

Shared Parental Leave policy

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Section 1: Overview

1.1 Purpose

1.1.1 This policy sets out the statutory and occupational rights and responsibilities of employees who wish to use Shared Parental Leave alongside or instead of maternity/adoption leave.

1.1.2 This policy is here to help you and us plan ahead when you're starting and looking after your family. We want to make sure everything is as clear as possible for you, so you can plan your finances, time off and any support you may need.

1.2 Scope

1.2.1 This policy applies to all permanent and fixed term employees.

1.2.2 This policy will be available in the People folders in the Fewer Better Rules Book



1.3 Responsibilities

- 1.3.1 The Head of People is accountable for ensuring that this policy is applied correctly.
- 1.3.2 The People team are involved in delivering the policy.
- 1.3.3 Line managers are responsible for liaising with the employee in relation to their period of leave, and where necessary arranging cover for the role.
- 1.3.4 Employees who are applying for shared parental leave are responsible for following the process outlined in this policy.

Section 2: Policy and procedures

2.1 Shared Parental Leave (SPL)

2.1.1 What is Shared Parental Leave?

Shared parental leave aims to give parents more flexibility, through sharing childcare between them during the first year of their child's life. Shared Parental Leave is an option that can be used alongside, or instead of maternity/adoption leave. Primary caregivers who take either maternity or adoption leave will be able to end their leave (and pay) early to create a portion of leave (and pay where relevant) which they can share with their partner as "Shared Parental Leave and Pay".

- 2.1.2 Provided you **both** meet the relevant eligibility criteria (see Section 2.2.1), you are able to take Shared Parental Leave
 - at the same time as your partner
 - by returning to work while your partner takes the remaining leaving
 - by returning to work for a period of time and opting to taking a chunk of leave later on (in up to no more than 3 chunks)
- 2.1.3 You will need to decide with your partner how you'd like to divide your entitlement for shared parental leave and pay.



2.2 Eligibility

2.2.1 Who is eligible?

As SPL is used by two people, to qualify for shared parental leave both you and your partner must:

- share responsibility for the child
- have been employed continuously for at least 26 weeks by the end of the 15th week before the due date
- stay with the Frontline/their employer while you take SPL
- each earn on average at least £120 a week

2.2.2 Additionally, all of the criteria below must be met:

- the primary caregiver of the child must be/have been entitled to statutory maternity/adoption leave or maternity allowance
- the primary caregiver must have given notice to reduce their maternity/adoption entitlements;
- you must still be working for Frontline at the start of each period of SPL;
- your partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned £390 in total across any week in any 13 of those weeks;
- you must correctly notify Frontline of their entitlement and provide evidence as required.

2.2.3 Requesting further evidence of eligibility

In some cases, we may request further evidence of eligibility. If we require further evidence the People team will make a request within 14 days of you requesting SPL;

- the name and business address of the partner's employer (where your partner is no longer employed or is self-employed their contact details must be given instead);
- a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth);



- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

2.2.4 In order to be entitled to SPL, you must produce this information within 14 days of request.

2.3 Fraudulent claims

2.3.1 Where there is a suspicion that fraudulent information may have been provided (for example you advise your partner has returned to work to enable you to use SPL but they haven't) or where Frontline has been informed by the HMRC that a fraudulent claim was made, the matter may be investigated further in accordance with the [Disciplinary Policy](#).

2.4 Telling your manager and the People team about SPL

2.4.1 If you are considering taking SPL, we encourage you to contact your line manager and the People team as early as possible to discuss your entitlement, your plans and to enable you and your manager to plan ahead.

2.5 Compulsory SPL

2.5.1 The first two weeks following birth are the compulsory SPL period and are reserved for the primary caregiver. This means that the primary caregiver cannot end their maternity/adoption leave to take shared parental leave until two weeks after the birth.

2.6 Requesting SPL

2.6.1 Notice to end Maternity/Adoption leave

In order to take SPL the adoption or maternity leave would need to end early.

Therefore, before either of the parents can take Shared Parental Leave, the primary caregiver must either return to work before the end of their maternity or adoption



leave (by giving the required eight weeks' notice of their planned return) or provide their line manager with a reduction notice to move straight onto Shared Parental Leave.

2.6.2 This notice to reduce their maternity/adoption must be given more than 8 weeks before the original maternity/adoption return date and at least one week before what would be the end of the additional SPL period. This can be outlined in the [Shared Parental Leave Request form](#) alongside how the SPL leave will be split.

2.6.3 Blocks of leave

The maximum period that the parents could take as shared parental leave is 50 weeks between them, which must be taken before the child's first birthday.

2.6.4 Statutory shared parental leave must be taken in blocks of at least one week. You can request to take shared parental leave in one continuous block, or as a number of discontinuous blocks of leave (which requires agreement from your manager and the People team see Section 2.8).

2.6.5 Occupational shared parental can only be taken in blocks of at least three months. You can request to take shared parental leave in one continuous block, or as a number of discontinuous blocks of leave (which requires agreement from your manager and the People team see Section 2.8).

2.6.6 Giving notice of SPL

To request Shared Parental Leave the parent working for Frontline must initially complete the Shared Parental Leave Request Form to evidence their entitlement to Shared Parental Leave. This form will also outline how you wish to share the leave with your partner. The request form must be emailed to your line manager and your People Partner as soon as possible (and no later than 8 weeks before the planned date).



2.6.7 SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday.

2.6.8 You must book SPL by giving the correct notification at least 8 weeks before the date on which you wish to start the leave and (if applicable) pay.

2.6.9 A maximum of three requests for “chunks of leave” can be made by each parent across the 52 weeks.

2.6.10 Continuous leave requests

A request can be made for a period of continuous leave, which means making a notification for a number of weeks taken in a single unbroken period of leave (for example, 16 weeks in a row) in the request form.

2.6.11 You have the right to take a continuous block of leave notified in a single request, as long as it does not exceed the total number of weeks of SPL available to you (specified in the notice of entitlement) and you have given least eight weeks’ notice.

For example; If the primary caregiver plans to end their maternity/adoption after 20 weeks, this “creates” 32 weeks of leave to share between both parents. If you and your partner have decided to split those 32 weeks evenly between you, you could only request a maximum of 16 weeks (half of 32) as a “continuous leave” request. Your partner will take the other 16 weeks.

2.6.12 You can may submit up to three separate requests for separate continuous periods of leave using the [Shared Parental Leave Request Form](#). You should try and give as much notice as practically possible, and no less than 8 weeks.



2.6.13 Discontinuous leave requests

A single request may also contain notification for **two or more periods of discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work.

For example; If the primary caregiver plans to end their maternity/adoption after 20 weeks, this “creates” 32 weeks of leave to share between both parents. You could request to take this in blocks. You could take 8 weeks of SPL, return for 6 weeks and then take a further 12 weeks leave. Taking 20 weeks of the 32 weeks of SPL created. This means your partner could take the remaining 12 weeks of SPL at a time they wish.

To do this in your request form you should make a “discontinuous request” outlining the amount of leave you plan to take in each “block” (8 weeks, and then 12 weeks) and the amount of time you plan to return to work between (6 weeks).

2.6.14 Where there is concern over accommodating the request, the line manager or you may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation (see “Discussions regarding SPL notice” below).

2.6.15 Frontline will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, you can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

2.7 Discussions regarding SPL notice

2.7.1 Once you have considered how you want to take your Shared Parental Leave you will need to provide notice to the People team and your manager. Upon receiving a “leave notice” a meeting may be arranged to discuss it (depending on if it can be approved without a discussion).



2.7.2 If the notice you have provided cannot be approved your manager will arrange to meet with you to explain why and discuss alternative dates with you

2.7.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and the organisation against any adverse impact to the organisation. Each request for discontinuous leave will be considered on a case-by-case basis.

2.7.4 All requests will be considered in isolation and without prejudice. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

2.8 Responding to a Shared Parental Leave request

2.8.1 You will receive a response within 14 days of making a request in writing. If a discontinuous leave pattern is refused then you may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If you choose to take the leave in a single continuous block, you have until the 19th day from the date the original notification was given to choose when you want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If you do not choose a start date then the leave will begin on the first leave date requested in the original notification.

2.9 Variation or cancellation of Shared Parental Leave

2.9.1 You are able to vary or cancel your proposed SPL dates provided you provide written notice 8 weeks before you want to cancel or change your shared parental leave. To do this complete the [Shared Parental Leave Variation Form](#) and send it to your line manager and the People team.



2.9.2 Any variation or cancellation notification you make, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one. However, a change as a result of a child being born early, or Frontline requesting it be changed and you agree to the change, will not count as further notification. Any variation will be confirmed in writing by the People team.

2.10 Statutory Shared Parental Pay (ShPP)

2.10.1 Eligibility

If you are eligible for Shared Parental Leave, you may be entitled to get up to 37 weeks ShPP while taking the leave. The number of weeks available will depend on the amount of weeks “created” from ending maternity/adoption leave early.

2.10.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

2.10.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must also meet each of the following criteria:

- the primary caregiver must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- you must intend to care for the child during the week in which ShPP is payable;
- you must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child’s expected due date/matching date not less than the lower earnings limit in force for national insurance contributions;
- you must remain in continuous employment until the first week of ShPP has begun;
- you must give proper notification in accordance with the rules set out in this policy



2.10.4 If you are entitled to receive ShPP you must give your line manager and the People team written notice advising of your entitlement to ShPP as part of the notice of entitlement to take Shared Parental Leave, at least 8 weeks before you are due to take the leave/be paid.

2.10.5 How much is ShPP

The April 2021 rate of ShPP is a flat rate of £151.97 a week, or 90% of average weekly earnings if that is less than £151.97 (whichever is less). The flat rate is subject to review every April.

2.11 Occupational Shared Parental Pay (OSSP)

2.11.1 Eligibility to pay

If you are eligible for Shared Parental Leave, you may also be entitled to get up to 37 weeks OSPP while taking the leave, depending on your length of service. To be eligible for OSPP you must:

- Have had one year's continuous service at Frontline on the 15th week before the EWC date (qualifying period)
- be employed by Frontline at the beginning of your shared parental leave

For example; if your EWC date is 30th August 2021, the qualifying period is week commencing 17th May 2021 and therefore your employment start date would need to be before 17th May 2020 to be eligible for OSPP. If you started after 17 May 2020 you would not be eligible for OSPP but may be eligible for ShPP, if you meet the other eligibility criteria. (see table 2.6.6.)

2.11.2 The qualifying period of one year's paid service could include:

- periods of paid employment within Frontline immediately prior to joining Frontline (for example on a temporary agency contract)



- previous periods of casual service, if these are continuous and joined to permanent service without a break

2.11.3 Periods of secondment or loans do not affect your entitlement to paid or unpaid shared parental leave

2.11.4 As with statutory pay, the total number of weeks available for OSPP will depend on the amount of weeks “created” from ending maternity/adoption leave early up to a maximum of 37 weeks.

2.11.5 Summary of shared parental pay entitlement by length of service

This table provides a breakdown of what you will be entitled to be paid based on your length of service on the first week of the qualifying period.

Length of service	Occupational Shared Parental Pay
Less than 26 weeks continuous service by the 15 th week before the EWC (qualifying period)	<ul style="list-style-type: none">• Not eligible for OSPP
More than 26 weeks continuous service, up to 1 year by the 15 th week before the EWC (qualifying period)	<ul style="list-style-type: none">• If you meet the SPL eligibility criteria, paid ShPP for up to a maximum 37 weeks: £151.97 or 90% of your AWE (whichever is lower).
1 year or more years of continuous service at the 15 th week before the EWC (qualifying period)	<ul style="list-style-type: none">• If you meet the SPL eligibility criteria, you are entitled to occupational shared parental pay (inclusive of ShPP) see rates below.



2.11.6 How much is Occupational Shared Parental Pay

The breakdown for Frontline OSPP for eligible employees is outlined in the table below

Weeks	Payment *
1 – 24 (24 weeks)	100% salary (inclusive of ShPP)
25 – 39 (15 weeks)	Paid OSPP (151.97 p/week)
40 – 52 (13 weeks)	Unpaid

2.11.7 Shared parental pay will be paid into your bank account on the same date as your normal pay date and will be subject to the deduction of Income tax and National Insurance Contributions.

2.12 Benefits while on SPL

2.12.1 Benefits in kind (e.g. laptops, mobile phones etc.) will continue throughout SPL. If you are already a member of the childcare voucher scheme Frontline will continue to contribute to your childcare voucher payments throughout shared parental leave based on the contributions made before going on leave.

NB: The childcare voucher scheme is closed to new employees

2.12.2 Pension contribution while on SPL

Employer contributions: We will continue to make your usual contributions throughout shared parental leave. The amount paid throughout will be based on what you were contributing before going on leave.

Employee contributions: If you normally make contributions to your pension, your contributions will continue will you receive payment on shared parental leave (ShPP an OSP). Your contributions will be based on the amount you are paid each month.



2.12.3 If you want to pause your contributions during your SPL let the People team know as soon as possible.

2.13 Annual leave

2.13.1 Accruing annual leave and public holidays

You will continue to accrue Frontline contractual annual leave throughout SPL. Frontline annual leave which accrues cannot be taken until you return to work. It is not possible to take annual leave at the same time as SPL. All public holidays and any non-contractual holidays given to all employees (such as the Christmas Closure) occurring during SPL will be accrued as annual leave, and you will have the right to take these on your return to work.

2.13.2 It will be possible for you to use any untaken annual leave either before you start SPL, or once your period of leave has finished. You will be eligible to carry over any unused and accrued leave to the following calendar year while on leave. If your manager and the People team agree, annual leave may also be taken immediately before you return to work i.e. appended to your SPL, or used to support a phased return to work.

2.13.3 Buying or selling annual leave

While on SPL you are not eligible to receive any additional pay other than KIT days (see Section 3.10). This means that if you want to sell any annual leave while on shared parental leave (this can only happen during either of the windows), the payment would be delayed and made when your return to work. You would only be eligible to sell up to the maximum of 5 days in a rolling year (see [Leave and Absence policy](#)).



2.13.4 Carrying over annual leave after returning to work

Once you have returned to work, the usual carry over rules apply (see [Leave and Absence policy](#)), and annual leave may be carried over to the following leave but no more than 5 days, so it is advisable you use it as part of your return to work plans.

2.13.5 It is useful, once you have given notice of SPL, to incorporate annual leave arrangements into your plans.

2.14 Sickness absence following SPL

2.14.1 If, due to illness you are unable to return to work following your SPL, normal sickness absence rules apply from the date you intended to resume duty. You are not allowed to bring forward your intended date of return to qualify for paid sickness absence. Paid sickness absence immediately following SPL terminates the SPL arrangements. However, any untaken unpaid Frontline SPL may be reserved and taken at a later date. Once the period of certificated sick absence has ended, you must return to work.

2.15 Redundancy during SPL

2.15.1 If a redundancy situation arises at any stage during your SPL which means it is not practicable for Frontline to continue to employ you under your original contract of employment, you are entitled to be offered (before that contract ends) a suitable alternative vacancy, where one is available.

2.15.2 If you are offered a suitable alternative vacancy (you are entitled to a four-week trial period in which to decide whether the employment is suitable, and this period may be extended beyond four weeks by written agreement).

2.16 Contact during SPL

2.16.1 During the SPL period, your manager or the People team may wish to contact you, and in the same way you may wish to contact your manager or the People team. The



frequency and nature of the contact will depend on a number of factors, such as the nature of your work and post, any agreement that you and your manager might have reached before SPL began as to contact; and whether either party needs to communicate important information to the other.

2.17 SPLIT days

2.17.1 What are SPLIT days?

You may, by agreement with your manager and the People team, carry out up to 20 days work – known as “Shared Parental Leave in Touch” days at any time during the SPL period, with the exception of the first two weeks after your baby is born. These are different to the reasonable contact described above, as during SPLIT days you can actually carry out work, for which you will be paid.

2.17.2 Any work on any day during the Shared Parental leave pay or SPL period will count as a half or whole SPLIT day, up to the 20-day maximum. For example, if you come in for a one-hour training session and carry out no other work that day; you will have used half of one of your SPLIT days, and paid as such.

2.17.3 The type of work that you may undertake on SPLIT day is a matter for agreement between you and your manager. They may be used for any activity which would ordinarily be classed as work under your contract; examples could include (but are not limited to) attending a conference, undertaking a training activity or attending a team meeting.

2.17.4 Work during SPL may only take place if both parties agree. We cannot require you to work during SPL, nor do you have the right to work SPLIT days if your manager doesn't agree to them. If you are offered an opportunity to work a SPLIT day you are entitled to turn it down.



2.17.5 SPLIT day pay

Because SPLIT days allow work to be done under your contract of employment, you are entitled to be paid for that work. You will be paid full pay for the hours in half day blocks. The payment for KIT days would be made on top of any SMP or OMP you are eligible to receive.

2.18 Returning to work after SPL

2.18.1 Unless otherwise notified, the date you return to work will normally be the first working day indicated in the Shared Parental Leave request form. There are some exceptions in the case of premature birth or the baby requiring neonatal care. See [Maternity Policy](#) for details.

2.18.2 Returning to work before end of SPL

If you want to return to work before the end of your SPL, you must give at least 8 weeks' notice before your original return to work date, or the new intended return to work date (whichever is sooner).

2.18.3 If you attempt to return to work earlier than the end your SPL without giving 8 weeks' notice, you may need to postpone your return until the full eight weeks' notice has been given. However, this will not be to a date later than the end of your SPL period.

2.18.4 What if I don't want to return to work after SPL?

If you do not want to return to work after SPL, you must give the notice of termination required by in your contract of employment. It will help Frontline if you can give as much notice as possible. Absence on annual leave, public and privilege holidays, and sickness at full or half pay count towards the one-month (or equivalent) period of paid service.

2.18.5 If you are unable to return to work at the end of your entitlement to SPL because you are medically unfit to work, you should submit medical certification in the usual way



and you will then transfer from SPL to sick leave. Subsequently, the normal sickness procedures will be followed.

2.18.6 If you do not return to work or do not work out your full notice period, and you have received OSPP in excess of your statutory entitlement, you may have to repay this amount to Frontline upon termination of your contract. Repayment is waived if you provide medical evidence that you are unable to return because your child has a disability and requires continuous attention at home. You must provide medical evidence of your child's disability.

2.18.7 What if I resign and then my circumstances change?

If you resign because you do not then intend to return to work, but later wish to return because of an unexpected change in your circumstances, you will have no absolute right to return and may need to apply if a vacancy is available.

2.19 Your position on returning to work following SPL

2.19.1 You have the right to return to the same job if you have been on shared parental leave plus any other type of leave for 26 weeks or less. If you have been on leave for more than 26 weeks you have the right to return to either your same role or a suitable alternative (with the same pay and conditions).

2.19.2 Taking ordinary parental leave following SPL

A period of ordinary parental leave of four weeks or less has no impact on your right of return. If you take a period of parental leave straight after SPL, you will be treated as though returning to work after additional shared parental leave. Full details on ordinary parental leave are in the [Leave and Absence policy](#).

2.19.3 If there is a reason which makes it impracticable for you to return to your original job, a similar job will be found for you. The new job will be such that:



- the work carried out is both suitable and appropriate for you to do in the circumstances; and
- the terms and conditions of your employment are no less favorable to you than they would have been had you continued to be employed in your old job.

2.19.4 If offered a new position that fulfils the criteria above and you refuse it, you will have effectively resigned.

2.19.5 Can I request to work flexibly?

All employees have the right to request flexible working patterns. Full details are provided in the [Leave and Absence policy](#).

Section 3: Relevant references

3.1 Laws and regulations

3.1.1 The policy is underpinned by UK SPL legislation and Equality Act 2010.

3.2 Frontline policies and documents

3.2.1 Refer to other Frontline policies for further information on:

- Maternity leave
- Leave and Absence