates on which leave will take place;
- Confirmation of entitlement to Maternity Support Leave i.e. a declaration that they meet the conditions as to responsibility for the child.

9.2.3 An employee may vary the dates that maternity Support Leave starts by giving 28 days notice in writing, where this is reasonably practicable.

N.B. Employees cannot apply for both maternity support leave and statutory paternity leave.

ADDITIONAL PATERNITY LEAVE

10. INTRODUCTION

10.1 Additional Paternity Leave (APL) provides more choice and flexibility in the child's care provisions and applies to Parents of Children born on or after 3 April 2011 until 4 April 2015, or adoptive Parents who are notified of having been matched with a child on or after this date.

For parents of children due on or after 5 April 2015 or adoptive parents who have been notified of having been matched with a child on or after 5 April 2015, please see Shared Parental Leave section.

10.2 For the purposes of this policy the definition of 'Father' is; the child's father, the husband or partner or civil partner of the child's mother. The right will also apply to adoptive Fathers / co-adopters.

10.3 Additional Statutory Paternity Pay (ASPP) is paid at the same rate as Statutory Maternity Pay (SMP) for the balance of the Statutory Maternity Pay Period; any additional time taken after this period will be classed as unpaid leave.

10.4 The undernoted conditions apply for fathers when taking additional paternity leave;

- Up to 26 weeks (6 months) leave can be taken once the Mother/Adopter has returned to work.
- APL cannot be taken earlier than 20 weeks after the birth or after placement for adoption
- APL cannot be taken later than the child's first birthday or 1 year after placement began.
- The minimum period of APL is 2 consecutive weeks and the maximum is 26 weeks. Periods of leave need to be complete weeks and taken in a continuous block.
- In terms of adoption – Additional Paternity Leave and Pay (APLP) will be available to the adopter who chooses not to receive Statutory Adoption Pay (SAP).

11. Additional Paternity Leave

To be entitled to APL the Father must be continuously employed by same employer for at least 26 weeks ending with the relevant week (15 weeks before expected date of childbirth or week the adopter is matched with the child for adoption) and remain in the same employment until the APL starts.

- Qualifying period for APLP is based on the entitlement to existing Paternity Leave and Pay.
- APL cannot be taken during mothers SMP, MA or SAP pay period.
- There is no requirement for the Fathers leave to begin directly after the Mothers/Adopters return to work, just that the Mother/Adopter needs to have returned to work before the leave begins.

Additional Statutory Paternity Pay is paid at standard ASPP rate or 90% of Fathers average earnings, whichever is less. This again is only payable during the period where the Mother/Adopter would be entitled to SMP, SAP or Maternity Allowance. The pay period for these payments is 39 weeks.

To receive ASPP the Father must have earnings on average at least equal to the lower earnings limit during the 8 weeks prior to the relevant week.

NOTIFICATION REQUIREMENTS

11.1 Intention to take Additional Paternity Leave

The Father must advise SLLC in writing at least 8 weeks prior to the date leave will begin. The employee must complete **PER/APL/1/11** form which is available on the Corporate I: Drive or QPulse or alternatively from the HR team. Parents will have to self-certify their entitlement in order to allow HR to calculate entitlement and to allow HRMC to carry out compliance checks. The HR team will provide written confirmation of their entitlement to leave and pay, within 28 days of receipt of the notification.

If the Father requests to change the start date, they must notify SLLC of the change at least 6 weeks before the original start date. If the Father requests to withdraw or change the date of the planned additional paternity leave, less than 6 weeks prior to planned leave, SLLC does not have to accommodate change if it is not reasonable practicable to do so.

It is the responsibility of the Father to tell the employer that he is no longer eligible for APL due to change in his or the families circumstances or the Mothers eligibility for SMP, SAP or MA.

- Entitlement to Additional Paternity Leave and Pay will stop immediately following notice of ineligibility.

11.2 Extended Additional Paternity Leave

In event of the death of the Mother the Father is entitled to start APL immediately, with a maximum period of 12 months ending no later than the child's 1st birthday or 1 year after the adoption placement.

- In these circumstances the Father only needs to provide information on Mothers/Adopters entitlement to pay and leave e.g. letter of confirmation of maternity leave and pay from mothers employer, this should be provided as soon as reasonably practical after date of Mothers/Adopters death.
- The Father will only be entitled to ASPP, during the 39 weeks where the Mother/Adopter would have received SMP, MA or SAP.
- The Father cannot take extended APL if a period of APL has already been completed.
- If the Mother/Adopter dies during the period of APL the Father can apply to extend the leave up until the child's 1st birthday or 1 year after placement began (if due to return to work earlier).

11.3 Return to Work

If the Father wishes to change their return date they must notify SLLC at least 6 weeks notice before the original return date. The employee must complete **PER/AL/02/11** form which is available on the Corporate I: Drive/QPulse or alternatively from the HR team. If less notice is given, SLLC can delay the return to work until the employee serves the full 6 weeks notice.

12. EMPLOYMENT RIGHTS

12.1 Right to Return

An employee returning from a single period of APL lasting 26 weeks or less will be entitled to return to the same job.

- If the Father takes a longer period of leave, or 2 or more subsequent consecutive periods of Statutory leave, he would be entitled to return to the same job unless it is not practicable or return to a suitable alternative.

12.2 Additional Job Security of Employment

The Father taking APL will be protected from being singled out for redundancy. Employers seeking to make a Father on APL redundant will be obliged to offer the employee a suitable available vacancy.

12.3 Keeping in Touch Days

Fathers will be allowed to work/train on up to 10 days during leave without loss of Additional Statutory Paternity Pay or bringing the leave to an end. This is similar to Keeping in Touch days within the Maternity Leave policy (see point 5.3).

12.4 General Conditions

HRMC will carry out compliance checks on samples of employers.

Where the employer has made payment in good faith, however the employee has given false information the employee can be penalised by the Inland Revenue.

SHARED PARENTAL LEAVE

13. INTRODUCTION

13.1 Shared Parental Leave (SPL) replaces the current additional paternity leave scheme and has been introduced to allow more flexibility to parents on sharing the care of their child during the first year from birth or date of adoption placement. Shared Parental Leave allows the mother to end her maternity leave after the initial two weeks compulsory maternity leave has been taken following the birth of the child (or in adoption cases - after two weeks of adoption leave has been taken). Then the parents of the child can choose to share the remaining leave between them.

Shared Parental Leave is available to parents whose child is due on or after 5 April 2015, or adoptive parents whose child is due to be placed on or after 5 April 2015. The scheme also applies to the prospective parents in a surrogacy arrangement.

- For the purposes of this policy the definition of “Mother” is the child’s biological mother or in cases of adoption or surrogacy, the primary adopter (any gender) or surrogate mother.
- For the purposes of this policy the definition of “Partner” is; the child’s biological father, or the person who, at the date of the child’s birth, is married to, the civil partner of, or the partner of the mother (any gender).
- For the purposes of this policy, the definition of maternity leave can also cover adoption leave taken by the mother/adopter.

Eligibility

- Shared Parental Leave can only be used by two people:
 - The “Mother” and
 - the “Partner”.
- Both parents must have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth or matching date.
- Both parents must remain in continuous employment until the week before the shared parental leave starts.
- Both parents must have or expect to have main caring responsibility for the child.
- The mother of the child must be eligible for statutory maternity leave.
- The mother has formally confirmed she is ending her entitlement to maternity leave or has already returned to work.
- Both parents have provided their respective employers with notification and request to take shared parental leave (employee must complete **PER/SPL/1/14**).
- Both parents have given their employers a period of leave notice (a minimum of eight weeks).

13.2 It should be noted that there is no requirement for employers to liaise with each other to check on eligibility criteria.

13.3 Amount of Leave which can be taken

The mother must take two weeks of compulsory maternity leave following the birth of the child (or in adoption cases, the adopter must take at least two weeks of adoption leave) and this cannot be transferred to the Partner to take.

The maximum amount of shared parental leave which can be taken is 50 weeks. This leave can be taken during 12 months from the birth of the child or adoption placement date. Any Shared Parental Leave not taken by the first birthday or first anniversary of adoption placement is lost.

Any period of maternity leave taken by the mother outwith the compulsory two week period will be deducted from the 50 weeks.

13.4 How Shared Parental Leave can be taken

The parents can take the leave separately or at the same time, but it must meet the following conditions:

- SPL can only be taken in complete weeks. The minimum period of leave that can be taken is one week (i.e. if SPL lasts for one week and begins on a Tuesday it will finish on the following Monday).
- The leave can be taken as one continuous block (continuous leave) or in separate blocks - up to a maximum of three (discontinuous leave). (See 13.6)

SPL can be taken by the partner, while the mother is still on maternity leave **if** the mother reduces their entitlement to maternity leave.

It should be noted that it is not mandatory that the shared parental leave begins as soon as the mother has taken the compulsory two week period of leave the birth of the child (or date of adoption placement).

13.5 How to Apply for Shared Parental Leave

The mother must give a minimum of eight weeks notice to end her entitlement to maternity leave. This notice can be given before or after the birth (or adoption placement date). If the mother submits this notice after the birth or adoption placement date, it is binding. If it is before the birth or adoption placement date, the mother has the right to revoke the notice up to 6 weeks after the birth (or adoption placement date).

If one or both parents would like to take shared parental leave, they must complete the form **PER/SPL/1/14** which is available on the Corporate I: Drive/QPulse or alternatively from the HR team. This must be submitted at least eight weeks before the intended period of shared parental leave.

The parent can request up to a maximum of three periods of leave.

If the employee wishes to amend the period requested once agreed (i.e. vary start or end dates; vary amount of leave taken or change number of blocks taken), they must submit written notice to their manager at least eight weeks before the date of the first period of shared parental leave they had requested.

13.6 Considerations of Applications for Shared Parental Leave

If an employee submits a request for one continuous period of shared parental leave, they are entitled to take that leave providing they meet the eligibility criteria and the amount of leave requested is correct.

Discontinuous leave is where an employee requests more than one period of leave (up to a maximum of three periods), with breaks in between leave where the employee returns to work e.g. four weeks' SPL followed by three weeks back at work, followed by a further four weeks SPL. The line manager has 14 calendar days from the request being submitted on **PER/SPL/1/14**, to consider the request.

The manager can propose alternative dates or refuse the request but requests for discontinuous leave should be carefully considered on a case-by-case basis. If required, a meeting can be arranged to discuss alternative leave dates. An employee may be accompanied at this meeting by a fellow worker or their trade union representative, if wished.

The discussion does not have to be face-to-face and if the employer and employee agree, for example, it can be held by phone.

If no agreement can be sought on the periods of leave requested, then the employee can withdraw the request or take the leave in a single continuous block commencing on the date specified by the employee on **PER/SPL/1/14**.

13.7 Pay during Shared Parental Leave

The mother is paid for the first two weeks of compulsory maternity leave following the birth of the child or after two weeks of adoption leave has been taken. Thereafter, a maximum of 37 weeks of shared parental pay can be shared between the parents. Statutory shared parental pay (ShPP) is paid for 37 weeks at the statutory Shared Parental Pay rate or 90 per cent of the relevant parent's normal weekly earnings (subject to the lower earnings limit), whichever is less.

The remaining 13 weeks of leave is unpaid.

13.8 Accrual of Leave during Shared Parental Leave

Annual leave entitlement continues to accrue during shared parental leave and the period of time on shared parental leave will therefore be taken into account in calculating leave entitlement for the leave year(s) in which shared parental leave is taken. On return to work, an employee on shared parental leave will be entitled to a day in lieu for each Public Holiday that coincides with the duration of the shared parental leave period.

13.9 Return to Work

If an employee wishes to change their return date they must notify SLLC at least eight weeks notice before the original return date. The employee must complete **PER/SPL/1/14** form which is available on the Corporate I: Drive or alternatively from the HR team. If less notice is given, SLLC can delay the return to work until the employee serves the full eight weeks notice.

14. EMPLOYMENT RIGHTS

14.1 Right to Return

An employee who has taken Shared Parental Leave lasting 26 weeks or less (regardless of how many periods have been taken) will be entitled to return to the same job.

If a period of longer than 26 weeks has been taken, the employee has the right to return to the same job or a similar job if it is not reasonably practicable to return to the same job.

14.2 Additional Job Security of Employment

The parent taking Shared Parental Leave will be protected from being singled out for redundancy. Employers seeking to make a parent on Shared Parental Leave redundant will be obliged to offer the employee a suitable available vacancy.

14.3 Shared Parental Leave in Touch (SPLIT) Days

Each parent and their employer can agree up to 20 SPLIT days during this period of leave without loss of Shared Parental Leave Pay or bringing the leave to an end. Some contact during SPL periods will usually be beneficial for managers and employees, however this contact must be agreed by both parties. There is no obligation that SPLIT days must be offered by SLLC or agreed to by an employee.

If a SPLIT day is agreed, and worked by the employee, normal pay will apply. Normal pay will be an amount inclusive of Shared Parental Pay. These days do not have to be consecutive and can be used for training, a gradual return to work and/or any other activity which enables the employee to keep in touch with the place of employment.

14.4 General Conditions

HRMC will carry out compliance checks on samples of employers.

Where the employer has made payment in good faith, however the employee has given false information the employee can be penalised by the Inland Revenue.