



Ranvilles Junior School Policy

1. **Accessibility**

This policy can be made available in large print or Immersive Reader. Please contact the school office who will be happy to arrange this for you.

2. **Purpose of Policy**

This policy outlines the framework for managing shared parental leave and related absences and the steps that managers and employees must take to ensure that employees' statutory and occupational benefits are applied appropriately. This policy applies regardless of the gender of the employee's partner and is adopted from Hampshire County Council Manual of Personnel Practice.

3. **Approval**

Approval date: May / 2024

Date for next review: May / 2026



Scope	<p>All employees employed by a Hampshire County Council directorates (i.e. outside of schools) on the following terms and conditions;</p> <ul style="list-style-type: none">• EHCC• Soulbury• JNC• Teachers <p>School based employees including EHCC and Teachers</p>
Policy outcome	<p>The aims of this policy are to:</p> <ul style="list-style-type: none">• ensure statutory leave and pay entitlements are met• define the process for managing shared parental leave and pay
Check which policy to use	<p>Details of maternity leave can be found in the Maternity Policy.</p> <p>Details of adoption leave can be found in the Adoption Policy.</p> <p>Details of paternity leave can be found in the Paternity Policy.</p> <p>Details of maternity support leave where an employee is not eligible for maternity / paternity leave can be found in the Other Family Friendly Policy.</p> <p>Annual leave arrangements must be managed under the Annual Leave and Time Off Policy.</p> <p>Sickness absence which occurs prior to 11 weeks before the expected week of childbirth should be managed under the Managing Sickness Absence Policy.</p> <p>Sickness absence which occurs within 11 weeks of the expected week of childbirth must be managed under the Maternity Policy.</p> <p>Flexible working requests following return from shared parental leave should be managed under the Managing Requests for Flexible Working Policy.</p> <p>Fixed term contracts that are due to end during the pregnancy, maternity leave or shared parental leave period must be managed under the Ending a Fixed Term or Temporary Contract Policy.</p>



Equality and Dignity at work

The Council is committed to developing a workplace where all employees are treated with dignity. Discrimination based on age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation is not acceptable. Equally, bullying and harassment related to any of these characteristics is not acceptable. The Council will take robust action against any unacceptable behaviour.

Shared Parental leave and pay

Employees will only have one entitlement to shared parental leave and pay, irrespective of the number of children born or adopted as part of the same pregnancy or adoption. Employees may be eligible for further shared parental leave and pay if they have more children at a later date.

Statutory shared parental leave pay entitlements are defined by HMRC.

Exceptions

It is important to note that this policy is entirely separate to the maternity, paternity and adoption policies.

Policy stages

There are five main stages to this policy:

1. [notification of intention to take shared parental leave](#)
2. [starting shared parental leave](#)
3. [during shared parental leave](#)
4. [intentions regarding a return to work](#)
5. [completion of the return-to-work period](#)

The actual steps in the policy may vary dependent on the employee and employer needs.

1. STAGE 1 – NOTIFICATION OF INTENTION TO TAKE SHARED PARENTAL LEAVE



Annual leave	<p>Those employees that work term time only, including teachers, are required to take their annual leave during school holidays.</p> <p>For all other employees, the line manager and employee must ensure annual leave is planned around their shared parental leave to ensure that minimal annual leave is carried forward into the next leave year.</p>
Reasonable contact	<p>Before the employee starts shared parental leave the line manager and employee will agree appropriate and reasonable contact arrangements for the shared parental leave period.</p> <p>These arrangements should be used to keep each other up to date on vacancies, workplace developments, training opportunities, any changes which would affect the employee's return to work, or other circumstances which are relevant to the shared parental leave and help ensure correct payment of shared parental benefits.</p>
Intention to take shared parental leave	<p>Although not obligated to do so, it is also strongly recommended that employees intending to take shared parental leave discuss their intentions with the line manager at the earliest opportunity.</p> <p>These discussions should focus on identifying both parties' expectations and requirements during the anticipated leave period and to provide an opportunity to seek solutions and agree compromises at a time when regular contact and communication between employee and line manager can be more easily maintained.</p>
Qualifying for shared parental leave (SPL) – Mothers and Primary Adopters	<p>To qualify for Shared Parental Leave the mother or primary adopter must meet the following criteria:</p> <ul style="list-style-type: none">• satisfy the continuity of employment test;• has, at the date of the child's birth or placement, the main responsibility for the care of the child (apart from the responsibility of their designated partner for shared parental leave purposes);• is entitled to statutory maternity leave, statutory maternity pay, or maternity allowance in respect of the child;• has ended any entitlement to statutory ordinary maternity or adoption leave and pay by returning to work before the end of her statutory ordinary maternity or adoption leave;• has complied with the requirement to give notice to their employer of their entitlement to shared parental leave;• has complied with the requirement to give evidence to their employer); and <p>has given a period of leave notice</p>



Qualifying for shared parental leave (SPL) – Fathers and Partners To qualify for Shared Parental Leave the father or partner sharing the mother or primary adopter's leave must meet the following criteria:

- satisfy the employment and earnings test;
- has, at the date of the child's birth or placement, the main responsibility for the care of the child (apart from the responsibility of the mother, primary adopter).
- has complied with the requirement to give notice to their employer of their entitlement to shared parental leave;
- has complied with the requirement to provide evidence to their employer; and
- has given a period of leave notice

Please refer to [Appendix 1](#) for further details on the various qualifying criteria.

Calculation of total amount of shared parental leave available Where the mother or primary adopter is entitled to statutory ordinary or additional maternity or adoption leave, the total amount of shared parental leave available to the mother/primary adopter and the father or partner is 52 weeks less:

- 2 weeks Compulsory Maternity Leave (in the case of childbirth); and
- Any further weeks of Ordinary or Additional Maternity or Adoption Leave the mother or primary adopter has taken prior to returning to work

For the purposes of this scheme, a part of a week in which maternity or adoption leave is taken is to be treated as a whole week.

Additionally, a part of a week in which statutory maternity or adoption pay or maternity allowance is payable must be treated as a whole week.

Shared parental leave must be taken in complete weeks.

Shared parental leave may be taken as one continuous period or in discontinuous periods.

The minimum period of shared parental leave which may be taken is one week.



An employee may be absent on shared parental leave in relation to the child at the same time that another employee is. Therefore, the mother and their partner may be absent together on shared parental leave.

Start date of shared parental leave - childbirth

Eligible employees who choose to end maternity leave and pay (or Maternity Allowance) early, can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

The mother must take a minimum of 2 weeks' maternity leave following the birth (4 weeks' if she works in a factory).

Start date of shared parental leave - adoption

Eligible employees who choose to end adoption leave and pay (or Maternity Allowance) early, can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

Notification and declaration of intention to take shared parental leave

Both the mother/ primary adopter and the father/ partner are required to submit notifications and declarations of their intention to take shared parental leave.

Full details of these requirements can be found in [Appendix 2](#).

Continuous periods of shared parental leave

Where an employee gives a notice which requests one continuous period of shared parental leave, the employee is entitled to take that period of leave.

The line manager has no entitlement to refuse a continuous period of shared parental leave. They do, however, have an opportunity to negotiate with the employee during early conversations.



Discontinuous periods of shared parental leave An employee taking Shared Parental Leave (SPL) can split their leave into up to 3 separate blocks instead of taking it all in one go, even if they are not sharing the leave with their partner.

Where an employee gives a notice which requests discontinuous periods of shared parental leave, the employer has a two-week period (beginning with the date the notice was given) to:

- consent to the periods of leave requested;
- propose alternative dates for the periods of leave; or
- refuse the periods of leave requested without proposing alternative dates.

Where no agreement has been reached within that two-week period, the employee is entitled to take the total amount of leave requested as a **continuous** period of leave.

Where a period of discontinuous leave is refused, and the employee takes the total amount of leave as a **continuous** period of leave:

- the employee must choose a start date for that leave which is a date after the period of eight weeks beginning with the date on which the period of leave notice was given and must notify the employer of that date within 5 days of the end of the two-week period; or
- if the employee does not choose a start date, that leave must start on the start date of the first period of leave requested in the period of leave notice.

Withdrawing a request for discontinuous periods of shared parental leave An employee may withdraw a notice which requests discontinuous periods of shared parental leave on or before the 15th day after the notice was given unless the employee and employer have agreed to periods of leave.



Variation of notice of intention to take shared parental leave The mother and the father or partner may give their employers a written notice to vary a notice given to alter how much shared parental leave they each intend to take.

Employees wishing to vary the original notice can only submit a maximum of three variations under this regulation.

A notice to vary shared parental leave dates may:

- vary the start date or the end date of any period of shared parental leave, provided that the notice is given not less than eight weeks before both the date varied and the new date;
- request that a single period of leave become discontinuous periods of leave or vice versa;
- vary (including cancel) the amount of leave requested provided that the notice is given not less than eight weeks before any period of leave varied by the notice is due to commence.

A notification to vary intended shared parental leave dates must state what periods of shared parental leave the employee is entitled to.

A notification to vary intended shared parental leave dates cannot be requested with a start or end date which is outside of the period in which shared parental leave may be taken.

If the employee resigns before shared parental leave starts If an employee intends to resign, rather than take shared parental leave, they will normally be required to give their contractual notice period, as defined in their terms and conditions of employment.

If the employee cannot meet the requirements of their contractual notice period, they should give their line manager at least 21 calendar days' written notice of their intention to resign.

The employee may be entitled to receive some statutory payments, even after their last date of employment.

The employee would not be entitled to receive occupational payments that may have been payable under the occupational maternity or adoption schemes.

The IBC will confirm the employee's entitlements within 21 calendar days of being notified and will complete the leaver action on behalf of the line manager.



2. STAGE 2 - STARTING SHARED PARENTAL LEAVE

Statutory shared parental pay (ShPP)

To qualify for ShPP, the employee must:

EHCC, JNC, Soulbury and Teachers – In cases of childbirth

- have 26 weeks continuous service with their employer at the 15th week before their expected week of childbirth
- have earnings of more than the lower earnings limit for National Insurance contributions
- In the case of childbirth, still be pregnant at the 11th week before their expected week of childbirth or have already given birth

EHCC, JNC, Soulbury and Teachers – In cases of UK adoptions

- be notified of a match with a child to be placed with them by an approved UK adoption agency; and
- have notified the adoption agency that they agree that the child should be placed with them on the date of placement; and
- be newly matched with a child for adoption by an approved UK adoption agency (it is possible for a foster carer who adopts a child to be eligible for adoption leave and pay, but only if they are matched with a child by an adoption agency and placed with them for adoption – known as concurrent planning. In such cases the foster carer must be a preapproved adopter and the child must be placed with the foster carer with the intention that they will adopt the child. Adoption leave and pay is not available where the employee is a step-parent adopting their partner's child/children or, where the adoption is immediately preceded by a period of foster care); and
- be in paid employment and have 26 weeks continuous service with their employer by the end of the week in which they were notified of being matched with a child to be placed with them (as specified on the matching certificate); and
- have earnings of more than the lower earnings limit for National Insurance contributions; and
- be the primary adopter for the child being placed with them and be classed as their adopter; and
- declare that they are taking statutory adoption pay and not statutory paternity pay



**EHCC, JNC,
Soulbury and
Teachers – In
cases of overseas**

- be notified of a match with a child to be placed with them by an overseas adoption agency; and
- have notified the adoption agency that they agree that the child should be placed with them on the date of placement;

3.

ADOPTIONS AND

- be newly matched with a child for adoption by an overseas adoption agency (adoption leave and pay is not available if the employee is stepparent adopting their partner's child/children or if the adoption is immediately preceded by a period of foster care); and
- be in paid employment and have 26 weeks continuous service with their employer by the end of the week in which they were notified of being matched with a child to be placed with them (as specified on the matching certificate); and
- have earnings of more than the lower earnings limit for National Insurance contributions; and
- be the primary adopter for the child being placed with them and be classed as their adopter; and
- declare that they are taking statutory adoption pay and not statutory paternity pay

parental leave period. Payment of ShPP starts when the employee starts their shared

The ShPP period normally starts on a Sunday.

ShPP payments stop if the employee returns to work (except for Keeping In Touch Days).

ShPP will not be paid if the employee is taken into legal custody.

Employees who do not qualify for ShPP

If the employee does not qualify for ShPP, the IBC will issue them with an SMP1 form which explains why they do not qualify.

The employee should present the SMP1 to the Department for Work and Pensions who will determine whether they qualify to receive maternity allowance.



Occupational shared parental leave pay	<p>There is no occupational pay scheme for employees taking shared parental leave.</p> <p>A mother or primary adopter retains their right to Occupational Maternity or Adoption Pay (OMP or OAP) whilst they remain absent on Maternity Leave or Adoption Leave.</p> <p>If a mother or primary adopter returns to work before their OMP or OAP has expired, those payments cannot be transferred to their partner and cannot be restarted after the mother/ adopter has returned to work.</p>
Pensions	<p>On 1st April 2015 the Teachers' Pension Scheme changed to a career average scheme. Details of how this change may affect individuals can be found on the Teachers' Pensions website. Employees are advised to seek advice from Teachers' Pensions regarding their specific entitlements.</p> <p>If the employee is a member of the Teachers' or Local Government Pension Schemes, they will have pension deductions made from their statutory shared parental leave pay.</p>
Local Government Pension Scheme	<p>If the employee is a member of the Local Government Pension Schemes, their pension contributions are automatically made on paid periods of leave. Contributions will continue at the usual percentage rate. This period will count in full for pension purposes. This applies whether they receive full, or part pay.</p> <p>For the periods of unpaid shared parental leave, the employee will be given the option to make pension contributions at the rate paid during their half pay period. If they do so, the unpaid period will then count in full for pension purposes.</p> <p>If the employee wants to pay contributions, they must confirm this in writing to the IBC within 30 days of returning to work or leaving the County Council's employment if sooner.</p> <p>If the employee does not pay contributions, this period of unpaid leave will not count towards their pension.</p>



Teachers Pensions

If the employee is receiving contractual or statutory pay, their pensionable service will continue to increase. Contributions will be based on the pay they get while absent. If they are not receiving any pay, they will no longer be a member of the scheme.

When they return from shared parental leave, they will automatically be returned into the scheme if they were previously a member. If they had previously opted out, they will be assessed for pension enrolment under auto enrolment legislation.

Deductions from salary

All payments under the ShPP scheme are treated as earnings and are therefore subject to income tax and national insurance deductions.

Union contributions, charity contributions, employee loan repayments and BUPA payments will continue to be deducted whilst the employee receives statutory pay.

If the employee usually has these items deducted from pay, they will have to make their own arrangements to pay these during any unpaid leave period.

If the employee is a member of the Hospital Savings Association, they may still be able to claim benefits during the period of unpaid leave. They should let HSA know well in advance of their period of unpaid leave.

Calculating shared parental leave payments

The IBC will not provide estimates of ShPP payments to be received, but a gross pay estimation form is available online for employees and managers to use. Please see the link below for access to this form <https://extra.hants.gov.uk/employee/policy-guidance/timeoff/shared-parental-leave>

Monitoring payments

During the shared parental leave period, managers must ensure they review their monthly staffing budget reports to monitor payments being made to the absent employee are consistent with the above principles.

Queries should be referred to the IBC in the first instance.

Employees must also ensure they review their monthly payslips to monitor payments are being made consistently with the above principles.

Payslips will be accessible via Employee Self Service (ESS Lite).



Queries should be referred to the line manager in the first instance.

4. **STAGE 3 – DURING SHARED PARENTAL LEAVE**

Reasonable contact

The contact arrangements agreed prior to the start of shared parental leave should be followed by both the employer and employee to keep each other up to date.

SPLIT days

SPLIT days, (like Keeping In Touch Days (KIT) available to staff on maternity or adoption leave) are designed to help the employee keep up to date with their line manager and developments in the workplace and therefore make the return to work easier. During a SPLIT day the employee undertakes work which is of mutual benefit for them and the employer.

SPLIT days are different to the reasonable contact that employers and employees may make with one another. During SPLIT days the employee will actually carry out work. Social contact and reasonable contact is not considered as “keeping in touch” as no work is undertaken.

Each partner taking shared parental leave can work for up to a maximum of 20 SPLIT days during shared parental leave without ending their leave (a total of 40 SPLIT days between them).

This entitlement is in addition to the 10 KIT days available to employees who are absent due to maternity or adoption leave.

There is no entitlement to carry forward unused KIT days from maternity or adoption leave into the shared parental leave period. Once maternity or adoption leave has ended, the entitlement to 10 KIT days ends.

Whether the employee works for one hour or a whole day, it will still be counted as one full day for “SPLIT” purposes and a whole day will be deducted from the 20 days entitlement.

Line managers cannot insist that the employee carry out any work, including SPLIT days. Employees cannot insist on being given any work, including SPLIT days. The work to be carried out needs to be agreed between line manager and employee before the SPLIT day is worked.

Shared parental leave will not be extended because the employee has worked a SPLIT day(s).



Where applicable ShPP will continue to be paid for the week in which the employee works a SPLIT day.

If the employee works for more than 20 SPLIT days, they will lose their entitlement to ShPP for the whole week in which they work - even if they only work for one day, or part of a day.

Please refer to [Appendix 3](#) for further details

The line manager must tell the IBC of any SPLIT days that are worked during the shared parental leave period and what payments (if any) are to be paid to the employee for working a SPLIT day.

The IBC will update the employee's shared parental leave absence and make any payments requested in the next available pay run.

If the employee resigns during shared parental leave

If the employee is absent on shared parental leave and they wish to resign, they must give their line manager written notice of their resignation giving their contractual notice (or a shorter period if agreed with their line manager).

The IBC will confirm the employee's entitlements within 21 days of being notified and will complete the leaver action on behalf of the line manager.

An element of occupational maternity or adoption pay may be repayable if the employee received this during the course of their maternity/adoption/shared parental leave.

Where a resignation means an employee has been overpaid, this will be recovered in accordance with the Salary policy.

5. ENTITLEMENTS IN THE EVENT OF MISCARRIAGE, STILLBIRTH, EARLY DEATH OR THE ADOPTION PLACEMENT NOT TAKING PLACE OR COMING TO AN EARLY END

Mothers and Primary Adopters taking shared parental leave

If the child dies (in cases of childbirth) or the child is not placed or is subsequently removed (in cases of adoption) but notice of entitlement has already been given, the mother/adopter will continue to be entitled to that shared parental leave as set out in the notification.



Fathers and Partners taking shared parental leave If the child dies (in cases of childbirth) or the child is not placed or is subsequently removed (in cases of adoption) but notice of entitlement has already been given, the father/husband/partner will continue to be entitled to that shared parental leave as set out in the notification.

Compassionate or parental bereavement leave Employees are entitled to compassionate leave and/or parental bereavement leave in the event of the death of a child. More information is given in the Annual Leave and Time Off Policy.

6. **STAGE 4 – INTENTIONS REGARDING A RETURN TO WORK**

Where the employee has decided to return to work The employee's return to work date will usually be discussed at the planning stage of shared parental leave or during the agreed contacts throughout the shared parental leave period.

The employee is required to tell their manager if they are going to return earlier than their original return date. The employee must give their line manager at least 21 calendar days' written notice.

The line manager can only postpone the early return to work if the employee fails to give them 21 calendar days.

EHCC, JNC and Soulbury If the notice does not meet the 21-day notice period, the return to work can be postponed so that the manager receives 21 days' notice or to the end of the AML period, whichever is sooner.

Flexible working requests Requests will be managed through the Managing requests for flexible working policy.

Pensions Employees should be aware that changes to salary following a return to work may trigger their auto-enrolment into the relevant pension scheme.

Teachers If the employee is not currently a member of the Teachers' Pensions scheme and they return to work on a revised contract (e.g. change in hours) they will automatically join the Teachers' Pensions scheme.

If it is still their intention not to be a member of the scheme, they will need to contact Teachers' Pensions to obtain the relevant form which is available on the Teachers' Pensions



website. More information about the scheme can be obtained from Teachers' Pensions by referring to the online guide (www.teacherspensions.co.uk).

7. **STAGE 5 – COMPLETION OF THE RETURN-TO-WORK PERIOD**

- Annual leave** The line manager must ensure that any unused/carried forward annual leave is used up at the earliest available opportunity. This should be agreed with the employee as part of returning to work or taken prior to returning to work, where operationally viable to do so.
- Return to work period** Employees who have taken any part of the 12 weeks half pay of their occupational maternity or adoption pay prior to taking shared parental leave are required to return to work for a period of time defined in their terms and conditions of service.
- This period is deemed to start from the day they return to work from their maternity or adoption leave, even if they subsequently take a further period of leave under shared parental leave.
- The line manager must advise the IBC of any changes to the employee's contracted working hours during the return-to-work period.
- EHCC07, JNC and Soulbury** Employees on EHCC terms and conditions of employment are required to return to work for three calendar months in order to retain their 12 weeks half pay under the occupational maternity or adoption pay scheme.
- Teachers** Employees on Teachers' terms and conditions of employment are required to return to work for 13 full time equivalent weeks in order to retain their 12 weeks half pay under the occupational maternity or adoption pay scheme.
- If the employee resigns after shared parental leave** If the employee returns to work after their shared parental leave and then resigns they will be bound by the normal terms and conditions outlined in their contract of employment.
- The line manager must complete the leaver e-form to notify the IBC of the employee's leaving date.
- Where a resignation means an employee has been overpaid, this will be recovered in accordance with the Salary policy.



Key definitions

Leave

Shared parental leave (SPL) - women can elect to curtail their maternity leave at any time after the 2-week compulsory maternity leave period and share the remainder with their partner. Primary adopters can curtail their adoption leave and share the remainder with their partner.

Shared parental leave pay (ShPP) - a fixed rate payment equivalent to Standard Rate Statutory Maternity Pay determined by HRMC.

Contractual pay – the salary that is payable to employees under their contract of employment as determined by their terms and conditions of employment (e.g. EHCC, Teachers, Soulbury, JNC)

8. EMPLOYMENT

Contract of employment – a contract of service or apprenticeship, whether expressed or implied, and (if it is expressed) whether oral or in writing. Casual workers and Supply Teachers are not employed under a contract of employment.

Employee – an individual who has entered into or works under (or, where the employment has stopped, worked under) a contract of employment.

Casual workers and Supply Teachers – individuals who are not employed under a contract of employment, but engaged on an irregular, “as and when”, basis. There is no mutuality of obligation. They are not employees and usually will not qualify for maternity entitlements.

Employer – the person who employs the employee e.g. Hampshire County Council, a school’s Governing Body.

Job – in relation to an employee returning to work at the end of **ordinary maternity leave**, means the nature of the work the employee was employed to do in accordance with their contract of employment and the capacity and place they were employed to do so before starting maternity leave. An employee returning to work after **additional**



maternity leave may be appointed to a similar, but not necessarily the same, job as they had before maternity leave.

9. **OTHER**

Childbirth – the birth of a living child or a still birth after 24 weeks of pregnancy.

Expected week of childbirth (EWC) – as stated on the pregnant employee's MATB1 certificate, the week beginning with midnight between Saturday and Sunday in which childbirth is expected to occur.

ESS Lite payslips – a secure online facility to view payslips during shared parental leave.

MATB1 – a certificate which shows a pregnant woman's expected week and date of childbirth. It is normally issued by their doctor or midwife after the 20th week of her pregnancy. **Qualifying week** – the 15th week before the **expected week of childbirth**.

Reasonable contact – before starting maternity leave, the employee and line manager must agree the contact arrangements that will be in place during maternity leave. This is different to KIT days.

Return to work period – a 13 week or three-month period employees are required to return to work for, defined in their terms and conditions of service.

Shared Parental Leave (SPLIT) days - each parent may have up to 20 Shared Parental Leave In Touch (or SPLIT) days during shared leave (allowing the parent to return to the workplace from time to time without bringing their leave to an end). These days will be in addition in the 10 Keeping In Touch (or KIT) days the mother is entitled to during maternity leave.

SMP1 form – form issued by the employer to the employee if the employee does not qualify to receive **statutory maternity pay**.



Related documents To help with the application of this policy it may be useful to read the following:

- Managers' How to Guide – Shared Parental Leave
- Annual leave and time off policy
- Managing requests for flexible working policy.
- Salary policy – childcare vouchers and overpayments
- Pensions Auto-enrolment Policy
- Health and Safety – Pregnant workers risk assessments specific to directorates or schools

Please note: All school-based employees will need to check specific policies with their own school.

Support

Employees:

Access to free, confidential and impartial Employee Support is available to all employees. Please visit the webpages for further information <https://extra.hants.gov.uk/employee/policyguidance/occupational-health/employee-support>

Managers:

Further information is available in the How To Guide – Shared Parental Leave.
Advice on remaining queries can be directed to the IBC.



Appendices

Appendix 1

Continuity of employment test - childbirth

For the purposes of entitlement to shared parental leave, an employee satisfies the continuity of employment test if they have:

- been continuously employed with their current employer for a period of not less than 26 weeks ending with the week immediately preceding the 14th week before the expected week of birth; and remain in continuous employment with that employer until the week before any period of shared parental leave taken by the employee.

Continuity of employment test - adoption

For the purposes of entitlement to shared parental leave, an employee satisfies the continuity of employment test if they have: been continuously employed with their current employer for a period of not less than 26 weeks ending with the week immediately preceding the week in which the primary adopter was notified of having been matched for adoption with the child; and

- remain in continuous employment with that employer until the week before any period of shared parental leave taken by the employee.

Employment and earnings test – in cases of childbirth and adoption

- have 26 weeks continuous service with their employer at the 15th week before their expected week of childbirth; or
- be in paid employment and have 26 weeks continuous service with their employer by the end of the week in which they were notified of being matched with a child to be placed with them (as specified on the matching certificate); and have earnings of more than the lower earnings limit for National Insurance contributions.



9.1

Appendix 2 – Notification and declaration**Notification and declaration of intention to take shared parental leave - childbirth**

The mother (where she is employed by Hampshire County Council) must, not less than eight weeks before the start date of the first period of shared parental leave to be taken, give her employer a written notice which contains the following information:

- their name;
- the Father or Partner's name;
- the start and end dates of any period of statutory ordinary and/or additional maternity leave taken or to be taken by the mother;
- the total amount of shared parental leave available;
- the child's expected week of birth and/or the child's actual date of birth
- how much shared parental leave the mother and father or partner each intend to take;
- an indication as to when the mother intends to take shared parental leave (including the start and end dates for each period of leave).

Additionally, the mother is required to make the following specified declarations:

- that she satisfies, or will satisfy, the necessary conditions;
- the information she has given in the notice is accurate;
- that she will immediately inform her employer if she ceases to care for the child

Finally, the mother must provide a copy of the child's birth certificate to their employer as soon as is reasonably practicable.

Furthermore, the father or partner (where they are NOT employed by Hampshire County Council) must make the following declarations:

- provide their name, address, and national insurance number (or a declaration that they do not have a national insurance number);
- that they satisfy, or will satisfy, the necessary conditions;
- that they are the father of the child or the person who is married to, or the civil partner or the partner of, the mother;



- that they consent to the amount of leave which the mother intends to take;
- that they consent to the mother's employer processing the information in their declaration.

The father or partner (where they are employed by Hampshire County Council) must, not less than eight weeks before the start date of the first period of shared parental leave to be taken, give their employer a written notice which contains the following information:

- their name;
- the mother's name;
- the start and end dates of any—
 - period of statutory maternity leave taken or to be taken by the mother;
 - period in respect of which statutory maternity pay received or to be received by the mother (where statutory maternity leave was not taken or is not be taken in relation to that period) is payable; or
 - period in respect of which maternity allowance received or to be received by the mother (where statutory maternity leave was not taken or is not be taken in relation to that period) is payable;
- the total amount of shared parental leave available;
- the child's expected week of birth and/or the child's actual date of birth;
- how much shared parental leave they and the mother each intend to take;
- an indication as to when they intend to take shared parental leave (including the start and end dates for each period of leave).

Additionally, the father or partner is required to make the following specified declarations:

- they satisfy, or will satisfy, the necessary conditions;
- the information given by the mother in the notice is accurate;
- that they are the father of the child, or the person who is married to, or the civil partner or the partner of the child's mother;
- they will immediately inform their employer if they cease to care for the child or if the mother informs them that she has ceased to satisfy the necessary conditions.



Finally, the father or partner must provide a copy of the child's birth certificate to their employer as soon as is reasonably practicable.

Furthermore, the mother (where they are NOT employed by Hampshire County Council) must make the following declarations:

- specify their name, address, and national insurance number (or a declaration that they do not have a national insurance number);
- that they satisfy, or will satisfy, the necessary conditions;
- that they consent to the amount of leave which the father or partner intends to take;
- that they will immediately inform the father or partner if she ceases to satisfy those conditions;
- that they consent to the father or partner's employer processing the information in their declaration.

Notification and declaration of intention to take shared parental leave - adoption

The adopter (where they are employed by Hampshire County Council) must, not less than eight weeks before the start date of the first period of shared parental leave to be taken, give their employer a written notice which contains the following information:

- their name;
- their husband or partner's name;
- the date they were notified of being matched with the child for adoption
- the date the child is expected to be placed with them for adoption and the actual date of placement
- the start and end dates of any period of statutory ordinary and/or additional adoption leave taken or to be taken by the mother;
- the total amount of shared parental leave available;
- how much shared parental leave the adopter and father or partner each intend to take;
- an indication as to when the adopter intends to take shared parental leave (including the start and end dates for each period of leave).

Additionally, the adopter is required to make the following specified declarations:

- that they satisfy, or will satisfy, the necessary conditions;
- the information they have given in the notice is accurate;



- that they will immediately inform their employer if they cease to care for the child

Finally, the adopter must provide a copy of the adoption matching certificate to their employer as soon as is reasonably practicable.

Furthermore, the husband or partner (where they are NOT employed by Hampshire County Council) must make the following declarations:

- provide their name, address, and national insurance number (or a declaration that they do not have a national insurance number);
- that they satisfy, or will satisfy, the necessary conditions;
- that they are married to, or the civil partner or the partner of, the adopter;
- that they consent to the amount of leave which the mother intends to take;
- that they consent to the adopter's employer processing the information in their declaration.

The husband or partner (where they are employed by Hampshire County Council) must, not less than eight weeks before the start date of the first period of shared parental leave to be taken, give their employer a written notice which contains the following information:

- their name;
- the primary adopter's name;
- the date the adopter was notified of being matched with the child for adoption;
- the date the child is expected to be placed with the adopter for adoption and the actual date of placement;
- the start and end dates of any—
 - period of statutory adoption leave taken or to be taken by the adopter;
 - period in respect of which statutory adoption pay received or to be received by the mother (where statutory adoption leave was not taken or is not be taken in relation to that period) is payable; or
- the total amount of shared parental leave available;
- how much shared parental leave they and the adopter each intend to take



- an indication as to when they intend to take shared parental leave (including the start and end dates for each period of leave).

Additionally, the husband or partner is required to make the following specified declarations:

- they satisfy, or will satisfy, the necessary conditions;
- the information they have given in the notice is accurate;
- that they are married to, or the civil partner or the partner of the adopter;
- they will immediately inform their employer if they cease to care for the child or if the adopter informs them that they have ceased to satisfy the necessary conditions.

Finally, the husband or partner must provide a copy of the adoption matching certificate to their employer as soon as is reasonably practicable.

Furthermore, the adopter (where they are NOT employed by Hampshire County Council) must make the following declarations:

- specify their name, address, and national insurance number (or a declaration that they do not have a national insurance number);
- that they satisfy, or will satisfy, the necessary conditions;
- that they consent to the amount of leave which the husband or partner intends to take;
- that they will immediately inform the husband or partner if they ceases to satisfy those conditions;
- that they consent to the husband or partner's employer processing the information in their declaration.

Notifying the IBC

The employee or line manager must inform the IBC of the employee's intention to take shared parental leave at least 21 calendar days before the employee intends to start their shared parental leave period. If the employee wishes to change their shared parental leave start date, they or their line manager must notify the IBC as soon as possible or again give at least 21 calendar days notice.

Once the IBC has been notified of the intended shared parental leave start date, they will confirm the employee's shared parental leave and pay entitlements within 21 calendar days.



9.2

Appendix 3 – SPLIT Payments

SPLIT payments – Directorates

Although there is no legal requirement to pay for SPLIT days, Hampshire has elected to make payments to directorate-based employees, irrespective of pay and conditions of employment, on the following basis:

Calculating a daily rate of pay- FTE Salary will be divided by 365.

Calculating a part day payment – the daily rate will be divided by 7.4 and multiplied by the actual number of hours worked.

Payment for working a SPLIT day will be inclusive of the daily rates of ShPP due to be paid, on the basis that the employee does not earn more in that month than they would have done had they not been on shared parental leave.

SPLIT payments – Schools

Although there is no legal requirement to pay for working SPLIT days, Hampshire recommends that school-based employees, irrespective of pay and conditions of employment, are paid on the following basis:

Calculating a daily rate of pay- FTE Salary will be divided by 365.

As a KIT attendance should reflect a normal full day's work, if the employee works a SPLIT day Hampshire recommends that they should be paid a full day's pay (1/365th of FTE salary).

Under the provisions of Local Management of Schools, Headteachers and Governing Bodies can choose to organise payments differently to the above guidance. It is strongly recommended that if schools do choose an alternative payment that the rate of pay, they choose is still linked to the appropriate pay scale. If schools choose this option, they will need to ensure that employees are clear on how payment will be calculated.

Alternatively, schools may elect to make no payment to an employee that works a SPLIT day.

Payment for working a SPLIT day will be inclusive of the daily rates of ShPP due to be paid, on condition that the employee does not earn more in that month than they would have done had they not been on shared parental leave.



9.3

Policy Governance

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Employees of non-Hampshire County Council bodies are excluded from this policy and should refer to their own employer's policies and procedures