

Shared Paternal Leave and Pay Policy

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non-written format.

We can produce information on request in large print, Braille, tape and on disk. It is also available in other languages. If you need information in any of these formats please contact us on Freephone 0800 479 7979.

如果你向我們提出要求，我們可以為你提供本資訊的其他語言的版本，或者是盲文或磁帶。如果你需要本資訊的任何一種這些版式的版本，請聯繫我們，電話號碼是 0800 479 7979。

Si vous nous le demandez, nous pouvons vous remettre ces informations en d'autres langues, en braille ou sur cassette. Si vous souhaitez que ces informations vous soient fournies sous l'un de ces formats, contactez-nous en composant le 0800 479 7979.

چنانچه مایل باشید می‌توانید این مطالب را به فارسی یا زبان‌های دیگر و همچنین بریل و یا بر روی نوار کاست دریافت دارید. در صورت نیاز خواهشمندیم با شماره تلفن 0800 479 7979 با ما تماس بگیرید.

ਜੇ ਤੁਸੀਂ ਸਾਨੂੰ ਬੇਨਤੀ ਕਰੋ ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਹੋਰ ਭਾਸ਼ਾਵਾਂ, ਬ੍ਰੇਲ (ਨੋੜਹੀਣਾਂ ਲਈ ਭਾਸ਼ਾ) ਵਿੱਚ, ਜਾਂ ਟੇਪ ਉੱਪਰ ਦੇ ਸਕਦੇ ਹਾਂ। ਜੇ ਤੁਹਾਨੂੰ ਇਨ੍ਹਾਂ ਵਿੱਚੋਂ ਕਿਸੇ ਰੂਪ ਵਿੱਚ ਚਾਹੀਦੀ ਹੋਵੇ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ 0800 479 7979 ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ।

Na Pana/Pani życzenie możemy zapewnić te informacje w innych językach, alfabetem Braille'a lub na kasecie. Jeśli chciał(a)by Pan(i) uzyskać te informacje w którejś z tych form, prosimy skontaktować się z nami pod numerem telefonu 0800 479 7979.

Haddii aad na weydiisato waxaanu warbixintan kugu siin karaa iyadoo ku qoran luuqad kale, farta ay dadka indhaha la' akhriyaan ama cajalad ku duuban. Haddii aad jeclaan lahayd in warbixintan lagugu siiyo mid ka mid ah qaababkaas, fadlan nagala soo xidhiidh telefoonka 0800 479 7979.

По вашей просьбе данная информация может быть предоставлена на других языках, шрифтом Брайля или в аудиозаписи. Если вам требуется информация в одном из этих форматов, позвоните нам по номеру 0800 479 7979.

Approval body	<i>Executive Team</i>
Date of approval	<i>27 September 2022</i>
Review Year	<i>October 2025</i>
Customer engagement required	<i>No</i>
Trade union engagement required	<i>Yes - For Consultation</i>
Equality Impact Assessment	<i>No</i>

INTRODUCTION

This policy is designed to inform employees of their statutory entitlement to shared parental leave and pay.

This policy has been developed to provide employees with guidance on switching to shared parental leave following the birth or adoption of a child.

SCOPE

This Policy and Procedure applies to all employees but not to workers or self-employed contractors or consultants.

This Policy and Procedure is non-contractual and may be amended or withdrawn at any time at the discretion of Wheatley Homes South Limited (WHS), following consultation with the Trades Unions.

BASIC PRINCIPLES

It is WHS's policy to comply with current legislation on shared parental leave and pay.

This policy is for guidance only and does not form part of an employee's contract of employment. WHS may alter the terms of this policy from time to time and details of any alterations or additions will be notified to employees.

In circumstances where there has been a legislative update that is not reflected in this policy, the statutory position will prevail and apply to employees.

RESPONSIBILITIES

General responsibilities are outlined in this section for:

Responsibilities of EMT and / or Board

The Board and Executive Management Team's responsibilities include, but are not be limited to:

- Reviewing the policy in line with the policy review dates and ensure that it is reflective of WHS values and practice

Responsibilities of the Line Managers

The line managers responsibilities may include, but will not be limited to:

- Raising any breach of this policy to the attention of the Human Resources department and forwarding any queries about this policy to the Human Resources department (as required).

Responsibilities of the Employees

The employees' responsibilities may include, but will not be limited to:

- Raising any behaviour in breach of this policy to the attention of the line manager or where appropriate to the Human Resources department

POLICY

Introduction

This policy explains:

- The provisions of Shared Parental Leave and pay
- Who is eligible
- How to apply

Further details can be found in the WHS Complete Guidance to Shared Parental Leave document and you can ask for further advice from the HR section.

SPL	Shared Parental Leave
ShPP	Shared Parental Pay
SPLIT days	Shared Parental Leave in Touch Days
SMP	Statutory Maternity Pay
SAP	Statutory Adoption Pay
MA	Maternity Allowance
Qualifying Week	15 th week before expected week of childbirth / the week (starting on a Sunday) in which your Partner (or both) are notified in writing by an adoption agency of having been matched with a child for adoption.
Parent	One of two people who will have the main responsibility for the child’s upbringing
Partner	Spouse, civil partner, or someone living with another person in an enduring family relationship at the time of the child’s birth or when the child is placed for adoption, but not a sibling, child, parent, grandparent, aunt, uncle, niece, or nephew.
Primary adopter	Adoptive parent who elects to take adoption leave or SAP (if not entitled to take adoption leave).
Secondary adopter	The partner of the primary adopter

What is Shared Parental Leave?

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year following the birth or adoption their child. SPL provides parents more flexibility in considering how best to care for, and bond with their child. All eligible employees have a statutory right to Shared Parental Leave and there may also be an entitlement to Shared Parental Pay.

Overview of SPL

SPL can only be taken if the child’s birth parent / Primary Adopter serves notice to bring their maternity / adoption leave to an end in order to share the remaining available SPL.

Eligible parents can take up to 50 weeks’ SPL between them.

SPL may be taken by parents at the same time or at different times.

SPL can begin immediately after birth, or the child being placed for adoption (but not before). Normally eligible parents will wait at least two weeks after the birth / adoption as birth parents / Primary Adopters must complete a minimum of two weeks' compulsory maternity leave / adoption leave and Partners / the Secondary Adopter may wish to take ordinary paternity leave before taking SPL.

SPL must end no later than 52 weeks after the birth / the date the child is placed for adoption.

The Partner / Secondary Adopter is entitled to two weeks' ordinary paternity leave, provided this is taken before SPL starts.

In order to take SPL / ShPP employees must:

- Satisfy the eligibility requirements (detailed below); and
- Serve the appropriate notices (detailed below).

Eligibility (Birth)

Not all parents are eligible for SPL.

You will be entitled to SPL if at the date of the child's birth you share the main responsibility for the care of the child with the other parent/your partner, where you are either:

- the child's birth parent, and share caring responsibility with the child's parent (or your partner, if the parent is not your partner);
- the child's parent and share caring responsibility with the child's birth parent; or
- the birth parent's partner and share caring responsibility with the birth parent (where the child's parent does not share caring responsibility with the birth parent)

Each of the following conditions must also be fulfilled. You must:

- i. have at least 26 weeks' continuous employment with us by the end of the Qualifying Week; and
- ii. still be employed by us in the week before SPL is to be taken;
 - the other parent/your partner must have worked (whether employed or self-employed) for any 26 out of the 66 weeks before the expected week of childbirth and have average earnings of at least a certain minimum amount per week as prescribed by law for any 13 of those weeks;
 - if you are the birth parent you must be eligible for maternity leave, or if you are the parent/partner of the birth parent, the birth parent must be eligible for maternity leave, SMP or maternity allowance; and
 - you and the child's other parent/your partner must have given the appropriate notices and declarations referred to below (including the birth parent's notice to end maternity leave, pay or maternity allowance (as applicable)).

Eligibility (Adoption)

Not all parents are eligible for SPL.

You will be entitled to SPL if at the date of the child's placement for adoption you share the main responsibility for the care of the child with your partner where you are either:

- the Primary Adopter, and share caring responsibility with the Secondary Adopter; or
- the Secondary Adopter and share caring responsibility with the Primary Adopter.

Each of the following conditions must also be fulfilled:

you must:

i. have at least 26 weeks' continuous employment with us by the end of the Qualifying Week; and

ii. still be employed by us in the week before SPL is to be taken;

- your partner must have worked (whether employed or self-employed) for any 26 out of the 66 weeks before the Qualifying Week and have average earnings of at a certain minimum amount per week as prescribed by law for any 13 of those weeks;
- if you are the Primary Adopter, you must be eligible for adoption leave or SAP, or if you are the partner of the Primary Adopter, the Primary Adopter must be eligible for adoption leave or SAP; and
- you and your partner must have given the appropriate notices and declarations referred to below (including the Primary Adopter's notice to end Adoption Leave, or SAP (as applicable)).

Shared Parental Leave Entitlement

You are entitled to take up to 50 weeks SPL during the first year following the birth of your child or the date your child is placed with you for adoption. The number of weeks available will be calculated using the birth parent's/primary adopters' entitlement to maternity/adoption leave which allows them to take up to the maximum of 52 weeks leave. If they decide to reduce their maternity/adoption leave, then they and/or their partner/secondary adopter may opt-in to the SPL system and take the remaining weeks as SPL.

A birth parent/primary adopter may reduce their maternity/adoption leave by returning to work before the end of their full 52 weeks entitlement or they may give notice to end their leave on a specified future date (known as a curtailment notice).

If the birth parent/primary adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or maternity allowance (MA), they may reduce their entitlement to less than the 39 weeks in which the birth parent/primary adopter is in receipt of SMP, SAP or MA. If they chose to do this, their partner/secondary adopter may be entitled to up to 50 weeks of leave. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the birth parent/primary adopter.

You can take SPL as follows:

- For birth parents after the required two weeks of maternity leave immediately after the birth of your child.
- For adopters you can take SPL after taking at least two weeks of adoption leave.
- For the partner / secondary adopter, (subject to clause 5.6.5) the period immediately following the birth/placement of the child but may choose to exhaust any paternity leave entitlement (as paternity leave or pay can't be taken once any SPL or shared parental pay has been taken).

If you are the birth parent's partner or the secondary adopter, before any SPL can begin, the child's birth parent/primary adopter must have done one of the following:

- Returned to work;
- Given binding notice to their employer of the date they intend to end their maternity/adoption leave; or
- Given notice to end maternity pay, adoption pay or maternity allowance (if they are not entitled to adoption leave, for example if they are an agency worker or self-employed).

Where a birth parent/primary adopter gives binding notice to end their maternity/adoption entitlement on a specified date then the partner/secondary adopter can take the remaining period of leave while the birth parent/primary adopter are still on maternity/adoption leave.

SPL will normally start on your chosen start date which is specified in your booking notification, or any subsequent variation to their original notice.

Shared Parental Leave must end no later than one year after the birth/adoption of the child and any untaken leave will be lost.

Notification of Entitlement

You must give us at least 8 weeks' notice before you are planning to start the leave.

Requesting further evidence of eligibility

Within 14 days of receiving your notification, we can request the following further evidence of eligibility:

- Name and business address of your partner's / secondary adopter's employer.
- A copy of the child's birth certificate or a declaration as to the time and place of birth.
- Documentary evidence of the name and address of the adoption agency, the date on when you were notified of being matched with a child and the date on which the agency expects the child to be placed for adoption.

Fraudulent Claims

If we suspect that fraudulent information may have been provided or if HMRC advises us a fraudulent claim was made, we will investigate into the matter in accordance with our Disciplinary Policy.

Discussions regarding Shared Parental Leave

If you are thinking of taking SPL, we would encourage you to have an early discussion with WHS about your entitlements and plans.

Once we receive a notification of entitlement, we may invite you to an informal meeting to discuss your intentions and how you are planning to use your SPL entitlement.

Booking Shared Parental Leave

You must give us a notice of entitlement as well as a notice to take the leave, both in writing, and both can be done at the same time.

You can submit up to three notifications for leave which can be either for a period of continuous or discontinuous leave.

SPL can begin on any day of the week but can only be taken in complete weeks.

Types of Leave

You can request either continuous or discontinuous leave:

Continuous' leave is when you take an unbroken period of leave e.g., six weeks leave. Your request for continuous leave will always be granted so long as you are eligible.

'Discontinuous' leave is taken over a certain period of time but with breaks in between full weeks (E.g., 5 weeks SPL followed by 4 weeks back at work, followed by a further 2 weeks SPL). We will try and accommodate your request for discontinuous leave but if we cannot do it for business reasons, we will try and reach an agreement with you. If we can't reach an agreement the following rules will apply:

- Within 14 days: if no agreement is reached or we refuse your request, the total amount of leave in the request MUST be taken as one continuous block.
- Within 15 days: you may still withdraw your discontinuous leave request and it will not count as one of the three allowed notifications.
- Within 19 days: you can choose when the continuous leave will commence. However, it cannot start sooner than eight weeks from the date of your request.

Responding to a Shared Parental Leave notification

Once the booking notification is received, we will confirm in writing that we have received it and give you an answer in writing within 14 days.

Variations to arranged SPL

You can cancel an agreed and booked period of SPL as long as you give us at least eight weeks' notice for any new arrangement.

If you are changing dates because your child was born earlier than the expected week of childbirth, and you intended for your SPL to start less than 8 weeks after the birth, you do not need to give eight weeks' notice. However, please notify us in writing of the change as soon as possible.

A notification/variation/cancellation, which includes notice to return to work early, will normally count as a new notification therefore reducing your total number of 3 requests allowed, unless it is because your child is born early, because we have refused your request for discontinuous leave, and you have decided to vary your start date (in accordance with clause 5.12.3 above) or because we requested the change.

Shared Parental Pay

During SPL, if eligible, the birth parent/primary adopter can share up to 37 weeks of ShPP with the Partner/Secondary Adopter (less any SMP, SAP or MA claimed by the birth parent/Primary Adopter). The amounts of weeks available will depend on the amount by which the birth parent/primary adopter reduces their maternity/adoption pay period or maternity allowance. ShPP.

Enhanced ShPP may be payable during some or all of SPL, depending on the length and timing of the leave (please refer to clause 5.16 below for details of enhanced ShPP).

To claim ShPP you need to complete the notice of entitlement to take SPL/ShPP

You must provide 8 weeks' notice of your entitlement to ShPP.

To qualify for ShPP, you need to meet the following criteria:

- You must have at least 26 weeks' continuous employment with us at the Qualifying Week and you remain in continuous employment until the first week ShPP has begun;
- Your average weekly earnings for the period of eight weeks leading up to and including the Qualifying Week are not less than the lower earnings limits set by the government.
- You must intend to care for the child during the week in which ShPP is payable.
- The birth parent/ primary adopter has given notice to end SMP, SAP or MA.

Enhanced shared parental pay

To qualify for enhanced ShPP you must complete the necessary notification requirements as set out at clauses 5.15.3 and 5.15.4 and satisfy the criteria set out at clause 5.15.5 above.

Eligible birth parents/Primary Adopters will be entitled to 6 weeks ShPP at 90% of salary, 12 weeks of half pay plus ShPP and 21 weeks of basic ShPP. Any enhanced maternity / adoption pay you have already received will be set off against your entitlement to enhanced shared parental pay.

Eligible partners will be entitled to 2 weeks ShPP at 100% of salary, 3 weeks at 90% of pay and 1 week at 70% of pay followed by 12 weeks of half pay plus ShPP and 21 weeks at basic ShPP. Any enhanced paternity pay that you have already received will be set off against your entitlement to enhanced shared parental pay. As you are sharing your entitlement to ShPP with the birth parent/ Primary Adopter you will only be entitled to basic ShPP for the period of 37 weeks less any SMP, SAP, MA or ShPP taken by the birth parent / Primary adopter.

If an eligible employee leaves their job with WHS for any reason (including dismissal but excluding dismissal on the grounds of redundancy) before returning to work for a minimum period of 3 months (which period shall exclude unpaid parental leave but shall include any period of paid annual leave), the employee is not entitled to enhanced ShPP. If Enhanced ShPP has been paid, the employee is required to repay on demand the enhanced ShPP Pay to WHS, and WHS may also make any relative deduction to outstanding wages due to the employee.

Terms and Conditions

During SPL, employees will continue to receive all their contractual benefits as set out in their contracts of employment (with the exception of any sums payable by way of wages and salary) and will be expected to continue to comply with the terms of their contracts of employment as well as their statutory obligations. Employees will remain bound by the implied obligations including trust and confidence, good faith, loyalty, and fidelity, and bound by the terms in their contracts relating to giving notice of resignation and disclosure of confidential information and the acceptance of gifts or other benefits and participation in any other business.

Pension Contributions

Pension contributions will continue to be made while you are receiving ShPP but not during any period of unpaid leave. Your contributions will be based on actual pay, while employer contributions will be based on your normal salary.

Annual Leave

Before you start your period of SPL, you should agree with us the dates of your annual leave. If it is not possible to take the leave within the annual leave year, we will transfer your remaining leave to the next year's entitlement. You cannot be paid instead of taking the leave.

If you plan to take annual leave before you return from SPL, you must notify us in writing giving at least 8 weeks' notice:

- The date you want your SPL to end,
- The period you then want to take as annual leave and,
- The date you will come back to work.

In the event that the employee does not return to work after SPL, their annual leave entitlement will be calculated on the basis of the number of calendar months served from the commencement of the annual leave year, therefore 1st January, until the date their employment terminates. In these circumstances, the employee will be required to repay the appropriate amount of annual leave taken in excess of their entitlement.

In the event that the employee returns to work on a part-time basis, annual leave accrued whilst working full time must be taken before they return to work failing which it will be stated in weeks and that number of weeks can be taken after they return.

Bank Holidays accrue during the whole period of SPL.

Contact during Shared Parental Leave

WHS may make regular contact with the employee (and vice-versa) while they are on SPL, as long as the amount and type of contact is not unreasonable, to discuss a range of issues, including but not limited to plans for returning to work or to inform the employee of developments at the workplace.

The employee should be informed of any relevant promotion opportunities or job vacancies that arise during SPL.

Shared Parental Leave in Touch Days (SPLIT)

If we agree, you may work up to 20 days under your contract of employment during your shared parental leave without losing your right to SPL or ShPP. The 20 days limit stands no matter how long your leave is. The 20 days can be worked at any time during your SPL apart from the first two weeks after you give birth.

You do not have to work these days and we do not have to agree to you working them.

Before you start your leave, we will discuss with you the type of work that may be done during your SPLIT days. Any work carried out on a SPLIT day or part of a day will count as a day's paid work in accordance with the employee's contract of employment.

Returning to Work

We will give you a written notice on when your leave ends, and you need to return to work on your next working day. If you do not return, we will treat it as an unauthorised absence.

If you want to return to work earlier than expected, you must give us eight weeks written notice to vary the leave. This will count as one of your three allowed notifications.

If your combined maternity/adoption/paternity leave and SPL up to 26 weeks, you will return to the same job as the one you had just before your leave started.

If the combined leave is more than 26 weeks, you will return to the same job you occupied prior to commencing your last period of leave. If this is not reasonably practicable, we will offer you another job, which is suitable and appropriate and on terms and conditions which are no less favourable.

If you choose to take a period of 4 weeks or less unpaid parental leave it will have no effect on your right to return to the same job as held prior to the last period of maternity/adoption/paternity and SPL so long as it does not exceed 26 weeks.

Any employee wishing to return to work part-time, on a job share basis or otherwise flexibly, may make a flexible working request in accordance with the WHS Flexible Working Policy. WHS supports flexible working including job sharing and all requests will be considered.

You are encouraged to notify WHS as soon as possible if you decide not to return to work following SPL. If you decide not to return, you should give notice of resignation to WHS in accordance with your contract of employment. When you give notice to WHS you should ensure that you have sufficient SPL left to run (i.e., at least equal to your contractual notice period) otherwise you might be required to return to work for the remainder of the notice period.

Additional Sources of Information

The following legislation relates to SPL:

- Shared Parental Leave Regulations 2014
- Shared Parental Pay (General) Regulations
- The Maternity and Adoption Leave (Curtailed of Statutory Rights Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

GOVERNANCE AND REGULATION

This policy is the responsibility of the Human Resources Department.

The policy is due for formal review every three years.

SANCTIONS

Any breaches of this policy may be subject to disciplinary action.

RELATED / REFERENCED POLICIES

Paternity Leave and Maternity Support Leave Policy
Maternity Leave and Pay Policy
Flexible Working Policy
Parental Leave Policy