



Shared Parental Leave Policy

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1 POLICY STATEMENT

Annington Limited's policy is to comply with both the letter and spirit of the law with regard to shared parental leave rights. The aim of this policy and procedure is to inform all employees of their entitlement to statutory rights and to ensure that they understand these rights.

The employee's length of service is counted as continuous during periods of shared parental leave; this includes statutory and contractual rights.

This policy and procedure is subject to change in accordance with legislation.

2 INTRODUCTION

Shared parental leave enables primary carers to commit to ending their maternity/adoption leave and to share the untaken balance of leave and pay as shared parental leave and pay with their partner or to return to work early from maternity/ adoption leave and opt in to shared parental leave and pay at a later date;

Shared parental leave is designed to give parents more flexibility in how to share the care of their child in the first year following the birth;

- The primary carer and their partner can share the full 52 week entitlement to leave if they have adopted a child, or 50 weeks in the case of a birth (mothers are obliged to take two weeks' leave following birth). The leave can be shared from the birth or placement of your child up to its first birthday or during the first year of placement;
- The primary carer and their partner can decide to be off work at the same time and/or take in turns to have periods of leave to look after their child;
- Leave can be booked either in single continuous blocks or in discontinuous blocks, where you return to work in between periods of leave;
- To be eligible for statutory shared parental pay, both the primary carer and their partner must meet certain eligibility requirements.

The following definitions are used in this policy:

"Primary carer" means the mother or expectant mother of the child, the adoptive parent who intends to take adoption leave, or the parent in a surrogacy arrangement who intends to take surrogacy leave.

"Partner" means the father of the child or the secondary adopter, or the person who, at the date of the child's birth or adoption, is married to, the civil partner of, or the partner of the primary carer. This includes someone, of either sex, who lives with the primary carer and the child in an enduring family relationship but who is not the primary carer's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Expected week of childbirth" means the week, starting on a Sunday, during which the primary carer's doctor or midwife expects her to give birth.

This policy applies in relation to employees of Annington whether they are the primary carer or the partner. If it is the primary carer who is employed by Annington their 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, if they want to take a period of shared parental leave.

Similarly, if it is the partner who is employed by Annington, the primary carer must (where relevant) submit any notifications to take shared parental leave to their own employer.

The primary carer and the 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 PROCEDURE

3.1 The Amount of Shared Parental Leave

The amount of shared parental leave that each employee is entitled to will depend on when the primary carer brings their maternity/adoption leave period to an end. 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 or as a number of discontinuous blocks of leave. A maximum of three requests for leave per pregnancy can normally be made by each parent.

The first two weeks following the birth remain as compulsory maternity leave period and are reserved for the mother. This means that the maximum period that the parents could take as shared parental leave is 50 weeks between them.

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that they are entitled to take up to two weeks' ordinary paternity leave following the birth of their child, which they will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of birth.

Parents can request to take blocks of Shared parental leave separately or at the same time. If both parents were to take 3 weeks at the same time, then a total of 6 weeks would be deducted from the balance of leave available.

3.2 Who is eligible to take shared parental leave

This policy applies to all employees who fulfil the requirements set down by the legislation. Both parties must submit all relevant notifications and declarations of the proposal to take shared parental leave to their retrospective employers.

Notifications should be completed to each employer at the same time to assist in the application of the process. What may be suitable for one company may be very different to another.

3.2.1 Eligibility if Annington employee is the primary carer

The primary carer is eligible for shared parental leave if they:

- have at least 26 weeks continuous employment with Annington (ending with the 15th week before the expected week of childbirth/by the end of the week in which the adopter is notified of having been matched for adoption with the child) and remains in continuous employment with the company until the week before any period of shared parental leave that they 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/adoption leave in respect of the child.
- must have declared their intention to return to work before the end of their maternity leave period along with their shared parental leave notice and supporting evidence.
- In addition, for the primary carer to be eligible for shared parental leave, the 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/by the end of the week in which the adopter is notified of having been matched for adoption with the child;
- 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 primary carer, for the care of the child.

3.2.2 Eligibility if Annington employee is the partner

The partner must satisfy the following criteria:

Have at least 26 weeks continuous service ending with the 15th week before the expected week of childbirth /by the end of the week in which the adopter is notified of having been matched for adoption with the child, and must remain in continuous employment with the company until the week before any period of shared parental leave that they take:

- Have at the date of the child's birth, the main responsibility, apart from the primary carer, for the care of the child.
- Comply with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the primary carer 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 partner, for the care of the child.
- Be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance in respect of the child.
- Comply with the relevant maternity/adoption leave or pay curtailment requirements (or have returned to work before the end of statutory maternity/adoption leave).

The notices that the 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 or surrogacy leave curtailment notice" from the primary carer setting out when they propose to end their maternity, adoption or surrogacy leave (unless the primary carer has already returned to work from maternity leave or surrogacy leave);
- A "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting;
- A "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

3.3 Maternity Leave Curtailment notice

3.3.1 Giving notice

In order for either party to be able to take shared parental leave the primary carer must have either returned to work before the end of the period of maternity leave or have provided their employer with the maternity leave curtailment notice. This notice must be in writing and must state the proposed date on which the maternity leave will end, this proposed date cannot be within the first two weeks of childbirth, it must be 8 weeks from the date the notice is given and must be at least one week before the end of additional maternity leave.

The maternity leave curtailment notice must be submitted alongside one of the following:

- notice of entitlement and intention – or
- a declaration of consent and entitlement signed by the primary carer confirming that their partner has given their employer a notice of entitlement and intention.

3.3.2 Withdrawing notice

Once the primary carer has submitted their curtailment notice, they are able to withdraw it under certain circumstances, if it is in writing and that they have not yet returned to work. Those circumstances are:

- Neither party are entitled to take shared parental leave and the withdrawal is made within 8 weeks of the initial notice being given.
- The original notice was given before the birth of the child and the withdrawal is made within 6 weeks of the birth.
- The partner has died.

3.4 Notice of Entitlement and Intention

3.4.1 Giving notice

The employee must provide the company with a non-binding notice of entitlement and intention, this needs to be provided regardless of whether they are the primary carer or the partner. The notice needs to be in writing and must be submitted at least 8 weeks before the first period of shared parental leave is due to start.

The notice of intention must also include signed declarations from both parties confirming their intentions and eligibility.

Within 14 days of receiving the notice of entitlement and intention from either party, the company can:

- Request a copy of the birth certificate of the child or a signed declaration of where the child was born and on what date.
- Request the name and address of the other parent's employer (or a signed declaration from the partner stating that they have no employer).

If any of the above information is requested, the employee has 14 days to submit it.

3.4.2 Varying or Withdrawing notice

It is possible for an employee to vary or even cancel the dates that they intend to take periods of shared parental leave. They must submit written notice of their intention to vary or cancel. An indication to take leave is non-binding until the employee has submitted a period of leave notice.

3.5 Period of Leave Notice

3.5.1 Giving Notice

In order to be able to take a period of shared parental leave the employee must submit a signed period of leave notice that details the start and end dates of each period of shared parental leave within that notice. The employee must give at least 8 weeks' notice of the start of the first period of leave. An employee can submit a maximum of 3 period of leave notices per pregnancy.

There are two types of leave that can be requested, a continuous period of leave and a discontinuous period of leave. If the employee submits a request for one continuous period of leave they will be entitled to take that leave, if they submit a request for a discontinuous period of leave the organisation can authorise it, request a variation on the pattern requested or they can refuse it altogether. If a variation is requested or a refusal is given, the employer and employee have 2 weeks in which to agree to alternative dates. If agreement cannot be reached within this timeframe then the employee can take the leave in one continuous block, in which case a start and end date must be provided, the start date being at least 8 weeks from the date that the notice was originally given. The start date must be given within 5 days of completing the 2-week negotiation. If the employee fails to submit their start date within the 5 days, the start date will default to the date of the first period of leave requested in the original notice.

3.5.2 Varying or Withdrawing notice

An employee can request to vary or cancel their period of leave notice as long as they give at least 8 weeks' notice of their request before the period of leave is due to commence. Employees should keep in mind the fact that a variation to a period of leave notice will be classed as one of the three permitted submissions per pregnancy.

4 SHARED PARENTAL LEAVE PAY

Statutory shared parental leave pay is available for eligible parents to share whilst they are on shared parental leave. The number of weeks that will be available to them will depend on the balance that is left at the point the primary carer returns to work or declares their period of maternity leave over. The maximum balance available for both parents to share will be 37 weeks, it remains compulsory for the primary carer to take two weeks of maternity leave immediately following the birth of the baby.

4.1 Eligibility to Statutory Shared Parental Pay

4.1.1 Primary Carer's Eligibility

A primary carer will be eligible if:

- they have at least 26 weeks continuous service ending with the 15th week before the expected week of childbirth /by the end of the week in which the adopter is notified of having been matched for adoption with the child and they must remain in continuous employment with the company until the week before any period of shared parental pay that they get.
- they have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth /by the end of the week in which the adopter is notified of having been matched for adoption with the child of at least the lower earnings limit for national insurance contribution purposes.
- they have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child
- they are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay
- they are entitled to statutory maternity/adoption pay in respect of the child, but the maternity/adoption pay period has been reduced.

In addition to this, in order to be fully eligible, the 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 primary carer, for the care of the child.

4.1.2 Partner's Eligibility

The Partner will be eligible if:

- They have at least 26 weeks continuous service ending with the 15th week before the expected week of childbirth and they must remain in continuous employment with the company until the week before any period of shared parental pay that they get.

- they have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes.
- they must have, at the date of the child's birth, the main responsibility, apart from the primary carer, for the care of the child.
- they are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay

In addition to this, in order to be fully eligible, the primary carer 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 partner, for the care of the child.
- Be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

5 CONTACT DURING SHARED PARENTAL LEAVE

Employers are permitted to keep in reasonable contact with employees whilst they are absent from work, this may be to keep employees updated on developments within the organisation, or to discuss arrangements for their return to work.

There is also the possibility for an employee to attend work for up to 20 days during their period of shared parental leave without there being an effect of their level of shared parental leave or pay. These days are known as shared parental leave in touch (SPLIT) days. Each parent is entitled to attend work for up to 20 days leave during their leave period.

There is no obligation for an employee to attend work if they are asked to by the organisation, nor is there an obligation for the organisation to accept a request from an employee to carry out their SPLIT days. Any work completed and the amount of money paid to the employee whilst undertaking SPLIT days, is entirely subject to agreement between the employee and the company.