

Policy statement

The Company is committed to ensuring that Temporary Workers benefit fully from the statutory rights and responsibilities set out in the Shared Parental Leave Regulations 2015. This will work alongside the existing maternity, paternity, adoption and parental leave regulations for Temporary Workers.

Principles

The policy is designed to guide Temporary Workers through the complex maze of shared parental leave, to help them understand their entitlements and to explain what is required of them before, during and after the shared parental leave period.

What is Shared Parental Leave (SPL)?

SPL is 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 5th April 2015.

The total amount of SPL available is 50 weeks less the weeks already taken by the child's mother on maternity leave (or the weeks when the mother has been in receipt of statutory maternity pay or maternity allowance if they are not entitled to maternity leave).

The mother of the child cannot start SPL until after they have completed the compulsory maternity leave period of two weeks' which must be taken immediately after the birth.

Entering into the SPL scheme is optional and entirely dependent on what the mother and their partner choose to do with the leave. The default position is that the mother will take 52 weeks' maternity leave. Accordingly, if a Temporary Worker wishes to utilise the scheme, they must opt-in to it and fulfil all notification requirements set out in the policy.

To qualify for Shared Parental Leave, you must:

- a. be the child's mother, and share the 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. the Temporary Worker is the child's father and share the main responsibility for the care of the child with the child's mother; or
- c. the Temporary Worker is 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. the Temporary Worker must have at least 26 week's 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 at least 26 out of the 66 weeks before the Expected Week of Childbirth (EWC) and had minimum average earnings in 13 of those weeks: and

- c. the Temporary Worker and the other parent must give the necessary statutory notices and declarations summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

SPL entitlement is in addition to paternity leave entitlement. You can take paternity leave either before or after SPL.

Opting into the scheme

In order to opt-in to the SPL scheme, the Temporary Worker must provide the Company with an opt-in notice which contains the information specified below. If the Temporary Worker opts 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. the Temporary Worker's name and the name of the other parent;
- b. if the Temporary Worker is the child's mother, the start and end dates of their maternity leave;
- c. if the Temporary Worker is the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if they are 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 50 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 the Temporary Worker and how much will be allocated to the other parent;
- f. if the Temporary Worker is 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 the Temporary Worker and how much will be allocated to the other parent;
- h. an indication of the pattern of leave the Temporary Worker is thinking of taking including suggested start and end dates for each period of leave. The indication will not be binding at this stage but please provide as much information as possible regarding your arrangements; and
- i. declarations by the Temporary Worker and the other parent that they 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 notice to curtail (bring to an end) her maternity leave at a specified point in the future.

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

At the same time as the mother serves the curtailment notice, they must also serve the opt-in notice referred to above, or a written declaration that the child's father or their partner has given their employer an opt-in notice, and that the mother has given the necessary declarations in that notice.

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

- a. if the Temporary Worker realises that neither they nor the other parent are eligible for SLP or SHPP, the curtailment notice can be revoked in writing up to eight weeks after it was given;
- b. if the Temporary Worker served the curtailment notice before giving birth, it can be revoked in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or c.
- c. if the other parent has died.

Once a Temporary Worker revokes a curtailment notice, another curtailment notice cannot be served unless the revocation was given in the circumstances specified at (b) above.

If the Temporary Worker is the child's father or the mother's partner, they will only be able to take SPL once the mother has either:

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

The Employer may ask for a copy of the birth certificate and/or the name and address of the other parent's employer.

Notifying the company of Temporary Worker's SPL dates

In addition to serving the opt-in notice on us, a Temporary Worker 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. The Temporary Worker 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 dates on which the Temporary Worker intends to claim statutory shared parental pay, if applicable. Up to three period of leave notices can be served.

If the period of leave notice gives dates for single continuous period of leave the Temporary Worker will be entitled to take the leave requested.

If the Temporary Worker requests discontinuous blocks of leave (blocks of at least a week with periods of work between them) then we will consider the request but are not obliged to agree to it

Changing or cancelling SPL

A Temporary Worker 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.

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

Shared Parental Leave

Statutory shared parental pay (SHPP) of up to 39 weeks (less any weeks of statutory maternity pay or adoption pay claimed by you or the other parent) may be available provided a Temporary Worker has at least 26 weeks continuous service by the end of the Qualifying Week and 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.

Shared Parental Leave keeping in touch days (kit days)

A Temporary Worker can agree to work for the organisation (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 as one SPLIT day taken, payment to be received for attending work on these days will be agreed between the organisation and the Temporary Worker beforehand.

The organisation has no right to require the Temporary Worker to carry out any work, and is under no obligation to offer the Temporary Worker any work, during the Temporary Worker's SPL. Any work undertaken is a matter for agreement between the organisation and the Temporary Worker. A Temporary Worker taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the Temporary Worker 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.

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

Terms and conditions during Maternity Leave

All terms and conditions of employment, as per the Written Statement of Particulars for Temporary Workers, remain in force during SPL, except for terms relating to pay.

Annual Leave

Annual leave will continue to accrue during any periods of SPL. Any annual leave plans should be discussed with your manager before starting SPL.

Returning to work

If a Temporary Worker wishes the end a period of SPL early, she/he must give at least eight weeks notice of the new return date. This should be done in writing.

If a Temporary Worker wishes to extend their SPL she/he must submit a new period of notice at least eight weeks before she/he is due to return to work assuming s/he still has SPL entitlement remaining and has not already submitted three period of leave notices.

If the total amount of leave the Temporary Worker has taken (including SPL and any other relevant statutory leave in respect of the same child) is 26 weeks or less, the Temporary Worker is entitled to return to the same job they had prior to commencing the leave.

However, if the total leave was 26 weeks or less and the period of leave SPL was the last of two or more consecutive periods of relevant statutory leave which included a period of parental leave of more than four weeks, a period of additional maternity leave, or a period of additional adoption leave the Temporary Worker has the right to return to the same job unless it is not reasonably practicable for them to return to that job. Instead, they will be entitled to return to another job which is both suitable for them and appropriate for them to do in the circumstances.

If the total amount of leave is more than 26 weeks, the Temporary Worker has the right to return to the same job unless it is not reasonably practicable for them to return to that job, in which case they will be entitled to return to another job which is both suitable for them and appropriate for them to do in the circumstances.