Royal Northern College of Music

Shared Parental Leave Policy

Policy & Procedure

Department: Human Resources

Document owner: Head of Human

Resources

Approval Committee: HR Committee

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1. Introduction

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

This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

2. Definitions

Adopter

The person with whom the child is, or is expected to be, placed for adoption by an adoption agency, or, in a case where two people have been matched jointly, whichever of them has elected to be the child's main adopter.

Curtail

Shared parental leave will be created where an eligible mother or adopter brings their maternity or adoption leave to an end early.

EWC

Expected week of childbirth - the week, starting on a Sunday, in which your doctor or midwife expects you to give birth.

Parent

One of two people who will share the main responsibility for the care of the child (and who may be either the mother, the father, the adopter, or the mother's or adopter's partner).

Partner

The mother's or adopter's spouse or civil partner or someone (whether of a different sex or the same sex) who lives with the mother or adopter and the child in an enduring family relationship but is not the mother's or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

3. Eligibility

SPL is only available to employees where the EWC, or the date of placement of the child for adoption, is on or after 5 April 2015.

Employees are entitled to SPL in relation to the birth or adoption of a child if:

- They are the child's mother or adopter and they share the main responsibility for the care of the child with the child's father (birth cases only) or the person who at the date of the child's birth or placement for adoption is their partner;

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- They are the child's father (birth cases only) and they share the main responsibility for the care of the child with the child's mother;

Or

- They are the mother's or adopter's partner at the date of the child's birth or placement for adoption and they share the main responsibility for the care of the child with the child's mother or adopter (in birth cases, where the child's father does not share the main responsibility with the mother).

In order to qualify for the right to take SPL, employees must also meet <u>each</u> of the following eligibility criteria:

- Have worked continuously for the College for 26 weeks calculated as at the 15th week before the EWC or, in respect of an adopted child, calculated as the week in which the adopter is notified of having been matched with the child for adoption.
- Remain in continuous employment with the College until the week before the period of SPL to be taken.
- If you are the mother of the adopter, you are entitled to maternity or adoption leave in respect of the child and you have ended your entitlement to such leave, either by giving written notice of curtailment or by returning to work before the end of your maternity or adoption leave period.
- If you are the father or partner, the mother or adopter is entitled to maternity or adoption leave and/or statutory maternity pay (SMP), maternity allowance (MA), or statutory adoption pay (SAP), in respect of the child and they have ended their entitlement to such leave and/or pay, either by giving written notice of curtailment or by returning to work before the end of the maternity or adoption leave period.
- The other parent has worked in an employed or self-employed capacity for at least 26 weeks of the 66 weeks immediately preceding the EWC or the week in which the adopter is notified of having been matched with the child for adoption, and had average weekly earnings of at least £30 per week for any 13 of those weeks.
- Have given both a notice of entitlement and a period of leave notice to the College and provided any evidence requirements requested.

4. The Shared Parental Leave entitlement

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family (maternity or adoption leave entitlement is for up to 52 weeks – the first 2 weeks of the leave are compulsory).

If the mother or adopter reduces their maternity or adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother or adopter may reduce their entitlement to maternity or adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give written notice to curtail their leave at a specified future date.

Where a mother or adopter gives notice to curtail their maternity or adoption entitlement then their partner can take leave while they are still using their maternity or adoption entitlements.

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

Entitlement to Paternity Leave and Pay is lost once you start a period of SPL, therefore eligible employees should consider using Paternity Leave before taking any SPL.

5. Notifying the College of an entitlement to Shared Parental Leave

An employee must give their line manager at least eight weeks' notice of their entitlement and intention to take SPL before they can take any period of SPL. The employee should also discuss their plans for actually taking the leave with their line manager at this point.

Part of the eligibility criteria requires the employee to provide the College with correct notification. Notification must be in writing and requires each of the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the
 case of an adopted child, the date on which the employee was notified of having been
 matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take
- a non-binding indication of when the employee expects to take the leave.

The employee must provide the College with a signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the College.

The employee must provide the College with a signed declaration from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the employment and earnings test (see 'Eligibility above) and had at the
 date of the child's birth or placement for adoption the main responsibility for the child,
 along with the employee;
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the College processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

6. Requesting further evidence of eligibility

The College may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self employed their contact details must be given instead)
- in the case of biological parents, 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 was notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

7. Fraudulent claims

The College can, where there is a suspicion that fraudulent information may have been provided or where the College has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual College investigation and

disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

8. Discussions regarding Shared Parental Leave

An employee considering taking SPL is encouraged to contact a member of the HR department to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the College to support the individual.

Upon receiving a notification of entitlement to take SPL, a member of the HR department may seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.

Upon receiving a leave booking notice, a member of the HR department will usually arrange a meeting with the employee and their line manager to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the College, and what the outcome may be if no agreement is reached.

9. Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give at least eight weeks' notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending to take so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

Each notification may contain either:

- (a) a single period of weeks of continuous unbroken leave;
- (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave. Where there is concern over accommodating the notification, the College or the employee 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 College.

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

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. Where an

employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

10. Responding to a Shared Parental Leave notification

Once the HR department receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the College against any adverse operational impact.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the College may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee 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 the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

11. Variations to arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the College in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the College requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the College.

12. Shared Parental Pay

12.1 Statutory Shared Parental Pay (ShPP)

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. Leave or pay taken by one parent will reduce the pool of leave and pay that is available to the other parent.

e.g. If the mother has taken 12 weeks of Maternity Pay, a balance of 25 weeks ShPP is available to be shared between the two parents. If the Father/Partner opts to take 10 weeks of ShPP, the balance remaining is 15 weeks.

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

- the mother or adopter 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;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee 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 are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification.

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the College should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the College to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

12.2 Occupational Shared Parental Pay (OShPP)

A member of staff who has completed at least 26 weeks of continuous service by the Qualifying Week, who provides a MAT B1 stating the expected date of childbirth and who informs the College, in writing no later than the end of the 15th week before the EWC, that they intend to return to work for at least 12 weeks (excluding sickness absence and extended unpaid leave) at the end of the period of maternity leave, is entitled to Occupational Shared Parental Pay.

A member of staff who is/would be eligible to receive Occupational Shared Parental Pay will receive payments as set out in the table below (providing they intend to return to work as outlined above).

Less than 26 weeks continuous service at 15 th week before the baby is due	More than 26 weeks continuous service at 15 th week before the baby is due but not eligible for ShPP	More than 26 weeks continuous service at 15 th week before the baby is due and eligible for ShPP
No entitlement to ShPP or OShPP	 4 weeks at full pay 2 weeks at 90% of full pay 12 weeks at 50% of full pay 	 a) 4 weeks at full pay (including ShPP) b) 2 weeks at 90% of full pay (including ShPP) c) 12 weeks at 50% of full pay (plus ShPP)¹ d) 21 weeks ShPP only²
	Total 18 weeks	Total 39 weeks

12.3 Conditions of payment

Payment of salary to an employee in accordance with the above provisions shall be made on the condition that they will be available for full-time or equivalent part-time, work for a period of at least 12 weeks from the date of return to her job. Where an employee does not return to work they will be required to repay (at the College's discretion) occupational shared parental pay. An employee with at least two years' continuous service, however, is entitled to retain the first six weeks' payment. Payments made by way of ShPP are not repayable.

The requirement to return to work for at least 12 weeks may be reduced at the discretion of the College.

Following a return to work, the normal provisions for termination upon notice shall apply to both parties.

The period of 12 weeks (inclusive of any holidays and other days when the College is closed) shall run from the date on which the employee returns to work or the date during the holiday on which, having been declared medically fit, they are deemed to be available for duty.

An employee shall be regarded as having fulfilled the conditions of these provisions, if, having obtained prior approval from the institution to return to work on a part-time basis, they complete a period of 12 weeks.

13. Terms and conditions during Shared Parental Leave

During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary.

14. Annual Leave

SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned.

¹ Except where payment is in excess of payment in b) in which case employee will receive the same weekly amount as applicable in b)

² Except where payment is in excess of payment in c) in which case employee will receive the same weekly amount as applicable in c)

Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

15. Contact during Shared Parental Leave

The College reserves the right to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

16. Shared Parental Leave in Touch days

An employee can agree to work for the College (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The College has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the College and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the College, may use SPLIT days to work part of a week during SPL. The College and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

17. Returning to work after Shared Parental Leave

The employee will have been formally advised in writing by the College of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the College otherwise. If they are unable to attend work due to sickness or injury, the College's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the College at least eight weeks notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the College does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

Related Policies

- Maternity
- Paternity
- Parental Leave
- Flexible Working
- Equality and Diversity
- Disciplinary



Form A – Notice of curtailment of leave and intention to take shared parental leave

Personal Details Name:	
Manager:	
School/Department:	
I am presently on a period of maternity	/ adoption leave which commenced on
(date) and wish	
to enable me to invoke shared parental leave e My child was born / placed on	
OR	
I will be taking a period of maternity / adoption intend to return to work on following the birth or placement of the child) to entitlement. The expected week of birth / date of	(date at least two weeks o enable me to invoke shared parental leave
I understand that my maternity / adoption leave re-started.	e will end on my return to work and cannot be
I enclose a completed form notifying you of my and providing notification of my intended dates I will be sharing a total of weeks of s (note that the parental leave as	of shared parental leave. hared parental leave with my partner, ame of partner).
ele ele the had	nature (If you are submitting this form extronically, please enter your name or your extronic signature. In doing so, you confirm that above statement is correct, as if the document d been signed and dated by hand). me (print)
da	te

Please return this form, together with your completed booking notification form (Form B), declaration from the other parent (Form C), and required documentation to the Human Resources department.



Form B - Booking Notification form

of these weeks.)

Personal Details	
Name:	
Manager:	
School/Department:	
I hereby notify you of my intention to take shared parental leave.	
I am the child's mother or father;	
OR	
OR	
I am married to or the civil partner of the child's mother / the adopter;	
OR	_
I am living with the child and the child's mother / the adopter in an enduring family relationship (excluding grandparents and other close blood or adoptive relations)	
AND	
The child's mother or adopter was entitled to statutory maternity or adoption leave and has or will return to work before her maternity or adoption leave has ended.	
AND	
I have been continuously employed by the College for 26 weeks up to and including the 15 th week before the baby is due (in the case of pregnancy or surrogacy arrangements) or the week in which the adopter is notified of being matched with a child for adoption, and still be employed by the College in the week before any shared parental leave is due to start;	
AND	
I will share the main responsibility for the care of the child to whom the shared parental leave relates with the other parent and will notify you if this changes.	
I intend to take shared parental leave and, where applicable, statutory parental pay during the following period(s):	
(Please clearly indicate whether you had intended to take statutory parental pay during any	

Shared parental leave may be taken in blocks of whole weeks prior to the child's first birthday or anniversary of placement of the child. Leave may be taken in one block or up to three discontinuous blocks.

I enclose a signed statement from the other parent that he or she was employed or selfemployed in Great Britain for a total of at least 26 weeks (not necessarily continuously) in the period of 66 weeks immediately prior to the 15th week before the baby is due (in the case of pregnancy or surrogacy arrangements) or the week in which the adopter is notified of being matched with a child for adoption and that he or she earned an average of £30 per week in 13 of those weeks (not necessarily continuously).

By signing this notification of my intention to take shared parental leave,

• I confirm that the mother or adopter has given a notice of entitlement to his or her employer and that the mother or adopter consents to me taking the leave set out in the notice of that entitlement.

en is accurate and that I will inform the Human reasonably practicable if I am no longer responsible
signature (If you are submitting this form electronically, please enter your name or your electronic signature. In doing so, you confirm that the above statement is correct, as if the document had been signed and dated by hand). name (print)
 date

Please return this form together with the completed declaration from the other parent (form C) and required documentation to the Human Resources department.



Form C – Declaration from the other parent

Personal Details of er	nployee	
Name:		
Manager:		
School/Department:		
Personal Details of th	e other parent	
Name		
Address		
National Insurance Number	If you do not have confirm by ticking this	a National Insurance Number, then please box □
Name and address of employer	, ,	
	If you are self-employed	ed, please tick this box \Box
Declaration to be com	pleted and signed by	the other parent
By signing this notification of my intention to take shared parental leave,		
	ent of the child and have p)	s out of 66 weeks up to the expected week of e earned at least £30 in 13 of those weeks. lease tick all that apply)
the mother or a	dopter's partner	
the mother or a	dopter's civil partner	
the mother or adopter's spouse		
 I confirm that, together with the mother / adopter, I have the main caring responsibility for the child. I consent to the mother / adopter taking weeks of shared parental leave as set out within his or her notice of curtailment of leave. I consent to the Royal Northern College of Music processing the information about me included in this declaration. I enclose a copy of the child's birth certificate or, where the child has been adopted, documents issued by the adoption agency confirming the matching and expected date of placement of the child. □ 		

Where a birth certificate is not available, a written declaration as to the reasons why it is not available must be included with this form.

signature (If you are submitting this form electronically, please enter your name or your electronic signature. In doing so, you confirm that the above statement is correct, as if the document had been signed and dated by hand). name (print)
_ date

Please return this form, together with the completed booking notification (form B) and required documentation to the Human Resources department.



Form D - Variation Form

Personal Details Name: Manager: School/Department:
I understand that I am entitled to make a maximum of three notifications to take shared parental leave. This includes my original booking notice, any additional booking notice and any variation form which I have submitted.
Date of original booking notice:
Date(s) of any additional booking notice previously submitted:
Date(s) of any variation form previous submitted
I have already taken weeks of shared parental leave and (where applicable) weeks of statutory parental pay.
I wish to vary the dates of my shared parental leave, which is currently booked for:
(Please clearly indicate whether you had intended to take statutory parental pay during any
of these weeks.)
The revised dates on which I wish to take shared parental leave are:
(Please clearly indicate whether you intend to take statutory parental pay during any of these weeks.)

Shared parental leave may be taken in blocks of whole weeks prior to the child's first birthday or anniversary of placement of the child. Leave may be taken in one block or up to three discontinuous blocks.

By signing this notification of a variation to shared parental leave,

- We confirm that the mother or adopter has given a notice of entitlement to his or her employer and that the mother or adopter consents to me taking the leave set out in the notice of that entitlement.
- We confirm that the information given is accurate and that we will inform the Human Resources department as soon as reasonably practicable if we are no longer responsible for the care of the child.

Both parents must sign this form to indicate their agreement to the new division of the shared parental leave and pay.

Mother / adopter	
	signature (If you are submitting this form electronically, please enter your name or your electronic signature. In doing so, you confirm that the above statement is correct, as if the document had been signed and dated by hand). name (print)
	date
Father / partner / spouse	
	signature (If you are submitting this form electronically, please enter your name or your electronic signature. In doing so, you confirm that the above statement is correct, as if the document had been signed and dated by hand). name (print)
	date

Please return this form to the Human Resources department.