GREATER MANCHESTER POLICE

Shared Parental Leave

Policy

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1. Policy Statement

GMP is committed to supporting our staff who are parents and to promoting a healthy work-life balance. We recognise and respect the right of all our staff to a family life.

Shared parental leave is an opportunity for you and your partner to share the care and bond with your child during the first year following the birth or adoption.

This policy reflects the Shared Parental Leave Regulations 2014. It applies to parents who meet the eligibility criteria, including intended parents in surrogacy arrangements where they qualify for adoption leave.

You'll be able to share a pot of leave and can choose to be off work at the same time and/or take it in turns to have periods of leave to look after your child and you may also be entitled to share some or all of the shared parental pay.

1.1 Aims

The aims of this policy are to:

- Give you a clear understanding of shared parental leave
- Explain the procedure you need to follow if you want to make an application

2. Scope

This policy applies to all police staff and police officers.

It applies to the mother or primary adopter and the father/partner who'll be supporting them to care for the child.

Where we refer to 'staff' in this policy, it also applies to officers unless we state otherwise.

3. Terms and Definitions

Mother

The woman who gives birth to a child.

Primary Adopter

The adopter responsible for adopting the child.

Partner

The child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner, or a partner who is living in a relationship with the mother or the primary adopter and the child.

Shared Parental Leave (SPL)

The amount of leave you can share with the mother or adopter of a child.

Statutory Shared Parental Pay (ShPP)

The amount of money set by the government paid to mothers or adopters or the father/partner who'll qualify. You can find out the current amount on the direct.gov.uk website.

'Curtailment Notice'

The 8 week notice the mother/primary adopter gives to bring their maternity/adoption leave to an end.

'Notice of Entitlement'

A non-binding indication of each period of shared parental leave that the member of staff requests.

'Period of Leave Notice'

Confirmation of start and end date.

Continuity of Employment Test

You must have worked for GMP for at least 41 weeks before the week in which your child is due/matching date, and you are still employed in the first week that shared parental leave is to be taken.

Employment and Earnings Test

You must have worked for at least 26 weeks in the 66 weeks leading up to the baby's expected due date and have earned above the maternity allowance threshold of £30 in 13 of the 66 weeks.

Maternity Allowance (MA)

The amount a mother can claim through Jobcentre Plus, if she doesn't qualify for SMP. You can find out more on the direct.gov.uk website.

Statutory Adoption Pay (SAP)

The amount of money set by the government which is paid to adopters who qualify during adoption leave. You can find out the current amount on the direct.gov.uk website.

Occupational Maternity Pay

An enhanced maternity pay scheme offered by GMP.

Paternity Leave & Pay

Can be taken after a period of Shared Parental Leave if the mother, or a person with whom a child is placed or expected to be placed for adoption, dies.

Shared Parental Leave In Touch (SPLIT) Days

Days worked during your shared parental leave. The maximum number is 20 per person.

Continuous Period of Leave

A number of weeks taken in a single unbroken period of leave e.g. 6 weeks in a row.

Discontinuous Leave

A period of leave where you return to work in between periods of SPL e.g. you take 6 weeks of SPL (as continuous leave and work every other week for a period of 3 months as discontinuous leave.

Neonatal Care

Medical care received in a hospital or, following hospital discharge, in another place where the child remains under consultant-directed care given by health professionals, including palliative or end-of-life care.

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4. Roles & Responsibilities

Responsibility of Strategic Resourcing Branch

The Head of Strategic Policy & People Relations is responsible for developing a Shared Parental Leave Policy that supports the work-life balance of our staff and also meets legal requirements.

Responsibility of Greater Manchester Shared Services (GMSS)

Greater Manchester Shared Services (GMSS) are responsible for processing applications for SPL and advising managers where necessary.

Responsibility of Managers

Managers are responsible for treating staff sensitively, fairly and in line with this policy. They should make sure that all approved leave is recorded correctly.

Responsibility of Staff

You should follow the procedure for submitting requests for SPL and make sure you give us as much notice as possible.

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5. Principles

5.1 Entitlement

If you're eligible for SPL you're entitled to share a maximum of 52 weeks leave and 39 weeks ShPP, for the purpose of caring for your child within the first year following the birth or in the year after your child is placed for adoption.

However, the first 2 weeks must be taken by the mother/primary adopter following the birth of your baby or the date the child is placed with you for adoption.

5.2 Eligibility for SPL (known as the 'Continuity of Employment Test')

You can apply for SPL if:

- you share the main responsibility for the care of the child at the time of the birth/placement for adoption, with your husband, wife, civil partner, joint adopter, the child's other parent, your partner (if they live with you and the child); and
- you or your partner are entitled to maternity/adoption leave or statutory maternity/adoption pay or maternity allowance, and
- you've been employed continuously for GMP for 41 weeks before the due date (or by the date you are matched with your adopted child); and
- you or your partner must have provided a 'curtailment notice' to end or reduce any maternity/adoption entitlement; and
- you're employed by GMP in the week you intend to commence your SPL; and
- You must have provided the correct notification and evidence as required.

5.3 Partners Eligibility for SPL (known as the 'Employment and Earnings Test')

You, if you're the partner; or your partner must:

- share the main responsibility for the care of the child at the time of the birth/ placement for adoption; and
- have been employed for at least 26 weeks during the 66 weeks before the baby is due; and
- have earned at least £30 per week on average in 13 of the 66 weeks, and
- have provided the correct notification and evidence as required.

5.4 When you can start Shared Parental Leave

You can start SPL once the baby is born or been adopted **and** the mother or adopter has:

- returned to work, or
- given notice of the date when they plan to end their maternity or adoption leave (this is the 'curtailment notice' and is binding); and
- notified us with the necessary declarations and evidence.

The mother or adopter must give at least 8 weeks' notice to end maternity or adoption pay, or to Jobcentre Plus to end maternity allowance.

The mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth.

An adopter can end their adoption leave once they have taken it for the compulsory 2 week period.

Shared parental leave must be taken in blocks of a week and you may request 3 single periods of leave giving 8 weeks' notice to commence each period of leave.

Provided both parents qualify for SPL you can choose to take leave at the same time as your partner or you can take leave separately.

Shared parental leave must be taken before the child's first birthday.

5.5 Notice requirements for SPL

The notices you must provide to enable you to take SPL are made up of 3 elements:

- a "Maternity/Adoption leave "Curtailment Notice" form from the mother/adopter setting out when they propose to end maternity/adoption leave (unless they've already returned to work from maternity/adoption leave);
- a "Notice of Entitlement and Intention to take Shared Parental Leave" form giving an initial, non-binding indication of each period of SPL (giving 8 weeks' notice) you are requesting; and
- a "Period of Leave Notice" form from you setting out the start and end dates of each period of SPL that you're requesting. **N.B.** This must be given no later than 8 weeks prior to the start date of the first period of SPL.

The "Period of Leave Notice" form can be given at the same time as the "Notice of Entitlement and Intention" form.

5.6 Continuous and Discontinuous periods of SPL

If you're eligible for SPL we'll accept all requests for a continuous period of leave.

We'll seriously consider applications for 'discontinuous' periods of SPL, taking into account operational demand. However, if we don't agree to your request for a 'discontinuous' period of SPL you may submit a new request.

5.7 Changing your Shared Parental Leave Dates

Once you have submitted your 'Notice of Entitlement and intention', if you want to change the dates, you must submit a 'Shared Parental Leave Variation" form giving as much notice as possible, but no less than 8 weeks before the start of the first period of SPL.

Discuss any changes with your manager in the first instance.

If you change the dates, you must still complete a 'Period of Leave Notice' confirming the start and end date.

5.8 Shared Parental Pay (ShPP)

A mother/primary carer subject to certain criteria is entitled to statutory maternity pay/adoption pay or maternity allowance for up to 39 weeks.

GMP currently operates enhanced Occupational Maternity pay schemes for those eligible, dependent upon certain criteria. If you give notice to reduce your entitlement before you've received the 39 weeks' pay, the remaining weeks may become available for your partner to take.

However, shared parental pay will only be paid at the statutory amount (currently amount can be found on direct.gov.uk) or 90% of your partners average weekly earnings, whichever is lower.

We'll pay you statutory shared parental pay if you meet the 'Continuity of Employment Test' and your partner meets the 'Employment and Earnings' Test and this may be payable during some or all of the SPL.

In addition, you must have earned above the Lower Earnings Limit in the 8 weeks leading up to and including the 15th week before the child's expected due date/matching date and still be employed by us at the start of the first period of ShPP.

If both you and your partner are entitled to ShPP, you must decide who'll receive it, and how you want it to be divided.

5.8 Neonatal care

If your baby receives neonatal care for more than seven continuous days before they reach 28 days old (counted from the day after the neonatal care started), you may be eligible for neonatal care leave. Please see the Neonatal Care Policy for more details.

5.9 Equipment

If you take a period of SPL for 3 months or more, all equipment assigned to you must be returned to IS Branch. This will be re-assigned to you when you return.

5.10 Pensions

Whilst you're on 'paid' shared parental leave we'll continue to deduct your pension contributions.

If you take any 'unpaid' shared parental leave your contributions will cease. This means that you'll lose membership for this period unless you repay contributions.

Police Staff

If you wish to repay your pension contributions on return from maternity leave you must elect to do this within 30 days of your return to work. Please contact Greater

Manchester Pension Fund on xxx xxx xxxx and they'll send you a P38 pension form which you should complete and send to Greater Manchester Shared Services (GMSS).

Police Officers

If you wish to discuss the option of repaying your pension contributions on return from any unpaid shared parental leave, please contact XPS on xxxxx xxxxxx or via email at xxxxxxxxxxxxx.

5.11 Contract of Employment (Police Staff)

You'll continue to be employed throughout your SPL, unless you resign or your contract comes to an end for other reasons. However, during your SPL you won't continue to receive pay other than that described in the Shared Parental Pay section above.

When you take time off under this policy, this period will also count as service for the purposes of pay, leave and redundancy payments.

If you're made redundant whilst on shared parental leave, you'll be offered a suitable alternative vacancy if one arises.

5.12 Annual Leave and Bank Holidays

Annual leave and bank holidays accrue during shared parental leave.

You have the option to take this leave prior to your return to work or add them to your current leave entitlement and use them within the first 12 months following your return to work date.

You may apply to take the leave to support a gradual return to work or use them to support child care arrangements.

5.13 Shared Parental Leave In Touch (SPLIT) Days

You may agree or request to work during your SPL for up to 20 days without ending your SPL. However, taking SPLIT days doesn't extend your period of SPL.

You can use SPLIT days to attend work for the purposes of training, attend meetings, or to do some of your normal work. There are financial implications if you exceed 20 SPLIT days: if you work more than 20 KIT days, you will lose a week's ShPP for any week in which you do some work, even if it's only for one day.

You don't have to attend SPLIT days but many people find them a great way to keep in touch with colleagues during their time away or even help them to ease their return to work.

We'll pay you your normal hourly pay for any hours you work on a SPLIT day in addition to your statutory shared parental pay for that week.

The 20 SPLIT days are in addition to the 10 KIT days that are available to you if you have taken a period of maternity leave.

You can't receive more than full pay when taking a SPLIT day.

5.14 Court Attendance

You may be required to attend court whilst on SPL. However, you can give details of your SPL on the court availability sheets.

We'll pay you your normal pay for a full day if you attend court, but this won't count as a 'SPLIT' day. You will also receive a day off in lieu when you return to work.

If you attend court, you can claim travel and other expenses back, as long as you provide receipts in the normal way.

5.15 Right to Return to Work – Police Staff

You have the right to return to the same job if you've been on SPL plus any other type of leave for 26 weeks or less.

If you've been on leave for more than 26 weeks you have the right to return to the same job unless it's not reasonably practicable.

In exceptional circumstances, for example redundancy, we might not be able to give you the same job back. If this happens, we'll offer you another job where there's a vacancy, as long as:

- it's suitable for you, and
- the work, location and your terms and conditions aren't substantially less favourable than your old job.

Please see the Redeployment Procedure for more information.

5.16 If you no longer care for the child

If you've booked SPL and you cease responsibility for caring for a child (other than in the event of the death of a child); your entitlement to SPL and ShPP will cease with immediate effect.

If you've booked SPL within 8 weeks of your entitlement ceasing, we may still require you to take it as SPL if it's not practicable for you to return i.e. as we have arranged cover. All SPL after 8 weeks will be cancelled.

If you're the remaining parent and you continue to care for the child, you'll be eligible to take your SPL entitlement. If the other parent, who is no longer caring for the child had any outstanding SPL, you'll only be able to transfer their SPL over if they give you a signed agreement confirming a variation of the leave entitlement.

6. Procedure

6.1 Check you're eligible for SPL and/or ShPP

You're responsible for confirming your eligibility for shared parental leave and shared parental pay, to GMP. To check your eligibility for SPL and ShPP you can use the link set up on the Government Website. "Calculate your leave and pay when you have a child".

6.2 Applying for Shared Parental Leave

Step 1

Curtailment Notice

If you're the mother/primary adopter you cannot opt into shared parental leave until you've either returned to work before the end of your maternity/adoption leave (by giving 8 weeks' notice) or provided Greater Manchester Shared Services (GMSS) with a 'Maternity/Adoption Leave 'Curtailment Notice' form giving the date you wish to end your maternity/adoption leave.

Once you've ended your maternity/adoption leave and have returned to work or commenced SPL, you can't revert back onto maternity/adoption leave.

If you're the father or partner of the mother/primary adopter and you intend to take SPL your partner must have given their employer the 'Curtailment Notice' as detailed above.

Step 2

Notice of Entitlement and Intention to take Shared Parental Leave

You must submit an **initial** 'Notice of Entitlement & Intention to take SPL' form to your Manager as soon as possible and no later than 8 weeks before the date you wish to start your SPL.

All information must be supplied on the form, including the signed declaration from you and your partner.

Your manager will meet with you to discuss your request to enable them to plan for your intended period of leave.

Your manager will forward the form to Greater Manchester Shared Services (GMSS) for noting on your personal file.

Step 3

Period of Leave Notice

Once you've decided and it's been agreed, you must also provide us with a written "Period of Leave Notice" confirming the start and end dates of the periods of SPL. This must be given no less than 8 weeks prior to the start date and can be submitted at the same time as the initial "Notice of Entitlement & Intention to take SPL" form.

Your Manager will forward the form to Greater Manchester Shared Services, who'll write to confirm your entitlements and also your return to work date.

6.3 Change or cancel a period of Shared Parental Leave

If you wish to cancel or change your dates after you have submitted a Notice of Entitlement and Intention to take Shared Parental Leave form , you must complete and submit a 'Shared Parental Leave Variation" form to your Manager for consideration.

You must still provide us with a "Period of Leave Notice" form as detailed in Step 3 above.

6.4 False claims/declaration

SPL and ShPP requests are based on trust. However, within 14 days of receipt of the "Notice of Entitlement & Intention to take SPL" form we have the right to request a copy of the child's birth certificate (if one is available). We also have the right to request the contact details of your partner's employer. If a request is made, you should provide the information within 14 days.

False declarations may be subject to our internal disciplinary procedures.

6.5 Requesting blocks of leave

Requests for a **single** block of leave must be agreed by your manager. If however, your request is for a discontinuous period of leave your manager may:

- Agree to your request;
- Decline your request due to organisational need; or
- Propose alternative dates for you take your shared parental leave.

Up to 3 separate requests for periods of SPL and 3 withdrawal notices may be submitted. Any periods of leave that have been declined don't count towards these totals.

6.6 What to do if you change your mind about how to divide your shared parental leave

If you want to cancel or change your SPL you must give 8 weeks' notice you must complete a "Shared Parental Leave Variation" form must be submitted to your Manager and this will count as a further notification.

Once agreed, your Manager will send the form to Greater Manchester Shared Services (GMSS) who'll write to you to confirm your new SPL and entitlement, including the date you are expected to return to work.

If you had intended on taking SPL within the first 8 weeks of your expected date, and the baby arrives early, you don't have to give 8 weeks' notice and you'll be able to commence SPL from the date of birth.

6.7 If you change your mind about opting into SPL

If you or your partner has submitted a 'Curtailment Notice' to end maternity/adoption leave and either of you have submitted an initial 'Notice of Entitlement & Intention to take SPL" form then the notice to end the maternity/adoption leave is binding and can't be withdrawn unless:

- Within 8 weeks of submitting notice to end the maternity/adoption leave it transpires that neither parent qualifies for SPL or ShPP; or
- When notice was given before birth, it may be withdrawn without a reason up to six weeks following the birth; or
- The mother's partner dies.

6.8 Shared Parental Leave Contact Agreement

Before you start Shared Parental Leave (SPL) your line manager will meet with you to discuss the contact you'd like to have during your SPL, to agree who will be making that contact and the methods to be used. The method and frequency of contact should be confirmed at least 4 weeks before you are due to go on maternity leave by completing the Contact Agreement.

If your line manager changes during your SPL, your new line manager will receive a copy of your Shared Parental Leave Agreement Form.

6.9 SPLIT days

If you arrange a SPLIT day with your manager, your manager will complete a SPLIT day form and submit it to Greater Manchester Shared Services (GMSS) so that you can be paid for the hours that you've worked.

Your manager will keep a record of the number of SPLIT days you have taken and inform GMSS, making sure you don't exceed 20 SPLIT days.

You should also keep your own record of the number of SPLIT days you have worked to make sure you don't work more than 20 SPLIT days.

6.10 Returning to work after SPL

We'll assume that you'll return to work at the end of your SPL. If you wish to return sooner, you must write to your manager and GMSS.

Police Staff

You must provide at least 8 weeks' notice. If you don't then your pay may be affected.

Police Officers

You should give as much notice as possible but a minimum of 21 days.

You can give your manager more advance notice of your return to work if you want to know your shift pattern earlier, for example, to arrange childcare.

Your line manager will arrange a face to face meeting to discuss your return to work and complete the New Parent Return to Work Plan. The aim of the plan is to support you in your return to work and make this transition as smooth as possible.

Your manager will let the Resource Management Group know and they'll let you know what post you'll be returning to and your new shift pattern.

6.11 Phased return to work

If you wish you can return to work on a phased basis over four weeks. The phased return can be adapted to your specific needs. The phased return should start with a minimum of 50% of working hours in week 1, progressing back to working full hours by week 4. The suggested pattern is 50% of working hours in week 1, 75% in week 2, 87.5% in week 3 and 100% in week 4. This pattern can be altered or extended to suit your individual needs.

If a phased return is required for a longer period than the recommended four weeks, you will be referred to Occupational Health for advice on the extension.

6.12 Using your accrued annual leave and bank holidays

Using your accrued annual leave and bank holidays may enable you to extend further your return to work on a phased basis. If you wish to use your leave in this way we will try to support your request wherever possible. Please discuss requests with your line manager.

7. Associated Documents

GMP Policies

Maternity Policy

Paternity Policy

Pregnancy Loss Policy

Neonatal Care Policy

Flexible Working Policy

Taking Time Off Policy

Adoption Policy

GMP Guidance

Shared Parental Leave Toolkit

Neonatal Care Management Toolkit

Pregnancy and New Parent Mental Health Guidance

GMP Forms:

Curtailment Notice

Notice of Entitlement and Intention to take Shared Parental Leave

Period of Leave Notice

Shared Parental Leave Variation

Contact Agreement

New Parent Return to Work Plan

8. Statutory Compliance & Consultation

8.1.1 Equality Act (2010)

Due regard has been had to the General Equality Duty. The Shared Parental Leave Policy promotes equality of opportunity in accessing Shared Parental Leave.

For more detailed considerations, please see the Equality Impact Assessment.

8.1.2 The General Data Protection Regulation (GDPR) and Data Protection Act (2018)

The policy and procedures are compliant with the Act and Regulation.

8.1.3 Freedom of Information Act (2000)

This policy could be published immediately, should a request be received under the Freedom of Information Act.

8.2 Consultation

Department	Comments
GMB	GMB trade union representatives have been consulted and their views have been taken into account.
UNISON	UNISON trade union representatives have been consulted and their views have been taken into account.
Police Federation	The Federation have been consulted and their views have been taken into account.
Superintendents Association	The Superintendents Association have been consulted and their views have been taken into account.
Staff Support Networks	The amendments have been shared with the Staff Support Networks and their views have been taken into account.