

SHARED PARENTAL LEAVE POLICY

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Author:	Elisa Churchill, Workforce and Compliance Manager
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Target Audience:

People who need to know about this document in detail	Author/Owners of this procedure.
People who need to have a broad understanding of this document	Board Members, Management Board, Senior Leaders, Board Committees.
People who need to know that this document exists	Employees of Cwm Taf Morgannwg University Health Board and its hosted organisations.

Integrated Impact Assessment:

Equality Impact Assessment Date & Outcome	Date: 17/06/21 Outcome: This policy has been screened for relevance to Equality. No potential negative impact has been identified.
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Aligns to the following Wellbeing of Future Generation Act Objective	Ensure sustainability in all that we do, economically, environmentally and socially



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Disclaimer:

If the review date of this Policy has passed, please ensure that the version you are using is the most up to date version either by contacting the author or email : CTM_Corporate_Governance@wales.nhs.uk

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1. POLICY STATEMENT

This policy outlines the eligibility criteria and entitlement to occupational shared parental leave and pay, and the eligibility criteria for statutory shared parental leave and pay.

It also outlines the procedure for applying for shared parental leave and pay for staff within Cwm Taf Morgannwg University Health Board (CTMUHB).

Shared Parental Leave should not be confused with Ordinary Parental Leave, which is unaffected by shared parental leave.

The purpose of this policy is to outline the eligibility criteria for Shared Parental Leave (SPL) and Shared Parental Leave Pay (ShPP) under the NHS occupational shared parental leave and pay scheme and the statutory entitlement for staff who do not meet the eligibility requirements for occupational shared parental leave, but meet the requirements for statutory shared parental leave and pay.

Surrogate parents have the same rights as adoptive parents, therefore, where reference is made to adoption leave/pay or adoptive parents, this also applies to new parents having a child via a surrogacy arrangement.

2. SCOPE OF POLICY

This policy applies to all employees for Cwm Taf Morgannwg University Health Board (CTMUHB), whether they are the mother, adopter or the eligible partner.

It outlines the eligibility and arrangements for shared parental leave and pay in relation to the birth of a child and adoption of a child from within or from outside of Great Britain.

If it is the mother/adopter who is employed by CTMUHB, their eligible partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their own Employer, which may have its own Shared Parental Leave Policy in place. Similarly, if it is the eligible partner that is employed by CTMUHB, then the mother/adopter must (where relevant) submit any notifications to take shared parental leave to their own employer.

The entitlements within this Policy also apply to those employees who are the intended parent within a surrogacy arrangement, and to those employees who are working under a "Fostering to Adopt" arrangement.

The mother/adopter and the eligible partner should ensure that they are each liaising with their own employer, to ensure that requests for Shared Parental Leave are handled as smoothly as possible.

3. AIMS AND OBJECTIVES

- Ensure that new parents understand their entitlement to shared parental leave and pay.
- Ensure that new parents are able to access shared parental leave and pay in accordance with their entitlement.

4. RESPONSIBILITIES

Shared Parental leave allows eligible parents to take up to 52 weeks leave in total on the birth of a child. They may be able to take this leave at the same time or at different times.

The mother must take 2 weeks compulsory Maternity Leave following the birth/placement date, and this is included in any calculations for Shared Parental Leave and Pay. However, Paternity Leave should NOT be counted as part of the 52 week leave total and 39 week statutory pay total when undertaking the Shared Parental Leave calculations.

Managers must take overall responsibility for ensuring that this policy is implemented and monitored effectively, they must ensure that all of their employees are aware of their responsibilities.

5. DEFINITIONS

The policy sets out the rights of Cwm Taf Morgannwg University Health Board (CTMUHB) employees to Shared Parental Leave and Pay.

It outlines the eligibility criteria for Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) under the NHS occupational shared parental leave and pay scheme and the statutory entitlement for staff who do not meet the eligibility requirements for occupational shared parental leave, but meet the requirements for statutory shared parental leave and pay.

6. IMPLEMENTATION/POLICY COMPLIANCE

6.1 Eligibility for Shared Parental Leave (SPL)

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

You are entitled to SPL in relation to the birth of a child if:

- you are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- you are the father or the mother's eligible partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

You are entitled to SPL in relation to the adoption of a child if:

- You share the main responsibility for the care of the child that the shared parental leave and pay relates to with the other parent (i.e. their partner or the child's father) at the date of the child's birth or placement for adoption.

6.2 Mother's Eligibility Criteria

As the mother, you are eligible for shared parental leave if you:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with CTMUHB until the week before any period of shared parental leave that you take;
- have at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- are entitled to statutory maternity leave in respect of the child; and
- have given the necessary notices and declarations as summarised in this policy.

In addition, for you to be eligible for shared parental leave, your eligible partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

6.3 Eligible Partner's Eligibility Criteria

As the eligible partner you are eligible for shared parental leave if you:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with CTMUHB until the week before any period of shared parental leave that you take;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- comply with the relevant shared parental leave notice and evidence requirements as outlined within this policy.

In addition, for you to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

6.4 Adopting Parents Eligibility Criteria

To be able to access the shared parental leave system, the main adopter and their eligible partner must both:

- have been employed or self-employed during at least 26 of the 66 weeks before the week in which they were notified of being matched for adoption with the child (or in which the child entered Great Britain if the child is being adopted from abroad);
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have the main responsibility for the child at the date of the placement for adoption (or on which the child enters Great Britain), apart from the responsibility of the other eligible partner.

The main adopter will qualify to take shared parental leave if they:

- have at least 26 weeks' continuous employment by the end of the week in which they were notified of having been matched for adoption with the child (or received official notification in relation to an adoption from overseas) and remains in continuous employment with that employer until the week before any period of shared parental leave that they take;
- is entitled to statutory adoption leave in respect of the child;
- has curtailed their statutory adoption leave, or returned to work before the end of the statutory adoption leave period; and
- has complied with the relevant notice and evidence requirements.

The main adopter's eligible partner will qualify to take shared parental leave if they:

- have at least 26 weeks' continuous employment by the end of the week in which the adopter was notified of having been matched for adoption with the child (or received official notification in relation to an adoption from overseas) and remains in continuous employment with that employer until the week before any period of shared parental leave that they take; and
- has complied with the relevant notice and evidence requirements.

In addition, for the eligible partner to be eligible, the main adopter must:

- be entitled to statutory adoption leave or statutory adoption pay in respect of the child; and
- have curtailed any entitlement to statutory adoption leave or returned to work before the end of the statutory adoption leave, or
- have curtailed the adoption pay period (where they are entitled to statutory adoption pay but not statutory adoption leave).

6.5 If only One Parent is Eligible

Sometimes only one of the parents may qualify for Shared Parental Leave (SPL). In such cases the eligible parent may still use SPL, for example, to allow them to request leave in separate blocks, since maternity/adoption leave must be taken in a continuous block without the possibility of returning to work and then restarting the maternity leave again.

The mother/primary adopter must agree to end their maternity/adoption leave, pay or allowances on a future date, in order to allow a period of SPL to be taken.

Notices by the employee must be submitted in the required timeframes.

6.6 Leave Entitlement

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother/adopter on maternity/adoption leave (or the weeks in which the mother/adopter has been in receipt of relevant occupational/statutory pay).

The first two weeks (or four weeks for factory workers) following birth are the compulsory maternity leave period and are reserved for the mother.

This means that the parents could take as shared parental leave 50 weeks between them (48 weeks if the mother is a factory worker). The SPL will be shorter if the mother begins her maternity leave (or takes her SMP or MA, if she is not entitled to maternity leave) prior to child's birth. Any such period will need to be taken into account when calculating the overall SPL entitlement.

SPL for adopting parents can begin at any time from the date on which the child is placed for adoption (for adoptions from overseas, at any time from the date on which the child enters Great Britain) or, where more than one child is placed for adoption through a single placement, the date of placement of the first child (for adoptions from overseas, at any time from the date on which the first child enters Great Britain).

The mother's eligible partner/adoptive partner can begin a period of shared parental leave at any time from the date of the child's birth. SPL entitlement is additional to ordinary paternity leave entitlement. If you are the eligible partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL, you will lose any untaken paternity leave entitlement.

The mother/adopter and eligible partner must take any shared parental leave within 52 weeks of birth or of the date on which the child is placed for adoption (for adoptions from overseas, within 52 weeks of the date on which the child enters Great Britain).

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case CTMUHB is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the UHB's agreement).

A maximum of three requests for leave per pregnancy/adoption can normally be made by each eligible parent.

Shared parental leave and pay must be taken within one year of the birth of the child, or the date the child was placed with the family in cases of adoption.

6.7 Applying for Shared Parental Leave/Notice Requirements for Shared Parental Leave

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

- a maternity/adoption leave curtailment notice (see 6.8) (maternity/adoption) from the mother/adopter setting out when they propose to end maternity/adoption leave (unless the mother/adopter has already returned to work from maternity/adoption leave);
- a notice of entitlement and intention (see 6.9) (employee/eligible partner/adopter/adoptive partner) a notice to opt into the SPL scheme including a written declaration that your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice. This is an initial, non-binding indication of each period of shared parental leave that you are requesting; and
- a period of leave notice (see 6.10) (maternity/adoption) the employee setting out the start and end dates of each period of shared parental leave that is being requested.

The notice periods that are set out below in more detail are the minimum required by law. However, the earlier the employee informs CTMUHB of their intentions, the more likely it is that the organisation will be able to accommodate the employee's wishes, particularly if they want to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother/adopter could provide a curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the eligible partner could provide their notice of entitlement and intention and period of leave notice at the same time.

6.8 Maternity/Adoption Leave Curtailment Notice

Before the mother/adopter or their eligible partner can take shared parental leave, the mother must either:

- return to work before the end of her maternity leave (by giving the required 28 days' notice for NHS employees or 8 weeks' statutory notice) of planned return;
- provide the employer with a Maternity Leave Curtailment Notice or Adoption Leave Curtailment Notice 8 weeks before they wish to end maternity/adoption leave and enter into SPL.

The curtailment notice must be in writing and state the date on which maternity/adoption leave is to end. That date must be:

- at least 8 weeks after the date on which the mother/adopter gave the curtailment notice to the employer;
- at least one week before what would be the end of the maternity/adoption leave period; and
- in birth situation – after the compulsory maternity leave period, which is the two weeks (or four weeks for factory workers) after birth;

If you are the mother/adopter, you must give us, at the same time as the curtailment notice, a notice to Opt into the SPL Scheme (Mother) or Opt into the SLP scheme (Adopter) or a written declaration that your eligible partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice.

If you are the mother's/adopter's eligible partner, you will only be able to take SPL once the mother has either:

- returned to work;
- given employer a curtailment notice to end maternity/adoption leave;
- given employer a curtailment notice to end the relevant statutory pay (if applicable); or
- in birth situation - given a curtailment notice to the benefits office to end MA (if mother is not entitled to leave or SMP).

The mother/adopter can withdraw notice curtailing maternity/adoption leave in limited circumstances.

The withdrawal of a curtailment notice must be in writing and can be given only if the mother/adopter has not returned to work. The curtailment notice can be withdrawn if:

- it is discovered that neither the mother/adopter nor the their eligible partner are entitled to shared parental leave or statutory shared parental pay and the mother/adopter withdraws the leave curtailment notice within eight weeks of the date on which the notice was given;
- the eligible partner has died; or
- in birth situations - the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth.

Once you revoke a curtailment notice you cannot submit a second curtailment notice, unless it was revoked before the birth /child was placed.

If the mother or adopter revokes their notice to end their maternity or adoption leave, they remain on maternity or adoption leave. Their entitlement to maternity or adoption leave is restored to a total of 52 weeks, even if their eligible partner has taken shared parental leave prior to the mother/adopter revoking her leave curtailment notice.

6.9 Opt into SPL Scheme – Notice of Entitlement and Intention

To opt-in to shared parental leave the mother/adopter or the eligible partner must complete the relevant notice of entitlement and intention:

- Notice of Entitlement and Intention (mother).
- Notice of Entitlement and Intention (mother's eligible partner).
- Notice of Entitlement and Intention (adopter).
- Notice of Entitlement and Intention (adopter's eligible partner).

and submit it to the Workforce and OD Department.

This must not be done until the mother/adopter has returned from maternity/adoption leave, the curtailment notice has been given by the mother/adopter, or at the same time.

When submitting the notice of entitlement and intention from the employee, you must also provide:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- name and address of the other eligible parent's employer (or a declaration that the other eligible parent has no employer).

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

The employee can vary or cancel their proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that he/she submits a Variation or Cancellation of Proposed Shared Parental Leave Form.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until they provide a period of leave notice in relation to that period of leave.

There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

6.10 Period of Leave Notice

Having opted into the SPL scheme, you will need to submit a period of leave notice form (maternity) or period of leave notice form (adoption/surrogacy) to 'book' your leave.

A period of leave notice must be given no less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

You can vary or cancel the proposed shared parental leave dates following the submission of a period of leave notice, provided that you give CTMUHB a written period of leave variation or cancellation notice form not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence.

The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

You can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy, although CTMUHB may waive this limit in some circumstances.

6.11. Continuous and Discontinuous Periods of SPL

6.11.1 Continuous Periods of SPL

You may submit a notification for a period of continuous leave, which is a number of weeks taken in a single unbroken period of leave.

If your period of leave notice gives dates for a single continuous block of SPL, you will be entitled to take the leave set out in the notice.

You can give up to three period of leave notices. This may enable you to take up to three separate blocks of shared parental leave.

Your manager will respond to your request normally within 14 days of the leave request being received. The Workforce and OD Department will write to you to confirm the arrangements.

6.11.2 Discontinuous Periods of SPL

In general, a period of leave notice should set out a single continuous block of leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your Manager and/or Workforce and OD in advance of submitting any formal period of leave notices. This will give more time to consider the request and hopefully agree a pattern of leave with you from the start.

All requests for discontinuous leave will be carefully considered on a case-by-case basis, weighing up the potential benefits for you and us against any adverse impact on the business. Agreeing to one request will not set a precedent or create the right for another similar pattern of SPL being granted.

While we will consider your request for discontinuous leave, we may not be able to agree it. If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave).

Alternatively, you may:

- choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period. If you do not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice).
- withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

6.12 Early Birth

If the employee gave period of leave notice (booked) to take SPL 8 weeks following birth of the child and the child is born early, the requirement to give 8 weeks' notice of entitlement or to book periods of shared parental leave is deemed as being satisfied if the employee gives notice as soon as reasonably practicable after the birth. This means the eligible parent can book a period of leave to start within 8 weeks of the actual birth if they give the notice as soon as reasonably practicable after the child's actual birth (i.e. there is no requirement for full 8 weeks' notice).

Where an employee has notified their employer of their entitlement to shared parental leave or pay, and has also given notice of a period of leave and/or pay to start within 8 weeks of the child's expected week of birth and the child is born early, the employee may take the leave and pay that they have 'booked' early if they wish (i.e. they can bring the leave and pay that they have 'booked' forward so that they are taking it at the equivalent time to when they would have been had the baby had been born on time).

The employee must give a notice to vary the shared parental leave and pay that they originally applied for as soon as practicable following the birth. For example, if the mother's eligible partner was planning to take 2 weeks of paternity leave after the birth, and being at home for a continuous period of 5 weeks, they could start their paternity leave after the birth and take the same amount of shared parental leave and pay 2 weeks later (i.e. after their paternity leave), if they notified us of the change as soon as reasonably practicable after their child's birth.

6.13 Shared Parental Leave Pay

If the mother or adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used up their entitlement to 39 weeks' pay, then Occupational/Statutory Shared Parental Pay could be claimed for any remaining weeks.

6.13.1 Statutory Shared Parental Pay (ShPP)

In order to qualify for statutory shared parental pay (ShPP):

- you must satisfy the eligibility criteria for shared parental leave, and in addition.
- each eligible parent must have earned the Lower Earnings Limit (LEL) or more for the 8 weeks leading up to the qualifying week (as with shared parental leave, the qualifying week is the end of the 15th week before the week in which the baby is due to be born, or the week that the adopter is notified of being matched with a child).
- Eligible employees will be entitled to claim up to 37 weeks of statutory shared parental leave pay (39 weeks minus the 2 weeks compulsory maternity leave), less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay that has already been claimed by either partner. ShPP can be claimed following the birth or placement of the child, but not at the same time as the compulsory two weeks of leave following the birth or placement of the child. ShPP is paid at a rate set by the government each year.

If you do not qualify for ShPP you may still qualify for shared parental leave only. Further details regarding statutory entitlement and pay can be found on the government's website. A family leave calculator is available on the government's website, which helps individuals work out what statutory entitlement they may have for maternity, paternity and/or SPL.

6.13.2 Occupational Shared Parental Pay

Occupational Shared Parental Pay can be paid at any point during the 52 week period (except the two weeks immediately following the birth/placement) where entitlement to receive this has not already been exhausted. Employees with more than 1 year's continuous service with the NHS by the 11th week before the EWC or the date the child is placed for adoption/enters Great Britain, and who meet the requirements for ShPP, will be entitled to Occupational Shared Parental Pay.

Where an employee intends to return to work after a period of Shared Parental Leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below. The maximum entitlement will only apply where either eligible parent has not already received statutory or occupational maternity pay or statutory or occupational adoption pay in respect of the child. Where such pay (excluding pay during the compulsory two-week maternity/adoption leave period) has been received by either eligible parent, the maximum joint entitlement set out below will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either eligible parent, or notified as intending to be taken by either eligible parent.

- i) for the first six weeks of absence the employee will receive full pay. Full pay is inclusive of any ShPP. The total receivable cannot exceed full pay;
- ii) for the next 18 weeks of absence the employee will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay;
- iii) for the next 13 weeks, the employee will receive any ShPP that they are entitled to under the statutory scheme;
- iv) for the final 13 weeks, the employee will receive no pay.

CTMUHB will not pay more than 26 weeks' Occupational Shared Parental Pay in total – 8 weeks' full pay (including the two weeks' compulsory maternity/adoption leave) and 18 weeks' half pay, to employees accessing occupational maternity or adoption or shared parental pay in total to an eligible couple. This is irrespective of whether one or both eligible parents are NHS employees, as shared parental leave and pay is a joint entitlement.

Occupational Shared Parental Pay will only be paid if the employee declares their intention to return to work for a period of three months, following the end of SPL.

For employees who decide prior to the commencement of SPL that they will not be returning to work for CTMUHB or another NHS authority for a minimum period of 3 months following their final period of leave, the period that would normally be paid at Occupational Shared Parental Pay will only be paid at the ShPP rate.

If an employee receives Occupational Shared Parental Pay and at a later date decides that they will not be returning to work for CTMUHB or another NHS authority, they will be obliged to repay any Occupational Shared Parental Pay received during the shared parental leave period.

If an employee is unsure whether or not they will be returning to CTMUHB or another NHS authority following the final period of SPL, they will be required to put any Occupational Shared Parental Pay 'on hold' until they decide whether or not they will be returning to work for a period of at least 3 months. If the decision is taken to return to work, the payment of occupational ShPP can be paid either upon the return to work (as a lump sum) or can be commenced at any point during the period of maternity leave.

6.14 Other Terms during Shared Parental Leave

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by Occupational/Statutory Shared Parental Pay under CTMUHB's contractual shared parental pay scheme if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be deducted from salary during periods of paid O/SShP. However, to ensure that pensionable service is not broken, pension contributions will be due to be paid on any periods of unpaid SPL. Any outstanding contributions will be recovered when the employee returns to work.

An employee on shared parental leave will progress through their pay step on the date the pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met. If a pay-step review cannot be conducted prior to the pay-step date, the pay-step point should be automatically applied in the individual's absence.

6.15 Annual Leave and Public Holidays

Employees on paid and unpaid shared parental leave retain their right to the annual leave and public holidays provided by Section 13 of Agenda or Change Terms and Conditions of Service.

Where unused annual leave and public holidays exceed local provisions for carry over to the next leave year it may be beneficial to CTMUHB and employee for the employee to take the unused annual leave and public holidays before and/or after the agreed (paid and unpaid) shared parental leave period.

The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed between the employee and their line manager. Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions, providing this would not cause a breach in the Working Time Regulations 1998.

6.16 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Pension Scheme Regulations.

6.17 Return to Work

An employee who intends to return to work at the end of their shared parental leave, will not be required to give any further notification to the employer, although if they wish to return early, they must give at least 28 days' notice.

An employee has the right to return to their job under their original contract and on no less favorable terms and conditions.

6.18 Returning on Flexible Working Arrangements

If, at the end of shared parental leave, an employee wishes to return to work on different hours, CTMUHB will facilitate this, wherever possible.

The employee should make a request for flexible working under the Flexible Working Policy prior to the date they wish the new arrangements to commence.

6.19 Sickness following the end of Shared Parental Leave

In the event of illness following the date the employee was due to return to work, normal sickness absence provisions will apply and the absence will be managed through the All Wales Managing Attendance Policy.

6.20 Failure to Return To Work

If an employee who has notified CTMUHB of their intention to return to work for CTMUHB or a different NHS employer, but fails to do so within three months of the end of their shared parental leave, they will be liable to refund the whole of their shared parental pay, less any Statutory Shared Parental Pay, received.

In cases where CTMUHB considers that to enforce this provision would cause undue hardship or distress, CTMUHB will have the discretion to waive their rights to recovery.

6.21 Fixed-Term Contracts or Training Contracts

Employees subject to fixed-term or training contracts which expire after the 11th week before the expected week of childbirth, or the date of matching, or the 15th week before the baby's due date if applying via a surrogacy arrangement, and who satisfy the conditions for entitlement shall have their contracts extended so as to allow them to receive the 52 weeks, which includes paid occupational and statutory shared parental pay, and the remaining 13 weeks of unpaid shared parental leave.

Absence on Shared Parental Leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

If there is no right of return to be exercised because the contract would have ended if pregnancy and shared parental leave had not occurred or been taken, the repayment provisions set out above will not apply.

Employees on fixed-term contracts who do not meet the 12 months' continuous service condition, may still be entitled to Statutory Shared Parental Pay.

6.22 Rotational Training Contracts

Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, they shall have the right to return to work after a period of shared parental leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if pregnancy and shared parental leave had not occurred. In such circumstances, the employee's contract will be extended to enable the practitioner to complete the agreed programme of training.

To ensure equality of access to the provisions in this policy where an employee changes employer because their training programme has required them to do so, and this means they do not have enough statutory continuous service with their current employer to access statutory shared parental pay, but they would have had sufficient statutory continuous service to access statutory shared parental pay had they not been required to change employer because of the training programme the employee shall be paid, by their current employer, the value of statutory shared parental pay they would have otherwise received if their statutory continuity had not been broken by their change of employer.

6.23 Contractual Rights

During shared parental leave (both paid and unpaid) an employee retains all of their contractual rights, except remuneration.

6.24 Pay Progression

An employee on shared parental leave will progress through their pay step on the date the pay step is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met. If a pay-step review cannot be conducted prior to the pay step date the pay-step point should be automatically applied in the individual's absence.

No detriment should occur as a consequence of taking shared parental leave.

6.25 Employees with less than 12 months' Continuous Service

If an employee does not satisfy the conditions for occupational shared parental pay, they may be entitled to Statutory Shared Parental Pay. Statutory Shared Parental Leave Pay will be paid regardless of whether they satisfy the conditions for occupational shared parental leave pay.

If an employee's earnings are too low for them to qualify for Statutory Shared Parental Pay, or they do not qualify for another reason, they should be advised to claim maternity allowance (if applicable) or any other possible benefits from their local Job Centre Plus. Information on maternity allowance is available on the government website <https://www.gov.uk>.

All employees will have a right to take 52 weeks of shared parental leave whether or not they return to NHS employment in line with the provisions in this policy.

7. EQUALITY IMPACT ASSESSMENT STATEMENT

This policy has been screened for relevance to Equality. No potential negative impact has been identified.

8. REFERENCES

- ACAS Shared Parental Leave Guidance.

9. GETTING HELP

The Executive Director of People will ensure that copies of this policy are archived and stored in line with CTMUHB records management policy, and are made available for reference purposes should any situation arise where they are required.

All employees are expected to comply with this policy; failure to comply with the policy is a serious offence and could result in disciplinary action.

10. RELATED POLICIES

- Maternity, Paternity, Adoption and Surrogacy Policy.
- Agenda for Change Terms and Conditions (Section 15).

11. INFORMATION, INSTRUCTION AND TRAINING

Any training implications in the implementation of this policy will be provided as required.

12. MAIN RELEVANT LEGISLATION

- Statutory Shared Parental Leave and Pay.
- Agenda for Change Terms and Conditions Section 15.

13. APPENDICES

Appendix 1

Cwm Taf Morgannwg University Health Board **Shared Parental Leave Forms (resulting from Maternity)**

Forms below that need to be completed if...			
	both parents want to take SPL	just the birth parent wants to take SPL	just the eligible partner wants to take SPL
Form 1	Yes	Yes	Yes
Form 2	Yes	Yes	No
Form 3	No	No	Yes
Form 4	Yes	No	Yes

- See advice on SPL and ShPP at www.acas.org.uk/spl
- Parents can use the calculator at www.gov.uk/pay-leave-for-parents
- Parents and employers should keep a copy of any completed forms.
- Employers might have their own SPL forms for employees to use.
- If the birth parent is getting Maternity Allowance (MA), they need to notify Jobcentre Plus to curtail this entitlement.

Abbreviations used in these forms:

SPL Shared Parental Leave
ShPP Statutory Shared Parental Pay
SMP Statutory Maternity Pay
MA Maternity Allowance

Form 1

Curtailment of maternity leave and pay (for birth parent's employer – must be completed by birth parent/ mother)

SECTION A: General (must be completed)	
Please accept this as my notice to curtail my maternity leave and/or Statutory Maternity Pay (SMP). This form is accompanied by notification that either I or my eligible partner intend to take SPL and/or ShPP.	
I understand my maternity leave will end on the date given in Section B and my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B.	
I understand that I can only reinstate any SMP that I am eligible for if I revoke this notice before the end date given in Section C.	
Birth parent/mother's last name	
Birth parent/mother's first name(s)	
Expected date of child's birth	
Actual date of child's birth (if born)	
SECTION B: Curtailing maternity leave (must be completed)	
Start date of statutory maternity leave	
End date of statutory maternity leave	
Total number of weeks of statutory maternity leave taken by the date statutory maternity leave ends	
SECTION C: Curtailing statutory maternity pay (SMP) (only if claiming ShPP)	
Start date of SMP	
End date of SMP	
Total number of weeks of SMP paid by date SMP ends	
SECTION D: Signature (must be completed)	
Signature of birth parent/ mother	
Date signed	



Form 2

Notification that birth parent or mother is intending to take SPL (for their employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the birth parent/mother) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Birth parent/mother's last name	
Birth parent/mother's first name(s)	
Eligible Partner's last name	
Eligible Partner's first name(s)	
Eligible Partner's address	
Eligible Partner's National Insurance number (put 'none' if no number is held)	
Expected date of child's birth	
Actual date of child's birth (if child not yet born, provide this as soon as possible after the birth and before taking SPL)	
SECTION B: Maternity entitlement details (all answers that apply must be completed)	
Start date of statutory maternity leave	
End date of statutory maternity leave	
Total number of weeks of statutory maternity leave that will have been taken at the date statutory maternity leave ends	
Start date of SMP or MA	
End date of SMP or MA	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (39 weeks less total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
SECTION C: Amount of SPL available (must be completed)	
Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL I (the birth parent/mother) intend to take	
Total number of weeks of SPL my eligible partner intends to take	



SECTION D: Birth parent/mother's leave plans (must be completed but is not binding)

I (the birth parent/ mother) currently expect to take SPL as follows:

[Note: It can help to answer this as 'from...to...']

SECTION E: Amount of ShPP available (only if claiming ShPP)

Total number of weeks of ShPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notice and revocation)	
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Total number of weeks of ShPP I (the birth parent/mother) intend to take	
--	--

Total number of weeks of ShPP my eligible partner intends to take	
---	--

I (the birth parent/mother) currently expect to take ShPP as follows:

[Note: It can help to answer this as 'from...to...']

SECTION F: Birth parent/ mother's declaration (must be completed)

The following points apply in all circumstances where a mother is entitled to maternity leave:

- I am giving notice that I am entitled to and intend to take SPL
- I have, or will have, been continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my eligible partner who has made the declaration below)
- I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL
- I will inform my employer immediately if I am no longer caring for my child
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of my eligible partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice

<ul style="list-style-type: none"> The information provided in this declaration is accurate and meets the notification requirements for SPL <p>The following points only apply if Section E has been completed:</p> <ul style="list-style-type: none"> I am giving notice that I am entitled to and intend to take ShPP I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL) I intend to care for my child in the weeks I receive ShPP I will remain employed with this employer until before the date of my first period of ShPP I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA The information provided in this declaration is accurate 	
Signature of birth parent/ mother	
Date signed	
SECTION G: Eligible Partner's declaration (must be completed)	
<ul style="list-style-type: none"> I am the father of the child, or at the date of the birth I was (or will be) the mother's spouse, the mother's civil partner and/or the mother's partner living with the birth mother and the child in an enduring relationship I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother) I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth I have (or will have) earned in total at least £... in 13 weeks of the 66 weeks before the expected week of childbirth I consent to the amount of SPL which the mother intends to take, as set out in Section D above. I consent to the mother's employer processing the information I have provided I consent to the amount of ShPP which the mother intends to take, as set out in Section E above. The information provided in this declaration is accurate 	
Signature of eligible partner	
Date signed	

Form 3

Notice confirming that partner is taking SPL but birth parent/mother is not (for birth parent/mother's employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the birth parent/ mother) do not intend to take SPL (or ShPP where relevant) but that my partner will be.	
Birth parent/ mother's last name	
Birth parent/ mother's first name(s)	
SECTION B: Confirmation	
<ul style="list-style-type: none"> I am either not entitled to SPL (or ShPP, where relevant), or I do not intend to take SPL (or claim ShPP, where relevant) I declare that my eligible partner has given notice to their employer to take SPL and/or ShPP I consent to my eligible partner's claim for SPL and/or ShPP 	
SECTION C: Signature (must be completed)	
Signature of birth parent/ mother	
Date signed	

Form 4

Notification that eligible partner is intending to take SPL (for partner's employer)

SECTION A: General (must be completed)	
Please accept this as notification that I (the eligible partner) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Eligible Partner's last name	
Eligible Partner's first name(s)	
Birth parent/ mother's surname	
Birth parent/ mother's first name(s)	
Birth parent/ mother's address	
Birth parent/ mother's National Insurance number (put 'none' if no number is held)	
Expected date of child's birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
SECTION B: Maternity entitlement details (all answers that apply must be completed)	
Start date of birth parent/ mother's maternity leave (if applicable)	
End date of birth parent/ mother's maternity leave (if applicable)	
Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends	
Start date of SMP or MA (if applicable)	
End date of SMP or MA (if applicable)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks SMP or MA will be reduced by (39 weeks less total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	

SECTION C: Amount of SPL available (must be completed)
The total number of weeks of SPL created depends on the birth parent/ mother's leave and pay entitlements.
<ul style="list-style-type: none"> If the birth parent/ mother was/is entitled to maternity leave and SMP/MA, the total created

will be 52 weeks less any weeks maternity leave taken

- If the birth parent/ mother was/is entitled to maternity leave but not to SMP or MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the birth parent/ mother was/is not entitled to maternity leave but was entitled to SMP/MA, the total created will be 52 weeks less any weeks of SMP/MA that was paid
- If the birth parent/ mother previously revoked her curtailment notice any SPL that was taken by the partner must be deducted

Total number of weeks of SPL created (50 max)	
Total number of weeks of SPL I (the partner) intend to take	
Total number of weeks of SPL the mother intends to take (if applicable)	
SECTION D: Eligible partner's leave plans (must be completed but is not binding)	
I (the partner) currently expect to take SPL as follows:	
[Note: It can help to answer this as 'from...to...']	
SECTION E: Amount of ShPP available (only if claiming ShPP)	
Total number of weeks of ShPP created (39 weeks less total number of SMP/MA taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I (the eligible partner) intend to take	
Total number of weeks of ShPP the birth parent/ mother intends to take	
I (the eligible partner) currently expect to take ShPP as follows:	
[Note: It can help to answer this as 'from...to...']	
SECTION F: Eligible Partner's declaration (must be completed)	

The following points apply in all circumstances:

- I am giving notice that I am entitled to and intend to take SPL
- I am the father of the child, or at the time of the birth I was (or will be) the birth parent/mother's spouse, civil partner and/or eligible partner living with them and the child in an enduring relationship
- I have been (or will be) continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) shared responsibility for the care of our child at the time of the child's birth (along with the child's birth parent/ mother who has made the declaration below)
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of the birth parent/ mother's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes their notice to curtail her maternity leave or SMP/MA period
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I intend to care for my child in the weeks I receive ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I will remain employed with this employer until before the date of my first period of ShPP
- The information provided in this declaration is correct

Signature of eligible partner	
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Date partner signed	
SECTION G: Birth parent/ mother's declaration (must be completed)	
<p>The following points apply in all circumstances:</p> <ul style="list-style-type: none"> • I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my eligible partner who has made the declaration above) • I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA. • I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth • I have (or will have) earned in total at least £... in 13 weeks of the 66 weeks before the expected week of birth • I will immediately inform my eligible partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement • I consent to my eligible partner's intended SPL as set out in Section D above • I consent to my eligible partner's employer processing the information I have provided • The information provided in this declaration is accurate and meets the notification requirements for SPL <p>The following points only apply if Section E has been completed:</p> <ul style="list-style-type: none"> • I am entitled to SMP or MA, and I have reduced (or will reduce) the SMP or MA period and the remainder will be available as ShPP • I consent to my eligible partner's intended ShPP as set out in Section E above • I will immediately inform my eligible partner if I revoke the reduction of my SMP or MA • I consent to the person who will pay ShPP to my eligible partner or the child's father processing the information I have provided • The information provided in this declaration is correct 	
Signature of Birth Parent/Mother	
Date signed	