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| <u>Policy Title</u> | NCG Shared Parental Leave Policy |
| <u>Policy Category</u> | Compliant |
| <u>Owner</u> | People and Development Director |
| <u>Group Executive Lead</u> | Chief Executive Officer |
| <u>Date Written</u> | December 2020 |
| <u>Considered By</u> | N/A |
| <u>Approved By</u> | Executive Board |
| <u>Date Approved</u> | February 2023 |
| <u>Equality Impact Assessment</u> | The implementation of this policy is not considered to have a negative impact on protected characteristics and an assessment was carried out on December 2020 This policy is available in alternative formats, if required |
| <u>Freedom of Information</u> | This document will be publically available through the Groups Publication Scheme. |
| <u>Review Date</u> | December 2024 |
| <u>Policy Summary</u> | The purpose of this policy is to provide colleagues with an understanding of their entitlement and eligibility for Shared Parental leave. |

| <u>Applicability of Policy</u> | <u>Consultation Undertaken</u> | <u>Applicable To</u> |
|--------------------------------|--------------------------------|----------------------|
| Carlisle College | Yes | Yes |
| Group Services | Yes | Yes |
| Kidderminster College | Yes | Yes |
| Lewisham College | Yes | Yes |
| Newcastle College | Yes | Yes |
| Newcastle Sixth Form College | Yes | Yes |
| Southwark College | Yes | Yes |
| West Lancashire College | Yes | Yes |

| <u>Changes to Earlier Versions</u> | |
|------------------------------------|---|
| <u>Previous Approval Date</u> | <u>Summarise Changes Made Here</u> |
| N/A - 1st Edition of Document | |
| December 2022 | Section 7 Where maternity leave ends and a colleague opts for SPL, this is classed as the colleague returning to work. |
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| <u>Linked Documents</u> | |
|---------------------------------|------------------|
| <u>Document Title</u> | <u>Relevance</u> |
| NCG Flexible working Policy | |
| NCG Sickness Absence Policy | |
| NCG Non Sickness Absence Policy | |

Shared Parental Leave Policy

1. Scope and Purpose of Policy

This policy does not form part of Colleague's contract of employment and does not confer any contractual rights. It applies to all NCG colleagues who are employed either on a permanent or temporary basis.

2. Introduction

The purpose of this policy is to provide colleagues with an understanding of their entitlement and eligibility for shared parental leave and pay.

3. Referral to an alternative policy / procedure

Where absence is due to an underlying health condition, then the matter will be managed in line with the NCG Sickness Absence Policy.

Where absence is due to leave including maternity, paternity, adoption and parental leave, then the matter will be managed in line with the relevant NCG policy.

Where absence is due to non-sickness absence, then the matter will be managed in line with the NCG Non Sickness Absence Policy.

Where there is a request to amend a colleague's working week, then the matter should be managed in line with the NCG Flexible working policy.

4. Shared Parental Leave (SPL)

SPL allows colleagues to choose how they split the available leave between them and their partner. They can share up to 50 weeks of leave and up to 37 weeks of pay in the first year after their child is born or placed with them by an adoption agency or where a child is placed with a colleague and / or their partner as foster parents under a "fostering for adoption" or concurrent planning scheme. Colleagues must intend to share the main responsibility for the care of the child with their partner. The birth mother / Primary adopter must take the first two weeks' statutory maternity / adoption leave immediately after the birth / placement of the child.

Colleagues can only start SPL) and shared parental pay (ShPP) once the child has been born or placed for adoption. If both the colleague and the partner are eligible they can take leave in blocks separated by periods of work, or take it all in one go. They can also choose to be off work together or to stagger the leave and pay.

5. Shared Parental Leave (SPL) eligibility

To qualify for SPL, colleagues must:

- Have a partner.
- Be entitled to:
 - Maternity / adoption leave.
 - Statutory maternity / adoption pay / maternity allowance.
- Have curtailed, or given notice to curtail their maternity / adoption leave, pay / allowance.

A parent who intends to take SPL must:

- Be an employee.
- Share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption.
- Have properly notified their manager of their entitlement and have provided the necessary declarations and evidence.

In addition, colleagues must satisfy the 'continuity of employment test' and their spouse / partner must meet the 'employment and earnings test' as follows:

- **Continuity of employment test**
Colleagues have worked for NCG for at least 26 weeks at the end of the 15th week before the child's expected due date / matching and is still working for NCG at the start of each leave period.
- **Employment and earnings test**
In the 66 weeks leading up to the baby's expected due date / matching date, their partner has to have worked for at least 26 weeks and earned an average of at least £30 a week in any of those 13 weeks.

6. Shared Parental Pay (ShPP)

ShPP is paid at the current prescribed rate set by the government or 90% of normal earnings, whichever is lower. It will be paid into a colleague's normal bank account.

If the mother / adopter curtails their entitlement to maternity / adoption pay or maternity allowance before they have used their full entitlement, then ShPP can be claimed for any remaining weeks outstanding.

To qualify for ShPP a parent must pass the continuity of employment test (as above) and have earned an average salary of the lower earnings limit for the 8 weeks' prior to the 15th week before the expected due date or matching date. The other parent in the family must meet the employment and earnings test (as above).

7. Ending maternity or adoption leave

Colleagues must give at least 8 weeks written notice to end their maternity / adoption leave (curtailment notice). The curtailment notice is binding and cannot usually be revoked. Colleagues can only revoke a curtailment notice if maternity / adoption leave has not yet ended and one of the following applies;

- If a colleague realises that neither they nor the other parent are eligible for SPL or SHPP
- If a colleague gave the curtailment notice before giving birth, they can revoke it up to 6 weeks after the birth (maternity leave only)
- Or if the other parent has died

The colleague will need to complete curtailment notice form (appendix A) and submit to their manager.

Where maternity leave ends and a colleague opts for SPL, this is classed as the colleague returning to work.

8. Notification of Shared Parental Leave

Colleagues, who are the birth mother, should refer to the NCG Maternity Policy for notification of their pregnancy. Colleagues intending to take SPL, must give a minimum of 8 weeks' notice. Colleagues can give up to a maximum of 3 separate notices for a block of SPL. For each block of leave they must give eight weeks' notice before the leave is due to start. Each notice can be for a continuous block of leave, or for a pattern of "discontinuous" leave involving different periods of leave, outlined below. SPL must be taken in blocks of at least 1 week.

- **Continuous block of leave:**
A continuous block of leave is where a colleague requests one period of SPL regardless of the duration. Where this is requested, a colleague is entitled to the continuous block of leave, as set out in their notice.
- **Discontinuous block of leave:**
A discontinuous block of leave is where a colleague makes one request including a pattern of taking intermittent periods of SPL, with periods of work in between. Where a colleague requests a discontinuous block of leave, their manager will consider the request and can refuse it. Where this is the case discussions will take place and the colleague may be required to take the leave in the notice, in a single continuous block.

Where a discontinuous block of leave has been refused, a colleague can withdraw their notification on or before the 15th calendar day after the notification was originally made and it will not count as one of their three notifications. If not, a colleague must take the total amount of leave notified in one continuous block. A colleague can choose when this leave period will begin, within 19 days of the date they gave the notification to their manager,

but it cannot start sooner than the initial notified start date. If not, the leave will begin on the start date stated in their original notification.

Colleagues will need to complete the relevant forms and submit them to their manager, as follows:

- Curtailment of maternity leave and pay (for birth parent's employer) - Appendix A,
- Notification that birth parent or mother is intending to take SPL (for their employer) - Appendix B
- Notice confirming that partner is taking SPL but Birth parent / mother / primary adopter is not (for birth parents / mother / Primary Adopters employer) – Appendix C
- Notification that Partner us intending to take SPL (for partners employer) - Appendix D

The manager should send the documentation alongside the agreed dates to HR. A confirmation letter will be sent to the colleague. If a colleague would like to make any changes to their Shared parental leave date(s), they should inform their manager in writing. The manager should send the updated information to HR.

9. Annual Leave

Colleagues will continue to accrue their full annual leave entitlement during their period of shared parental leave including bank / public holidays. Any accrued annual leave carried over into the following year should be taken immediately up on their return from shared parental leave.

For teaching colleagues in Newcastle Sixth Form College, any statutory leave accrued during SPL leave is offset against periods of College closures.

10. Reasonable Contact

The manager will maintain reasonable contact with colleagues whilst they are on SPL.

11. Shared Parental Leave in touch *days (SPLIT)*

Colleagues will be able to undertake up to 20 SPLIT days during their SPL, without bringing their SPL to an end. This is in addition to any KIT days colleagues may have taken during maternity or adoption leave. Colleagues will be paid their normal basic rate of pay and this will be inclusive of any ShPP entitlement.

There is no obligation for the manager to provide work and there is no obligation for a colleague to carry out such work. SPLIT days must be arranged by mutual

agreement and the purpose agreed in advance. Where a colleague works part of a day, this would still count as one keeping in touch day.

12. Early births, still births, miscarriages and neonatal death

A premature birth is considered to be a birth before the 37th week of pregnancy. If a colleague's child is born early (before the beginning of the EWC) and they had booked to take SPL within the first eight weeks of the due date, they may take the same period of time off after the actual birth without having to provide eight weeks' notice. They will need to notify their manager of the change in writing as soon as is reasonably practicable. This would not count as one of the colleagues three notifications.

Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave.

If a colleague's child is born more than eight weeks before the expected due date and they have not submitted a notice to book SPL, then there is no requirement to give eight weeks' notice before the period of leave starts. The notice for the period of leave should be given as soon as is reasonably practicable after the birth.

In the event of a still birth, should this occur after the 24th week of pregnancy, or a neonatal death, before a colleague has submitted a notice of entitlement to take SPL, they cannot opt into SPL because a qualifying condition is caring for a child. The mother / adopter may remain entitled to maternity / adoption leave and their partner could still qualify for statutory paternity leave.

If a colleague has opted into SPL and has booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

In any event, the manager will endeavour to offer all possible support to the colleague.

13. Rights on return

Where a colleague returns to work following a period of SPL, they are entitled to return to the same job if their combined leave period, comprising of maternity / paternity / adoption and shared parental leave, totals 26 weeks or less.

Where the number of weeks of maternity / paternity / adoption and SPL exceeds 26 weeks in aggregate, or a colleague has taken SPL consecutively with more than 4 weeks of parental leave, if it is not reasonably practical for a colleague to return to the same position, they may be offered another suitable and appropriate job on terms and conditions not less favourable.

14. Redundancy

In the event of a redundancy situation and a colleague is on SPL, the manager will assist in trying to find a suitable alternative vacancy. Where a suitable alternative vacancy is found, colleagues on SPL will be given first refusal.

NCG will not select any colleague for redundancy for a reason connected to their shared parental leave.

15. Variations to this policy / procedure

This procedure is intended as an overview of how shared parental leave is managed, however, it may need to be adapted to suit the needs of each situation.

Appendix A-D: Shared Parental Leave forms

Template forms for the birth parent or mother and their partner to confirm Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) entitlement with their employers.

| Forms below that need to be completed if... | | | |
|--|--------------------------------------|--|---|
| | both parents want to take SPL | just the birth parent wants to take SPL | just the partner wants to take SPL |
| Appendix A | Yes | Yes | Yes |
| Appendix B | Yes | Yes | No |
| Appendix C | No | No | Yes |
| Appendix D | Yes | No | Yes |

- See advice on SPL and ShPP at www.acas.org.uk/spl
- Parents can use the calculator at www.gov.uk/pay-leave-for-parents
- Parents and employers should keep a copy of any completed forms.
- Employers might have their own SPL forms for employees to use.
- If the birth parent is getting Maternity Allowance (MA), they need to notify Jobcentre Plus to curtail this entitlement.

Abbreviations used in these forms:

SPL Shared Parental Leave
 ShPP Statutory Shared Parental Pay
 SMP Statutory Maternity Pay
 MA Maternity Allowance

Appendix A: Curtailment of maternity leave and pay (for birth parent's employer – must be completed by birth parent / mother)

| | |
|---|--|
| SECTION A: General (must be completed) | |
| Please accept this as my notice to curtail my maternity leave and / or Statutory Maternity Pay (SMP). This form is accompanied by notification that either I or my partner intend to take SPL and / or ShPP. | |
| I understand my maternity leave will end on the date given in Section B and my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B. | |
| I understand that I can only reinstate any SMP that I am eligible for if I revoke this notice before the end date given in Section C. | |
| Birth parent / mother's last name | |
| Birth parent / mother's first name(s) | |
| Expected date of child's birth | |
| Actual date of child's birth (if born) | |
| SECTION B: Curtailing maternity leave (must be completed) | |
| Start date of statutory maternity leave | |
| End date of statutory maternity leave | |
| Total number of weeks of statutory maternity leave taken by the date statutory maternity leave ends | |
| SECTION C: Curtailing statutory maternity pay (SMP) (only if claiming ShPP) | |
| Start date of SMP | |
| End date of SMP | |
| Total number of weeks of SMP paid by date SMP ends | |
| SECTION D: Signature (must be completed) | |
| Signature of birth parent / mother | |
| Date signed | |

Appendix B: Notification that birth parent or mother is intending to take SPL (for their employer)

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| SECTION A: | |
| General (must be completed) | |
| Please accept this as notification that I (the birth parent / mother) am entitled to and intend to take SPL (and ShPP if section C is completed). | |
| Birth parent / mother's last name | |
| Birth parent / mother's first name(s) | |
| Partner's last name | |
| Partner's first name(s) | |
| Partner's address | |
| Partner's National Insurance number (put 'none' if no number is held) | |
| Expected date of child's birth | |
| Actual date of child's birth (if child not yet born, provide this as soon as possible after the birth and before taking SPL) | |
| SECTION B: | |
| Maternity entitlement details (all answers that apply must be completed) | |
| Start date of statutory maternity leave | |
| End date of statutory maternity leave | |
| Total number of weeks of statutory maternity leave that will have been taken at the date statutory maternity leave ends | |
| Start date of SMP or MA | |
| End date of SMP or MA | |
| Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment | |
| Total number of weeks by which SMP or MA will be reduced (39 weeks less total number of weeks SMP or MA has been paid or will have been paid at date of curtailment) | |
| SECTION C: | |
| Amount of SPL available (must be completed) | |
| Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation) | |

| | |
|---|--|
| Total number of weeks of SPL I (the birth parent / mother) intend to take | |
| Total number of weeks of SPL my partner intends to take | |
| SECTION D: Birth parent / mother's leave plans (must be completed but is not binding) | |
| I (the birth parent / mother) currently expect to take SPL as follows: | |
| [Note: It can help to answer this as 'from...to...'] | |
| SECTION E: Amount of ShPP available (only if claiming ShPP) | |
| Total number of weeks of ShPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notice and revocation) | |
| Total number of weeks of ShPP I (the birth parent / mother) intend to take | |
| Total number of weeks of ShPP my partner intends to take | |
| I (the birth parent / mother) currently expect to take ShPP as follows: | |
| [Note: It can help to answer this as 'from...to...'] | |
| SECTION F: Birth parent / mother's declaration (must be completed) | |
| The following points apply in all circumstances where a mother is entitled to maternity leave: | |
| <ul style="list-style-type: none"> • I am giving notice that I am entitled to and intend to take SPL. • I have, or will have, been continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due. • I will remain employed with this employer until any period of SPL that I intend to take. • I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below). • I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL. • I will inform my employer immediately if I am no longer caring for my child. • I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice. • I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice. | |

- The information provided in this declaration is accurate and meets the notification requirements for SPL.

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP.
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth.
- I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP.
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL).
- I intend to care for my child in the weeks I receive ShPP.
- I will remain employed with this employer until before the date of my first period of ShPP.
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA.
- The information provided in this declaration is accurate.

| | |
|------------------------------------|--|
| Signature of birth parent / mother | |
| Date signed | |

**SECTION G:
Partner's declaration (must be completed)**

- I am the father of the child, or at the date of the birth I was (or will be) the mother's spouse, the mother's civil partner and / or the mother's partner living with her and the child in an enduring relationship.
- I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother).
- I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth.
- I have (or will have) earned in total at least £... in 13 weeks of the 66 weeks before the expected week of childbirth.
- I consent to the amount of SPL which the mother intends to take, as set out in Section D above.
- I consent to the mother's employer processing the information I have provided
- I consent to the amount of ShPP which the mother intends to take, as set out in Section E above.
- The information provided in this declaration is accurate.

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| Signature of partner | |
| Date signed | |

Appendix C: Notice confirming that partner is taking SPL but birth parent / mother is not (for birth parent / mother's employer)

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|---|--|
| SECTION A: General (must be completed) | |
| Please accept this as notification that I (the birth parent / mother) do not intend to take SPL (or ShPP where relevant) but that my partner will be. | |
| Birth parent / mother's last name | |
| Birth parent / mother's first name(s) | |
| SECTION B: Confirmation | |
| <ul style="list-style-type: none"> • I am either not entitled to SPL (or ShPP, where relevant), or I do not intend to take SPL (or claim ShPP, where relevant). • I declare that my partner has given notice to their employer to take SPL and / or ShPP. • I consent to my partner's claim for SPL and / or ShPP. | |
| SECTION C: Signature (must be completed) | |
| Signature of birth parent / mother | |
| Date signed | |

Appendix D: Notification that partner is intending to take SPL (for partner's employer)

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| SECTION A: | |
| General (must be completed) | |
| Please accept this as notification that I (the partner) am entitled to and intend to take SPL (and ShPP if section C is completed). | |
| Partner's last name | |
| Partner's first name(s) | |
| Birth parent / mother's surname | |
| Birth parent / mother's first name(s) | |
| Birth parent / mother's address | |
| Birth parent / mother's National Insurance number (put 'none' if no number is held) | |
| Expected date of child's birth | |
| Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL) | |
| SECTION B: | |
| Maternity entitlement details (all answers that apply must be completed) | |
| Start date of birth parent / mother's maternity leave (if applicable) | |
| End date of birth parent / mother's maternity leave (if applicable) | |
| Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends | |
| Start date of SMP or MA (if applicable) | |
| End date of SMP or MA (if applicable) | |
| Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment | |
| Total number of weeks SMP or MA will be reduced by (39 weeks less total number of weeks SMP or MA has been paid or will have been paid at date of curtailment) | |

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| SECTION C: Amount of SPL available (must be completed) | |
| <p>The total number of weeks of SPL created depends on the birth parent / mother's leave and pay entitlements.</p> <ul style="list-style-type: none"> • If the birth parent / mother was / is entitled to maternity leave and SMP / MA, the total created will be 52 weeks less any weeks maternity leave taken. • If the birth parent / mother was / is entitled to maternity leave but not to SMP or MA, the total created will be 52 weeks less any weeks maternity leave taken. • If the birth parent / mother was / is not entitled to maternity leave but was entitled to SMP / MA, the total created will be 52 weeks less any weeks of SMP / MA that was paid. • If the birth parent / mother previously revoked her curtailment notice any SPL that was taken by the partner must be deducted. | |
| Total number of weeks of SPL created (50 max) | |
| Total number of weeks of SPL I (the partner) intend to take | |
| Total number of weeks of SPL the mother intends to take (if applicable) | |
| SECTION D: Partner's leave plans (must be completed but is not binding) | |
| <p>I (the partner) currently expect to take SPL as follows:</p> <p>[Note: It can help to answer this as 'from...to...']</p> | |
| SECTION E: Amount of ShPP available (only if claiming ShPP) | |
| Total number of weeks of ShPP created (39 weeks less total number of SMP / MA taken and any ShPP paid from a previous notice and revocation) | |
| Total number of weeks of ShPP I (the partner) intend to take | |
| Total number of weeks of ShPP the birth parent / mother intends to take | |
| <p>I (the partner) currently expect to take ShPP as follows:</p> <p>[Note: It can help to answer this as 'from...to...']</p> | |

SECTION F:

Partner's declaration (must be completed)

The following points apply in all circumstances:

- I am giving notice that I am entitled to and intend to take SPL.
- I am the father of the child, or at the time of the birth I was (or will be) the birth parent / mother's spouse, civil partner and / or partner living with them and the child in an enduring relationship.
- I have been (or will be) continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due.
- I will remain employed with this employer until any period of SPL that I intend to take.
- I had (or will have) shared responsibility for the care of our child at the time of the child's birth (along with the child's birth parent / mother who has made the declaration below).
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice.
- I will give my employer the name and address of the birth parent / mother's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice.
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes their notice to curtail her maternity leave or SMP / MA period.
- The information provided in this declaration is accurate and meets the notification requirements for SPL.

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take ShPP.
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth.
- I intend to care for my child in the weeks I receive ShPP.
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL).
- I will remain employed with this employer until before the date of my first period of ShPP.
- The information provided in this declaration is correct.

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| Signature of partner | |
| Date partner signed | |

SECTION G:

Birth parent / mother's declaration (must be completed)

The following points apply in all circumstances:

- I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my partner who has made the declaration above).
- I am entitled to maternity leave and / or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and / or my entitlement to SMP or MA.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth.
- I have (or will have) earned in total at least £... in 13 weeks of the 66 weeks before the expected week of birth.
- I will immediately inform my partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement.
- I consent to my partner's intended SPL as set out in Section D above.
- I consent to my partner's employer processing the information I have provided.
- The information provided in this declaration is accurate and meets the notification requirements for SPL.

The following points only apply if Section E has been completed:

- I am entitled to SMP or MA, and I have reduced (or will reduce) the SMP or MA period and the remainder will be available as ShPP.
- I consent to my partner's intended ShPP as set out in Section E above.
- I will immediately inform my partner if I revoke the reduction of my SMP or MA.
- I consent to the person who will pay ShPP to my partner or the child's father processing the information I have provided.
- The information provided in this declaration is correct.

Signature

Date signed