

## **THE GALLEON CENTRE SHARED PARENTAL LEAVE POLICY**

### **Scope of the Policy**

The purpose of this policy is to set out the Kilmarnock Leisure Centre Trust T/A The Galleon Centre employees' statutory rights and responsibilities in relation to shared parental leave and pay in respect of the birth of a child.

### **What is Shared Parental Leave (SPL)?**

SPL is leave available to working parents in the year following a child's birth. It applies to parents of children due to be born on or after 5<sup>th</sup> April 2015.

The total amount of SPL available is 52 weeks less the weeks spend by the child's mother on maternity leave (or weeks when the mother has been in receipt of statutory maternity pay or maternity allowance if she is not entitled to maternity leave).

If you are the mother, you cannot start SPL until after the compulsory maternity leave period, which last until two weeks after birth.

The SPL scheme is entirely optional. The default position is that the child's mother will take 52 weeks' maternity leave. Accordingly, if you wish to utilise the scheme, you must opt-in to it and fulfil all of the notification requirements set out in this policy.

### **Entitlement to SPL**

For the purpose of this policy:

- **Expected Week of Childbirth** or EWC is the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born; and
- **Partner** means spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- **Qualifying Week** is the fifteenth week before the EWC.

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

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

The following conditions must also be fulfilled:

- a) you must have at least 26 weeks' continuous employment with the Company by the end of the Qualifying Week and still be employed by the Company in the week before the leave is to be taken;
- b) the other parent must have worked (in an employed or self-employed capacity) in at least 26 out of the 66 weeks before the Expected Week of Childbirth (EWC) and had average earnings of at least £30 in 13 of those weeks; and
- c) you and the other parent must give the necessary statutory notices and declarations summarised below, including notice to end and maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

SPL entitlement is in addition to paternity leave entitlement. However, once you start SPL you lose any untaken paternity leave entitlement.

### **Opting in to SPL scheme**

In order to opt-in to the SPL scheme, you must provide the Company with an opt-in notice which contains the information specified below. If you opt-in to the scheme then the balance of the mother's maternity leave is converted into SPL.

The opt-in notice must contain the following information:

- a) your name and the name of the other parent;
- b) if you are the child's mother, the start and end dates of your maternity leave;
- c) if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- d) the total SPL available (which, as above, is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken);
- e) how much of that will be allocated to you and how much will be allocated to the other parent;
- f) if you are claiming statutory shared parental pay (SHPP), the total SHPP available (which is 39 weeks' minus the number of weeks of the SMP or MA period taken or to be taken);
- g) how much of that will be allocated to you and how much will be allocated to the other parent;
- h) an indication of the pattern of leave you are thinking of taking including suggested start and end dates for each period of leave. This indication will not be binding at this stage but please provide as much information as possible regarding your arrangements; and
- i) declarations by you and the other parent that you meet the statutory conditions for entitlement to SPL and SHPP.

## **Curtailing maternity leave**

In order for a period of SPL to be taken, the child's mother must either have returned from maternity leave or served a notice to curtail (i.e. bring it to an end) her maternity leave at a specified point in the future.

If you are the child's mother and you wish to curtail your maternity leave, you must serve a curtailment notice at least eight weeks in advance of the date on which you wish to curtail your maternity leave. The Curtailment notice must specify the date on which your maternity leave will end. The curtailment notice can be served before or after you give birth but you cannot end your maternity leave until at least two weeks after birth.

At the same time as you serve your curtailment notice, you must also serve the opt-in notice referred to above, or a written declaration that the child's father or your partner has given his or her employee an opt-in notice, and that you have given the necessary declarations in that notice.

The curtailment notice is usually binding. You can only revoke it if maternity leave has not yet ended and one of the following situations applies:

- a) if you realise that neither you nor the other parent are, in fact, eligible for SPL or SHPP, you can revoke the curtailment notice in writing up to eight weeks after it was given;
- b) if you served the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- c) if the other parent has died.

Once you revoke a curtailment notice you cannot submit another curtailment notice unless the revocation was given in the circumstances specified at (b) above.

If you are the child's father or the mother's partner, you will only be able to take SPL once the mother has either:

- a) returned to work;
- b) given her employer a curtailment notice to end her maternity leave;
- c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not to maternity leave); or
- d) given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).

We may ask you to provide a copy of the birth certificate and/or the name and address of the other parent's employer.

## **Notifying the Company of your SPL dates**

In addition to serving the opt-in notice on us, you will need to serve a period of leave notice specifying the start and end dates of your SPL, at least eight weeks in advance of the start date. You may find it simplest to serve the opt-in notice and the

period of leave notice at the same time. The period of leave notice should also state the date on which you intend to claim statutory shared parental pay, if applicable. You can serve up to three periods of leave notices.

If your period of leave notice gives dates for a single continuous period of leave you will be entitled to take the leave requested.

If you request discontinuous blocks of leave (i.e. blocks of at least a week with a period of work between them) then we will consider your request but we are not obliged to agree to it.

### **Changing or cancelling your SPL**

You can cancel a period of SPL by notifying us in writing at least eight weeks before the start date specified in the period of leave notice.

You can change the dates for a period of leave by giving us at least eight weeks' notice before both the original start date and the new start date.

### **Shared parental pay**

Statutory shared parental pay (SHPP) of up to 39 weeks (less any weeks of statutory maternity pay or adoption pay claim by you or the other parent) may be available provided you have at least 26 weeks' continuous service with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the Government each year. SHPP is paid at a flat weekly rate set by the Government each year.

(If the organisation operates an enhanced shared parental pay scheme, insert details, including qualifying conditions (e.g. length of service) and any other relevant rules (e.g. repayment of enhancement if employee does not return to work after SPL, or returns to work but leaves within a particular period). If the organisation can reclaim SHPP from the Government then you should also think about whether payment of enhanced shared parental pay should be conditional upon the employee opting to take SHPP in the same period so that the organisation can benefit from the offset. Please speak to your Legal Manager for further details).

### **Keeping in touch**

The law provides that each parent can work (including attending training) for up to 20 days during SPL without bringing your SPL or SHPP to an end (known as keeping in touch or "KIT" days). This is in addition to the 10 KIT days that can be taken during maternity leave. You are under no obligation to do KIT days. The arrangements for keeping in touch days (including payment or time off in lieu) are a matter for discussion between you and the Company.

### **Terms and conditions during maternity leave**

All terms and conditions of employment remain in force during SPL, except for terms relating to pay.

## **Annual leave**

Your annual leave entitlement will continue to accrue during period of SPL. Please discuss your holiday plans with your manager in good time before starting SPL.

## **Returning to work**

If you want to end a period of SPL early, you must give us at least eight weeks' notice of your new return date. It is helpful if you provide that notice in writing.

If you wish to extend your SPL you must submit a new period of leave notice at least eight weeks before you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three period of leave notices.

**THE GALLEON CENTRE  
SHARED PARENTAL LEAVE OPT-IN FORM (BIRTH)**

Use this form to opt in to the shared parental leave scheme following the birth of a child. A separate form is available for adoptive parents. Please see our Shared Parental Leave Policy for more information.

If you are the child's mother you must also submit a signed curtailment notice to bring your maternity leave entitlement to an end.

I may be useful to discuss this form, in particular the dates in sections B and C, with your manager and/or HR before completing it.

<b>Section A: Basic information</b>		
<b>Guidance notes.</b> Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing.		
"Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.		
A1	Employee's name	
A2	I am the child's mother*/child's father*/mother's partner* (*delete as appropriate)	
A3	Child's expected week of birth	
A4	Child's actual date of birth (if known)	
A5	Child's place of birth (if known)	
A6	Child's name (if known)	
<b>Section B: Maternity leave, statutory maternity pay or maternity allowance</b>		
<b>Guidance notes.</b> If you are the mother, please give your maternity leave (ML) dates below. If you are still on ML you must also submit a maternity leave curtailment notice to bring your ML to an end.		
If you are the child's father or the mother's partner, please give the mother's ML dates. If she is not entitled to statutory ML (for example, because she is an agency worker, self-employed or unemployed), give the dates she started and ended (or will end) her statutory maternity pay (SMP) or maternity allowance (MA) period as applicable. She must give her employer notice to curtail her ML or SMP period, or give notice to the Department for Work and Pensions to curtail her MA period as appropriate.		
B1	ML/SMP/MA start date	

B2	ML/SMP/MA end date	
B3	Total ML/SMP/MA (weeks)	
<b>Section C: Shared parental leave</b>		
<p><b>Guidance notes.</b> The total shared parental leave (SPL) available is 52 weeks minus the mother's ML, SMP, or MA period (see B3).</p> <p>The first period of shared parental leave cannot start until at least two weeks after the child is born and at least eight weeks after you submit this opt-in notice.</p> <p>*If you tick at C5 below, this will be a <b>binding</b> period of leave notice, if you are still unsure about the exact dates you wish to take it would be sensible NOT to tick this box and instead give notice of exact dates later (you must give at least 8 weeks' notice of these dates)*</p>		
C1	Total SPL available (whole weeks).	
C2	Number of whole weeks' SPL intended to be taken by you.	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with	
C4	Indication of dates you would like to take shared parental leave.	
C5	<p>The dates in C4 will be treated as a non-binding until a period of leave notice is given.</p> <p>If you want to treat this notice as a period of notice to take SPL on the dates given in C4 tick here.</p>	
<b>Section D: Statutory shared parental pay</b>		
<p><b>Guidance notes.</b> The total statutory shared parental pay (ShPP) available is 39 weeks minus the mother's SMP or MA period (see B3).</p> <p>*If you tick at C5 below, this will be a <b>binding</b> notice of the ShPP you wish to take, if you are still unsure about the exact dates you wish to take it would be sensible NOT to tick this box and instead give notice of exact dates later (you must give at least 8 weeks' notice of these dates)*</p>		
D1	Total ShPP available (whole weeks).	
D2	Number of whole weeks' ShPP intended to be taken by child's mother	
D3	Number of whole weeks' SSPP intended to be taken by child's father/mother's partner.	
D4	Indication of dates you would like to take ShPP.	
D5	The dates in D4 will be treated as a non-binding until a notice to take	

	<p>ShPP is given.</p> <p>If you want to treat this notice as a notice to take ShPP on the dates given in D4 tick here.</p>	
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**Section E: Employee’s declaration**

**Guidance notes.** “Child” means the child referred to in Section A.

“Partner” means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

I am the child’s mother and I am entitled to statutory ML. I have submitted a curtailment of maternity leave notice (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).\*

Or

I am the child’s father or the child’s mother’s partner.\*

(\*delete one as applicable.)

I had at least 26 weeks’ continuous employment at the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) and have remained continuously employed since then.

My normal weekly earnings in the eight-week period ending with the 15<sup>th</sup> week before the EWC were not less than the lower earnings limit (£111 for 2014-15). (delete if not applicable)

I expect to share the main responsibility for the care of the child with the person who has completed Section F.

I intend to care for the child during each week that I am on shared parental leave and receiving ShPP.

I will immediately inform Human Resources if I cease to care for the child, or the otherwise satisfying the conditions for entitlement to shared parental leave or ShPP.

The information I have given in this notice is accurate.

**Signed** .....

**Date** .....

**Section F: Declaration by person taking shared parental leave with employee**

**Guidance notes.** “The employee” and “the child” are the employee and child referred to in Section A.

If the employee is the child’s mother, you must be the child’s father or the mother’s

partner.

If the employee is not the child's mother, you must be the child's mother.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

Name	
Address	
National Insurance Number	
You employer's name and address (if employed) or your business address if self-employed	

I am the mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your employee starts parental leave.\*

Or

I am the child's father.\*

Or

I am the partner of the child's mother.\*

(\*delete as applicable)

I expect to share the main responsibility for the care of the child with your employee.

I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC.

My average weekly earnings are at least £30, taking the 13 highest-earnings weeks in the 66 weeks immediately before the EWC.

I consent to your employee taking shared parental leave and claiming SSPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.

I consent to the information in this declaration being used for the purpose of administering shared parental leave and pay.

**Signed** .....

**Date** .....

**(Shared Parental Leave request to discuss leave booking)**

NAME

DATE

Dear **(INSERT NAME)**

Thank you for your notice to book a period of Shared Parental Leave that was given on **(DATE)**. We would like to arrange a convenient time to discuss your notification with you.

I therefore suggest a meeting at **(LOCATION)** on **(DATE)** at **(TIME)**. You may, if you wish, be accompanied by a workplace colleague or a trade union representative.

Please could you contact **(name of individual/HR department)** to confirm whether you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date.

Yours sincerely

**(Shared Parental Leave: Refusal of a discontinuous leave booking)**

NAME

DATE

Dear **(INSERT NAME)**

Thank you for your notice booking Shared Parental Leave that was given on **(DATE)**.

Having given the proposal thorough consideration, I regret that the organisation is unable to agree to the pattern of discontinuous leave that you requested.

Unless your notice is withdrawn the total amount of leave requested in your notice, amounting to **(NUMBER)** weeks, will automatically become a continuous block. Unless the organisation is informed otherwise this will begin on the date you originally requested your leave period to start **(DATE)**.

If you would like to period to begin on a different date please confirm this to **(name of individual/HR department)** on or before **(DATE)**. Please remember that the start date cannot be sooner than eight weeks from the date your original notice was given.

Alternatively you may withdraw your notification on or before **(DATE)**. This would then not count as one of your notifications.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to **(name of individual/HR department)**.

Yours sincerely

**(Confirmation of entitlement to Shared Parental Leave)**

NAME

DATE

Dear **(INSERT NAME)**

**Confirmation of entitlement to shared parental leave**

Thank you for advising us of your entitlement to take Shared Parental Leave.

We confirm that, based on the information you have provided us, you are entitled to take Shared Parental Leave.

We can confirm that you currently have **(NUMER)** weeks of Shared Parental Leave to take. You have **(NUMBER)** weeks of Statutory Shared Parental Pay.

If you and your partner wish to vary the amount of leave and/or pay that you are each entitled to then you must notify us of the change in writing and inform us:

- (a) of any Shared Parental Leave or Pay that you or your partner have already booked
- (b) the number of weeks you are adding to your entitlement from your partner's entitlement or the number of weeks you are deducting to give to your partner.
- (c) when you expect to take any additional weeks of leave.

You will also need to give us a declaration signed by you and or partner both consenting to the change.

If you have any questions about any aspect of your shared parental leave and/or pay entitlement, please do not hesitate to speak to **(name of individual/HR department)**.

Yours sincerely