

Shared Parental Leave Policy and Procedure

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Policy

Introduction

Shared Parental Leave (SPL) is a legal entitlement that was introduced on 5th April 2015. The purpose of SPL is to allow parents to share the opportunity to care and bond with their new child during the child's first year. This policy complies with laws regarding SPL rights, Shared Parental Leave pay and statutory requirements. This policy applies to all employees and aims to inform them to their entitlement, to contractual and statutory SPL rights and that those rights are understood.

This policy works in conjunction with the Company's Maternity Leave Policy and Procedure and the Company's Paternity Leave Policy and Procedure.

Provision & Procedure

Eligibility for Leave

The employee must satisfy the following conditions, as well as the notification process, in order to qualify for SPL. The employee must have been with the company for at least 26 weeks by "the relevant week" which is either:

- The end of the 15th week before the start of the week when the baby is due.
- The end of the week the employee is notified that they are matched with their child.

The employee must also be either the:

- Biological father or mother of the child.
- Mother's partner (including same-sex relationships if they live with them).
- Child's adopter.
- Husband, wife, civil partner (including same-sex relationships), or the child's adopter.

In addition to the requirements above, SPL is only available to qualifying employees if the other parent:

- Has at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week.
- Has average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week.

If the other parent meets those conditions, but does not qualify for SPL, you may be entitled to the whole SPL period.

Commencement Date & Leave Entitlement

SPL must be taken between the baby's birth and first birthday (or within 1 year of adoption).

The employee will be able to start SPL once the mother has returned from maternity leave and her maternity pay has ended. The employee will then be entitled to then take SPL up until the child's first birthday. For example; the mother ends her maternity leave and pay after 20 weeks, leaving 32 weeks available for SPL. This remaining leave can be split between both parents. SPL can be taken in one go or split into a maximum of three blocks. Parents sharing the leave can chose how they wish to share each block of leave between themselves.

Shared Parental Leave Pay (ShPP)

Employees will qualify for ShPP providing that they have:-

- Been with the Company for 26 continuous weeks extending into the 15th week before the expected week of childbirth.
- Average weekly earnings equal to or above the Lower Earnings Limit.
- A week (before tax) in an 8-week 'relevant period'.
- Provided written notice from the partners employer confirming their partner's maternity leave and pay has ended/ will ended prior to SPL starting.
- Given the Company 8 weeks written notice of the date from which the SPL and ShPP will start.

Employees are entitled to ShPP for the remaining 39 weeks of the maternity or adoption leave not taken by the mother and will receive the lower of either the standard rate, or 90 per cent of their average gross weekly earnings.

Notification

If an employee wishes to take all their SPL entitlement in one go, an employee must provide 8 weeks written notice of their intention to take SPL prior to the start date of their requested leave. If an employee wishes to take their SPL in blocks, an employee must provide 8 weeks written notice of their intention to take each block of leave.

Written notice must be given through the completion of a Shared Parental Leave form available from the HR Department.

Once the Shared Parental Leave form is provided the employee will have 10 working days to provide:

- The Child's birth certificate or a declaration of the place and date of birth (if the birth hasn't been registered yet),
- Written notice from the mothers employer confirming maternity leave and pay has ended/ will ended prior to SPL starting.

Shorter notice can be provided if the child is born earlier than expected. In this situation, the employee must immediately provide written notice to the Company confirming the birth date of the child and the new request start date for SPL.

Failure to Provide Notification or Documentation

If the employee fails to provide the required notice or documentation required without a valid reason they will lose their right to start the SPL on the chosen date.

The Company will however, try to accommodate the chosen date based on operational requirements.

Grant of Leave

Upon receipt of a written request and documentation the Company will confirm with the employee by telephone the start and end dates of the employee's leave and pay. This will also be confirmed in writing within 28 days of receiving the request.

Shared Parental Leave in Touch (SPLIT) Days

An employee and their partner can work up to 20 SPLIT days during their SPL without terminating their SPL and ShPP. SPLIT days are optional and any work carried out within a day will constitute one full day of work, for example, attending a meeting.

Both the employer and employee have to agree for an employee to work a SPLIT day, an employee will not jeopardise their employment if they refuse to work a SPLIT day. This means that an employee on SPL leave can attend training, meetings and undertake a full day of work as normal. Any completed days of work will not extend the SPL period.

The employee and Interr will agree on how much the employee will be paid for the SPLIT day of work on a case per case situation. If the employee is receiving ShPP whilst completing a SPLIT day Interr will continue to pay the ShPP for that week as well pay for the SPLIT day worked.

SPLIT days are in addition to the 10 Keeping In Touch (KIT) days available to those on maternity or adoption leave. Further information on KIT days can be found in the Company's Maternity Leave Policy and Procedure.

Contact during SPL

During the SPL period regular contact between Interr and the employee is encouraged, such communication will not bring the SPL leave to an end. Contact can be made by telephone, email, letter or a meeting at the workplace. The amount of contact will be dependent on the nature of the work and will be agreed upon before the commencing of leave. Employees will be informed of any promotion opportunities and other information relating to their job whilst on leave.

Cover during SPL

Appropriate cover will be arranged to fulfil the tasks required by the employee on leave to ensure the smooth running of the business. Any person temporarily appointed to cover the SPL will have a clause in their contract stating that the contract will expire on the return of the employee from leave.

Multiple Births

The SPL period does not increase if multiple children are born from a single pregnancy.

Annual Leave

Employees may not take annual leave during SPL, although can apply to take annual leave prior or after SPL.

Employees will not be allowed to carry over any untaken annual leave entitlement if the SPL leave spans over two different holiday years. In this situation if the employee is unable to take their annual leave entitlement prior to their leave, the employer will pay this accrued holiday. This is at the sole discretion of the employer.

All accrued annual leave must be taken before the end of the current holiday year on returning to work following SPL.

Return to work

Employees that return from SPL are entitled to return to the same job if their combined leave (consisting of maternity, paternity, adoption and SPL) totals 26 weeks or less.

If an employee returns from SPL and in total their leave has exceeded 26 weeks and it is not possible to be returned to the original position, an alternative position can be offered. The alternative position must be on conditions that are no less favourable than the position the employee had before commencing SPL, if an employee refuses to accept the new position offered they are effectively resigning from the company.

Returning to Work Before the Planned Return Date

The employee must provide the Company notice of the intention to return to work at least 8 weeks before the new return date. Less notice maybe accepted on a discretion basis and should be discussed between the HR department and Line Manager.

Returning to Work after the Planned Return Date

If an employee wishes to return to work after the planned return date that falls within the 52 weeks of leave the employee must provide the Company of the new date at least 8 weeks before the original planned return date.

Non-return to work

If an employee wishes not to return to work after SPL a resignation must be given in line with the employee's contract of employment.

If an employee resigns whilst on SPL, ShPP will be paid until the last day of the employee's service as stated in the resignation.

Return to Work Where Parental Leave is Taken

If an employee needs to take more time off to look after their child, they may be entitlement to unpaid Parental Leave. Unpaid Parental Leave is separate to SPL and is entitled to take up to 18 weeks off work to look after a child's welfare.

An employee can take a certain amount of parental leave without it impacting on their right to return to work. If an employee takes more than that amount they will be able to return to the same job unless this is not reasonably practical. If this is the case the employee must be offered alternative work that is suitable and with terms and conditions as if they have not been absent.

Contractual Benefits

While on SPL the employees contract of employment continues with all the same terms and conditions with the exception of salary.

Employment Rights

You will not be subject to any detriment by the Company because you took or sought to take SPL.

It must be noted that the provision of false information claiming an entitlement to SPL which does not rightly exist, is likely to be treated as Gross Misconduct. The Company reserves the right to require confirmation of the birth by inspecting the birth certificate or of adoption by inspecting the adoption agency papers.

Failure to Follow Procedure

Any leave taken without following the stated procedure and not authorised by the manager will be considered as unauthorised absence. The employee may be suspended pending a full investigation that may result in formal disciplinary action being taken.

Appeals Procedure

Managers should be advised that decision regarding Shared Parental leave should be applied as consistently as possible. Any employee who believes that this policy is not being fairly applied may seek redress initially in writing to the HR department and thereafter through the Grievance Procedure.

Policy Review and Assessment

This policy may be amended by Interr at any time in order to take into account changes in legislation and best practice.



Mick Tabori - CEO
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