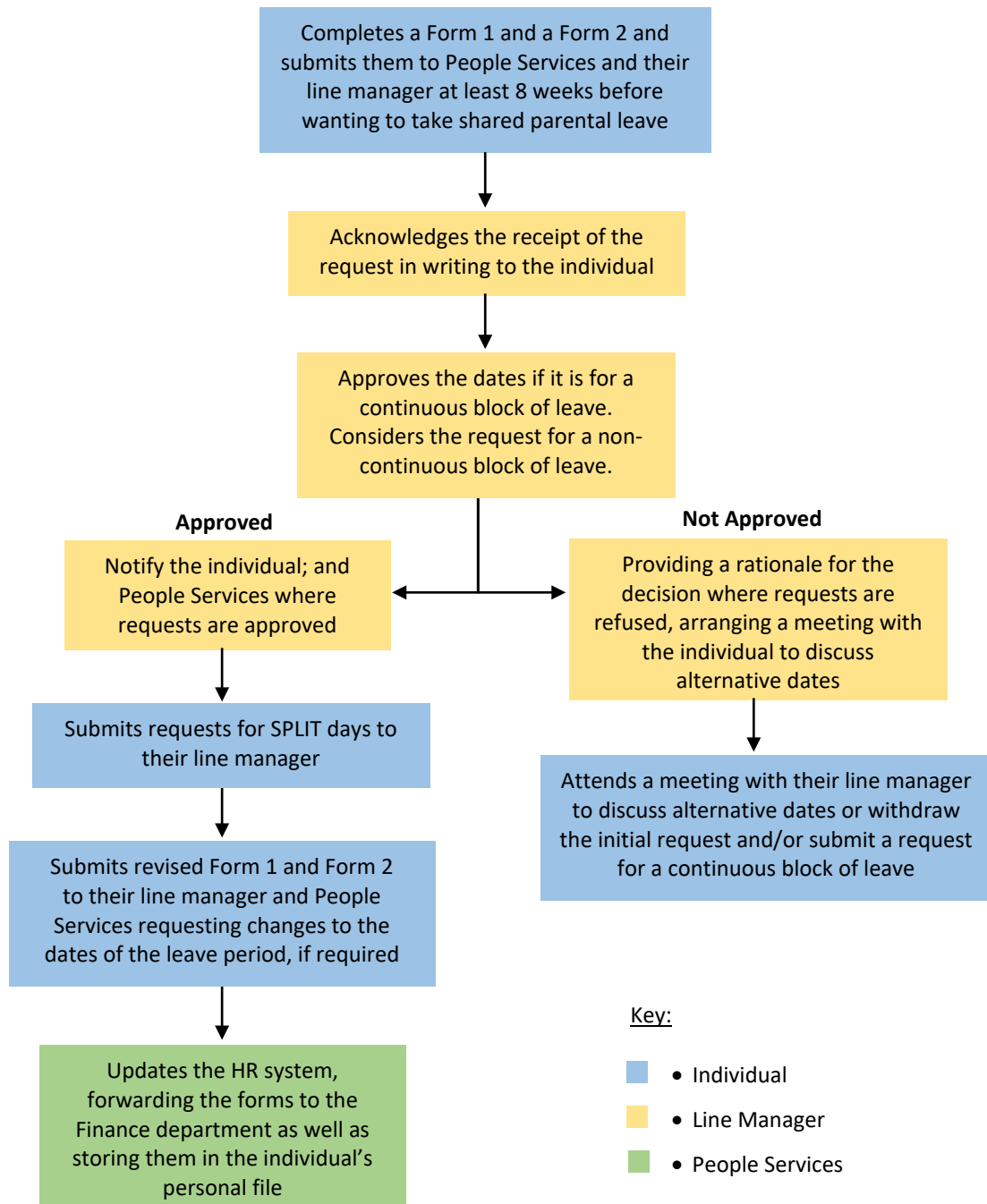


Shared Parental Leave

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Flowchart – Shared Parental Leave Process



Policy Statement

Summary

West Yorkshire Police (WYP) supports police officers and staff who take shared parental leave (SPL). Shared parental leave allows both parents, including same sex couples, to share the responsibility of caring for a new baby or a newly placed adoptive child.

This policy outlines the entitlement of individuals to shared parental leave and pay. It also details the support that will be provided during shared parental leave and upon return to work.

Scope

This policy procedure applies to all police officers and police staff. Individuals who are employed through an agency, volunteers, contract and zero-hour workers are not entitled to shared parental leave, but might be able to get shared parental pay.

Principles

General

- It is a legal requirement that all mothers who have given birth take a minimum of 2 weeks maternity/adoption leave following the birth/placement of a child.
- Where parents, including same sex couples wish to share the responsibility of caring for a new baby or newly placed adoptive child the mother, or primary adopter can elect to end the maternity or adoption leave early and any remaining entitlement can be transferred into shared parental leave.
- Subject to meeting the eligibility criteria shared parental leave can be taken by either or both parents. They are able to take time off together or separately.
- Individuals have the right to return to the same role unless this is not reasonably practicable. If due to organisational change their role no longer exists the individual would be managed in accordance with the Organisational Change policy.
- All leave taken as shared parental leave will be pensionable, reckonable for incremental pay and included in any probation period.
- Parents taking shared parental leave are entitled to up to 20 Shared parental leave in touch (SPLIT) days. This in addition to the 10 keeping in touch (KIT) days available during maternity leave. SPLIT days allow an individual to return to work during a period of shared leave.
- Split days must be agreed with the individual's line manager.
- Attending work for a SPLIT day will not end the entitlement to shared parental leave or statutory pay. Individuals who work a SPLIT day will be paid for the number of hours worked on that day. Statutory pay on SPLIT days for police staff will be off set against earnings.

How shared parental leave can be taken

- Shared parental leave must be taken in complete weeks (seven days) and can be taken as either one continuous block or in a number of blocks.
- Shared parental leave can start on any day of the week and can start it from two weeks after the birth or placement of the child. Leave can be taken up to the child's first birthday.
- The minimum period of shared parental leave that can be taken is one week (seven days).
- Annual leave can be taken between periods of shared parental leave.
- Once an individual has ended their maternity/adoption leave early and returned to work they cannot revert back to maternity/adoption leave.
- Shared parental leave is paid at the statutory rate and therefore it will be financially detrimental for an individual to end their maternity/adoption leave whilst still in receipt of occupational maternity/adoption pay.
- If an individual requests one single block of shared parental leave it must be agreed by the Force. If a request includes more than one period the Force can either agree, decline due to organisational need or propose alternative dates.
- Individuals have the right to submit up to three separate requests for shared parental leave. Any periods of leave that have been declined do not count as one of these.
- Individuals have the right to submit up to 3 withdrawal notices should they wish to cancel or change their shared parental leave dates.

Eligibility

Criteria

- To be eligible for shared parental leave (SPL) and statutory shared parental pay (SHPP), both parents must:
 - Share the responsibility for the child at birth; and
 - Meet the work and pay criteria, these are different depending on which parent wants to use the shared parental leave and pay.
- Shared parental leave can only be taken from 2 weeks after the birth or placement of the child.
- In order to qualify for shared parental leave an individual must:
 - Be the child's mother or primary adopter; or
 - Be the biological father of the child; or
 - Be the husband, civil partner, or partner (including same sex couples) of the mother or primary adopter; and
 - Have 26 weeks continuous service, 15 weeks before either the expected week of childbirth; or before the notification of being matched with a child;

- Pass the 'continuity of employment test'. The partner must pass the 'employment and earnings test'.
 - Eligible parents will be able to share a maximum of the remaining 50 weeks leave and 37 weeks statutory pay for the purpose of caring for a child in the first year of the child's life or in the year following the placement of an adoptive child.
 - This is subject to the mother or primary adopter giving formal notice of their intention to end their maternity or adoption leave early.
 - Mothers, primary adopters or partners who do not work for West Yorkshire Police can take shared parental leave as long as they satisfy the minimum employment and earnings criteria.
 - If either parent earned less than the qualifying pay because they were paid less whilst not working (e.g. on furlough), under the Coronavirus Job Retention Scheme, they may still be eligible. Please speak to Payroll for further information.
 - Following the death of a baby, for parents who have already opted into shared parental leave and pay, they are still able to take any leave they have already booked but are no longer entitled to any leave that hasn't already been booked.
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Responsibilities

Individuals

Responsibilities

Individuals are responsible for:

- Submitting a completed Form 1 and Form 2 at least eight weeks before any period of shared parental leave to be taken. This applies in all circumstances;
 - If one person is employed outside of West Yorkshire Police, ensuring their employer has a copy of these forms. This applies in all circumstances;
 - Submitting to their line manager for approval the requests for period(s) of shared parental leave;
 - Providing a copy of the child's birth certificate or the child's name, date and place of birth if requested to do so;
 - Submitting revised copies of Form 1 and Form 2 as required if changes are to be made to the dates of shared parental leave;
 - Attending the face-to-face meeting with their line manager to discuss alternative dates for the shared parental leave if appropriate;
 - Withdrawing their initial request, where agreement cannot be reached and/or requesting a single continuous block of leave; and
 - Arranging and agreeing SPLIT days with their line manager.
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Line Managers

- Responsibilities** Line managers are responsible for:
- Acknowledging receipt of the request in writing to the individual;
 - Agreeing shared parental leave if the request is for one single continuous block, notifying People Services;
 - Using the National Decision making Model (NDM) to consider the requests received for non-continuous blocks of shared parental leave. Providing a decision and a detailed rationale for the decision made;
 - Arranging a face to face meeting with the individual to discuss an alternative pattern for shared parental leave if appropriate; and
 - Arranging and agreeing SPLIT days with the individual.
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People Services

- Responsibilities** People Services are responsible for:
- Updating the HR system as appropriate; and
 - Forwarding the completed forms to the Finance department and storing copies within the individual's personal file.
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Allowances and Benefits

- Principles**
- Paid shared parental leave counts as service for pension purposes but pension contributions must be paid during this period.
 - Periods when no occupational maternity pay is paid do not count for pension purposes. However, an individual can choose to buy back the pension for this period provided that they are still employed by the Force.
 - Incremental progression must not be affected by a period of shared parental leave. Any increase will be paid once the individual returns to work.
 - Once an individual falls onto nil pay, voluntary deductions cannot be deducted. During the unpaid period, Individuals must make their own arrangements to pay these.
 - However, in line with the individuals' original agreements, any payments to the following will be reinstated by Pay Section when pay resumes:
 - GAYE Police Care UK (Dependants Trust)
 - GAYE Police Treatment Centre (Convalescent Home)
 - GAYE Police Children's Charity
 This will be on the next available month where there are sufficient funds.
 - Subscribing members of the Police Federation will continue to be members on maternity if they fall to nil pay. Subscriptions will not automatically

resume on return from maternity leave and it is the officer's responsibility to contact the Federation to arrange for subscriptions to resume on their return to work.

Salary Sacrifice Schemes

- For membership of the Kiddivouchers scheme staff are responsible for the cancelling of their vouchers. To return to the scheme, officers must contact the scheme provider to make the necessary arrangements.
 - Members of the car lease scheme will have the lease period extended to cover any missed payments. The same also applies to members of the Cycle to Work Scheme.
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Pension Contributions

Principles

- Individuals will pay pension contributions at the appropriate (normal) percentage on the pay they receive whilst they are on maternity/shared parental/adoption leave. Pay includes OMP and SMP, or equivalent.
 - When the SMP has ended and the individual continues to take leave for which they receive no pay, they will stop accruing pension.
 - Individuals do, however, have the option to pay pension contributions for the unpaid part of their maternity/shared parental/adoption leave.
 - Individuals must contact the Force Pension Manager within 30 days of their return to work at the end of shared parental leave. For further information refer to the Individual's Maternity Pack.
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Additional Information

Compliance

This policy complies with the following legislation and policy:

- Employment Rights Act 2002
 - Children and Families Act 2014
 - Shared Parental Leave Regulations 2014
 - The Maternity and Parental Leave Regulations 1999
 - Police Regulations 2003
 - Organisational Change policy
 - Maternity Leave and Pay – Police Officer policy
 - Maternity Leave and Pay – Police Staff policy
 - Data Protection Act 2018
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Further Information

- Maternity and Families Forum – Shared Parental Leave handout can be accessed online
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