

Shared Parental Leave Policy



The purpose of this policy is to inform employees wishing to take Shared Parental Leave (ShPL) of their statutory rights and entitlements and additional enhancements offered by Transport for the North (TfN) and give parents more flexibility in considering how to best care for, and bond with their child.

1. Introduction

ShPL enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. All eligible employees have a statutory right to take ShPL. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or taking it in turns to have periods of leave to look after the child.

This policy sets out the statutory rights and responsibilities of employees who wish to take statutory ShPL and Shared Parental Pay (ShPP).

2. Eligibility and Entitlements

To be eligible for ShPL or ShPP an employee must be:

- the mother / adopter;
- the father of the child (in the case of birth); or
- the spouse, civil partner or partner of the child's mother or adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

In addition, in order to qualify for ShPL the employee must satisfy the following criteria:

- the mother/adopter must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be employed by the organisation at the start of each period of ShPL;
- the employee must have a minimum of 26 weeks service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must have worked for at least 26 weeks and average weekly earnings in the eight weeks up to and including the qualifying week have been at least equal to the lower earnings limit for National Insurance contributions in any 13 weeks in the 66 weeks leading up to the child's expected due date/matching date;
- the employee must correctly notify TfN of their entitlement and provide the required evidence.

In addition to be eligible to claim ShPP an employee must also meet the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;

- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child’s expected due date/matching date not less than the lower earnings limit for national insurance contributions;
- the employee must remain in continuous employment until the first week ShPP has begun.

The following table sets out the statutory entitlement to shared parental leave and pay.

ELIGIBILITY CRITERIA	ENTITLEMENT TO SHARED PARENTAL LEAVE
Fewer than 26 weeks continuous service ending with the 15th week before the expected due date/matching date	Unfortunately, there is no entitlement to ShPL
At least 26 weeks service ending with the 15th week before the expected due date/matching date and average weekly earnings in the eight weeks up to and including their qualifying week have been at least equal to the lower earnings limit for National Insurance contributions.	<p>Up to 50 weeks of shared parental leave during child’s first year with the family.</p> <p>The amount is calculated using the mother’s/adopter’s entitlement to maternity/adoption leave. If they reduce their entitlement then any remaining weeks can be taken as ShPL.</p>

ELIGIBILITY CRITERIA	ENTITLEMENT TO SHARED PARENTAL PAY
Fewer than 26 weeks continuous service ending with the 15th week before the expected due date/matching date	Unfortunately, there is no entitlement to ShPP.
At least 26 weeks service ending with the 15th week before the expected due date/matching date and average weekly earnings in the eight weeks up to and including their qualifying week have been at least equal to the lower earnings limit for National Insurance contributions.	<p>Shared Parental Pay for up to 37 weeks depending on the amount by which the mother/adopter reduces their maternity or adoption pay AND which, if any, weeks of ShPL are taken by the mother of the child.</p> <p>TfN offers enhanced benefits which mirror with those described in the TfN’s Maternity Leave Policy and Adoption Policy. Though two weeks at the rate of full pay are deducted to account for the period of compulsory maternity leave).</p> <p>The maximum provision of ShPP is:</p> <p>6 weeks – 90% earnings inclusive of ShPP 33 weeks – 50% earnings plus ShPP 13 weeks – unpaid</p>

Employees will be required to specify which weeks from the mother's remaining maternity leave they are intending to take.

ShPP is paid at a weekly rate which is subject to change in April each year – www.direct.gov website can be accessed for clarification of the current rate applicable at the time of their intended leave.

ShPL allows parents additional flexibility in the way they care for a new arrival to the family. The benefits can be used alongside, or instead of, traditional Maternity or Adoption Leave. Please see the TfN's separate SPL policy and procedure, Maternity Leave Policy and Procedure and Adoption Policy and Procedure for further details.

To decide whether ShPL is suitable for the employee, they may wish to consider the following:

- Whether they or their partner qualify for ShPL and how they would like to share the care of their child;
- Whether they or their partner are prepared to reduce maternity or adoption leave;
- Whether they or their partner have any contractual entitlement to enhanced maternity/adoption/paternity/SPL pay and how would reducing maternity or adoption leave impact on this;
- Availability of other legal rights (such as flexible working requests, annual leave and parental leave) and how they could work for them alongside ShPL;
- The wider financial implications for the family e.g. pay and pensions.

3. Fraudulent Claims

TfN can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual TfN investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

4. Discussion Regarding Application

If an employee is considering/taking ShPL they are encouraged to contact HR & Skills Representative and their Line Manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the organisation to support them. The HR & Skills Representative may upon receiving a notification of entitlement to take ShPL seek to arrange an informal discussion with them to talk about their intentions and how they currently expect to use their ShPL entitlement.

Upon receiving Notification of Shared Parental Leave using Shared Parental Leave Request Form which can be found on the TfN Intranet, the HR & Skills Representative will usually arrange a meeting with them to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in their notice booking leave, a meeting may not be necessary.

At the meeting they may, if they wish, be accompanied by a workplace colleague or a Trade Union Representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while they are away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to them and the organisation, and what the outcome may be if no agreement is reached.

The organisation will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

5. Variations to Arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of ShPL, provided that they advise TfN in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of TfN requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by TfN.

6. Keeping in Touch (KIT) days during Shared Parental Leave

Before the ShPL begins, the organisation will discuss the arrangements for the employee to keep in touch during their leave. Employees can agree to work for the organisation (or attend training) during ShPL without bringing their period of ShPL 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. An employee taking ShPL can take up to 20 SPLIT days in total during the ShPP period. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The organisation has no right to require employees to carry out any work, and is under no obligation to offer them any work, during the ShPL. Any work undertaken is a matter for agreement between the organisation and the employee. If they are taking a SPLIT day, they will receive payment for the hours worked on that day at their hourly rate. If a SPLIT day occurs during a week when they are receiving ShPP the SPLIT day will be paid in addition to ShPP. Any SPLIT days worked do not extend the period of ShPL.

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

7. Returning to work after Shared Parental Leave

Employees will be formally advised in writing by the organisation of the end date of any period of ShPL. They are expected to return on the next working day after this date, unless they notify the organisation otherwise. If they are unable to attend work due to sickness or

injury, the organisation's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If they wish to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks' notice of their date of early return. This will count as one of their notifications.

If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after ShPL, employees are entitled to return to the same job if their aggregate total statutory maternity/paternity/adoption leave and ShPL amounts to 26 weeks or less, they will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of ShPL, on the same terms and conditions of employment as if they had not been absent.

If maternity/paternity/adoption leave and ShPL amounts to 26 weeks or more in aggregate, then they are entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If they also take a period of unpaid parental leave of 4 weeks or less this will have no effect on their right to return and they will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and ShPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and ShPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

8. Protection from Redundancy

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 enhances protection for those on maternity, adoption or shared parental leave. Those on maternity, adoption or shared parental leave have the right to be offered a suitable alternative vacancy (where one is available) before they are made redundant, essentially giving them priority over any other employees at risk of redundancy.

Employees who are pregnant and those who have recently returned from maternity, adoption or shared parental leave are protected as follows:

- Pregnant employees from the point that they notify TfN of their pregnancy;
- Employees returning from maternity, adoption or shared parental leave:
 - Returning from maternity leave: for 18 months from the child's date of birth (or from the expected week of childbirth if TfN is not notified of the date of birth before the end of maternity leave).
 - Returning from adoption leave: for 18 months from date of placement (or date of entry into Great Britain in the case of overseas adoption).

- Returning from shared parental leave: as above if they have also taken maternity or adoption leave. If not:
 - At the end of the shared parental leave (if less than six weeks is taken); or
 - 18 months from the child's date of birth (if more than six continuous weeks is taken).

Employees have the right to claim automatic unfair dismissal where TfN fails to comply with its obligations regarding offering suitable alternative vacancies and the employee is dismissed as a result.

Employees who have suffered a miscarriage before 24 weeks will also be protected. Their length of protection will be from when they notify TfN of their pregnancy until two weeks after the end of the pregnancy.

9. Additional Information

Continuity of employment

During the period of ShPL employees will continue to accrue continuous service.

Job Opportunities

TfN does not wish employees to miss out on opportunities for promotion or progression. All internal job advertisements can be sent to a home email account or posted to home addresses.

Staying in Touch

During this period of leave, TfN wishes to respect employee's special time with their child, so we will not contact them if we can avoid it. However, if there are any significant changes in the business area in which they work or if training opportunities arise their Line Manager will contact them to make sure that they are kept up to date with our current business position.

Pensions/health care contributions

This absence will be treated as pensionable service and therefore we will continue to make contributions, if applicable, on employee's behalf into the Local Government Pension Scheme throughout the paid maternity leave period. Personal contributions (if any) will be deducted from the ShPP, unless otherwise informed. TfN will continue to make regular contributions to the pension scheme at employee's current rate of pay. Their own contributions will be based on the amount of ShPP they receive. Personal and TfN contributions will continue until the ShPP ceases.

Neo-natal care

Parents who have babies in neo-natal care within their first 28 days of their life (for seven continuous days or more) are allowed to take neo-natal leave and pay for up to 12 weeks.



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