

Policy



Shared Parental Leave Policy			
J-P-052			
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Associated Procedures	J-Pr-052 Shared Parental Leave – Additional Information J-Pr-054 Shared Parental Leave Step By Step <i>Further policies and procedures listed in 'Associated Documents' section.</i>		
Policy Summary			
<p>This policy sets out the arrangements for Shared Parental Leave (SPL) and Shared Parental Leave Pay (ShPP), which enables eligible parents to choose how to share the care of their child during the first year with the purpose of giving parents more flexibility in considering how to best care for, and bond with, their child(ren). All eligible individuals have a statutory right to take SPL.</p>			
<p>We welcome any comments or suggestions you wish to share about the content or implementation of this policy. If you would like to make contact to discuss further, please email: Policies@dorset.pnn.police.uk</p>			

Applicable to:

Devon & Cornwall Police	<input checked="" type="checkbox"/>	Dorset Police	<input checked="" type="checkbox"/>
OPCC Devon & Cornwall	<input type="checkbox"/>	OPCC Dorset	<input checked="" type="checkbox"/>
Officers	<input checked="" type="checkbox"/>	Staff	<input checked="" type="checkbox"/>

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1.0 Introduction

- 1.1. This policy statement sets out the arrangements for Shared Parental Leave (SPL) and Shared Parental Leave Pay (ShPP), supporting family leave and encouraging retention of police officers and police staff.
- 1.2. SPL enables eligible parents to choose how to share the care of their child(ren) during the first year with the purpose of giving parents more flexibility in considering how to best care for, and bond with their child(ren). All eligible individuals have a statutory right to take SPL.
- 1.3. SPL gives the individual the choice of converting their part of maternity /adoption leave (but not the compulsory maternity/adoption leave element) to SPL. Eligible individuals can commence SPL where they or their partner end their maternity / adoption leave early or will have given written binding notice to end maternity / adoption leave early. Any remaining weeks of maternity / adoption leave can be used as SPL and will be remunerated with statutory Shared Parental Pay (ShPP).
- 1.4. The provisions relating to paid leave for police staff are described in the Police Staff Council Handbook. The Devon and Cornwall Police Staff Handbook is a local agreement for Devon and Cornwall. The contents of both are broadly the same, but there are differences. Police Regulations apply for police officers.
- 1.5. The provisions are complex in this area and as it applies to both parents' consideration must be given by the employee/officer how they will share this leave with a partner who may be employed elsewhere. Specific procedures should be clarified with HR Operations and/or Payroll.
- 1.6. This policy statement describes how the provisions will be applied in Devon & Cornwall Police and Dorset Police and provides additional clarity for individuals and managers.

2.0 Eligibility

- 2.1 The following definitions apply to this policy:
Mother / birth parent / primary adopter - the person who gives birth to a baby or the primary adopter / intended parent (surrogacy) (the primary adopter / intended parent means the person who is eligible for adoption leave and any associated pay).
The **Partner** may be the mother / birth parent / primary adopters' husband, wife, or civil partner or partner with whom they are living in an enduring relationship or the child's other parent.
- 2.2 Eligible parents who are sharing responsibility for a child can take Shared Parental Leave (SPL) in the first year after the birth of their child, when adopting a child or obtaining a parental order if they had the child through surrogacy.
- 2.3 To be eligible for SPL the individual and their partner must share the main responsibility for the care of the child at the time of the birth/placement for adoption and be eligible for maternity pay or leave, adoption pay or leave or Maternity Allowance. If only one parent is eligible, they cannot share the leave. The partner can be the father of the child(ren) (in the case of birth) the spouse, civil partner or partner of the child(ren), mother/birth parent/primary adopter.
- 2.4 Where the individual is the birth parent and wishes to take SPL and ShPP, they must have been employed continuously by the same force/employer for at least 26 weeks by the end of the 15th week before the due date, remain

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- working with the same employer while they take SPL and meet the current average weekly earnings threshold for statutory payments.
- 2.5 Where the individual is the birth parent's partner or secondary adopter and wishes to take SPL and ShPP, they must have been working for at least 26 weeks during the 66 weeks before the week the baby is due and have met the current average weekly earnings threshold for statutory payments.
- 2.6 Where the individual is the primary adopter and wishes to take SPL and ShPP, they must have been employed continuously by the same employer for at least 26 weeks by the end of the week they were matched with the child, remain with the same employer while they take SPL and meet the current average weekly earnings threshold for statutory payments.
- 2.7 Where the individual is the secondary adopter and wishes to take SPL and ShPP, they must have been working for at least 26 weeks during the 66 weeks before the week the child was placed to meet the earnings and employment test.
- 2.8 Where both parents are employees or in the service of the Force and both meet the qualifying requirements, there will be a joint entitlement and the parents will have to determine how to divide the leave once the mother or primary adopter has decided to curtail their maternity/adoption leave.

3.0 Notification

- 3.1 Where an individual seeks to take SPL, they must satisfy the following criteria:
- give their line manager written notice to end ('curtail') their maternity or adoption leave early and provide evidence of their entitlement, or
 - end their maternity or adoption leave by returning to work
 - end maternity/adoption pay or Maternity Allowance.
- 3.2 The individual must provide written notice if they want to start SPL or ShPP. On receiving this notice, Payroll may ask for the following to be provided within 14 days:
- In the case of biological parents, a copy of the child's birth certificate
 - in the case of an adopted child, the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
 - the name and address of their partner's employer or where self-employed or unemployed, their contact details.
- 3.3 Where the individual is eligible and they or their partner notified the Force to end or have given notice to end their maternity or adoption leave and pay (or Maternity Allowance) early, then they can:
- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as SPL
 - take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as ShPP.

4.0 Shared Parental Leave

- 4.1. Parents can share up to 50 weeks of leave, enabling it to be taken flexibly, with each parent able to take up to three blocks of leave or for a number of weeks over a period of time.
- 4.2. The individual can submit three notifications specifying the leave periods they are intending to take. Each notification must contain either a single period of

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weeks of continuous leave (where a number of weeks' leave is taken in a single unbroken period e.g. six weeks in a row), or two or more weeks of discontinuous leave (where a set number of weeks' leave are requested over a period of time, with breaks between each period where the individual returns to the workplace e.g. where six weeks of SPL are taken, with the individual working every other week for a period of three months).

- 4.3. SPL can only be taken in complete weeks but may begin on any day of the week.
- 4.4. The individual must book SPL through their line manager, providing the correct notification at least eight weeks before the date on which they wish to start the leave and receive ShPP, where eligible.
- 4.5. Employment rights are protected while on SPL.

5.0 Continuous Leave

- 5.1 Where the individual has given at least eight weeks' notice, they have the right to take a continuous block of leave, notified via a single notification, as long as the period of leave does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement). Up to three separate notifications for continuous periods of leave, may be requested which cannot be declined.

6.0 Discontinuous Leave

- 6.1 Where the individual requests separate periods of leave known as discontinuous leave in a single notice, this will be considered on a case by case basis by the line manager, who has the right to refuse the request, on the basis of:
 - the burden of additional costs,
 - an inability to reorganise work amongst existing staff,
 - an inability to recruit additional staff,
 - a detrimental impact on quality,
 - a detrimental impact on performance,
 - detrimental effect on ability to meet customer demand,
 - insufficient work for the periods the employee proposes to work,
 - a planned structural change to your business.
- 6.2 Where concerns are raised over accommodating the discontinuous leave, the line manager or the individual may request a meeting within 14 calendar days of the individual's request, to discuss the notification with a view to agreeing an arrangement that meets both the needs of the individual and the line manager.
- 6.3 Where a discontinuous leave request is refused, the individual may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.
- 6.4 If discontinuous leave is refused, an alternative option may be to apply for continuous periods of leave where three separate notices can be requested and must be agreed.

7.0 Variations to Shared Parental Leave

- 7.1. The individual has up to three opportunities to change the dates of booked SPL (notice to vary leave) or book a block of SPL (notice to take leave). To

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- change or cancel the dates of any booked SPL, the individual must provide eight weeks' notice to their line manager using the 'notice to vary leave' form. Each time the individual cancels or changes booked SPL, this counts as a notice to vary leave, unless the line manager agrees otherwise.
- 7.2. The line manager can ask the individual to change dates of booked SPL. Where the individual agrees, this will not count as a notice to vary leave. The individual does not have to agree and must not be treated unfairly if they do not change their dates.
- 7.3. Where the individual requests to change the amount of leave to be taken, they must provide eight weeks' notice to the line manager.
- 7.4. Where the baby is born more than eight weeks' early, the individual does not need to provide eight weeks' notice to book or change leave dates but should provide the line manager with the necessary notice as soon as is reasonably practicable. If the changed leave date is already booked, it will not count as one of the individual's three notices to vary their SPL.
- 7.5. In the unfortunate event of the child's death, the individual can still take the SPL they have booked and can also decide to take less SPL or change discontinuous leave into one block of continuous leave. The individual will need to provide eight weeks' notice of their intention to return to work unless a shorter time is agreed with the line manager.
- 7.6. An individual cannot apply for SPL or book any new blocks of SPL after the death of a child. The mother/primary adopter will still be entitled to maternity or adoption leave and their partner could still be eligible for statutory paternity leave.
- 7.7. Where the individual's partner dies, the individual can still take SPL as planned, transferring, and using any SPL that was due to be taken by the partner. If the individual wishes to book another block of SPL or to change dates of booked SPL, they do not need to provide eight weeks' notice but should inform their line manager as soon as is reasonably practicable.
- 7.8. The mother/primary adopter may be able to change their decision to end maternity or adoption leave early where the planned end date has not passed and they have not already returned to work, where one of the following apply:
- it's discovered during the eight-week notice period that neither partner is eligible for either SPL or ShPP, or
 - the individual's partner has died, or
 - it's less than six weeks after the birth (and the mother gave notice before the birth).

8.0 Shared Parental Leave in Touch (SPLIT) Days

- 8.1 There is the option for each individual to take up to 20 paid voluntary 'Shared Parental Leave in Touch' (SPLIT) days intended to facilitate a smooth return to work for those returning from SPL. SPLIT days may be taken as part days/hours, but each day will be counted as a full day. SPLIT days will not bring the shared parental leave to an end and should be arranged and agreed in advance with the line manager. SPLIT days are in addition to the ten 'Keeping in Touch' (KIT) days already available to those on maternity or adoption leave.

9.0 Return to Work

- 9.1. Reasonable contact should be maintained during the leave as agreed between the line manager and individual to notify them of any changes or events taking place and discuss any return to work plan. Upon the return to work the line manager should hold a return to work discussion to check on wellbeing, discuss any work changes occurring during the leave and identify any training requirements for example.
- 9.2. If the individual wishes to apply to return to work on a part time basis or on a flexible working pattern they should complete a flexible working application providing at least 28 days' notice prior to return.
- 9.3. The individual may request temporary family friendly hours, for a period of up to three months when returning to work, to be discussed and agreed with the line manager prior to their return. This is an informal local arrangement to accommodate family needs with a return to the workplace. This is different to flexible or part-time working which is agreed on a more permanent basis. Family friendly hours can be used as an opportunity to trial a working pattern prior to submitting a formal flexible working request and commences from the date of the physical return to the workplace.
- 9.4. In discussion between the line manager and the individual consideration may be given to not immediately being placed on the shift/duty pattern for up to one week upon return, if required, allowing for a period to settle back into the workplace, understand workplace changes, update on any policy and procedural changes, and so on. This is not mandatory and is intended as a supportive measure following a long period of SPL, although some employees may prefer to be placed immediately on shift upon return.
- 9.5. On return from SPL an employee has the right to return to the same job under the same terms and conditions unless it is not practicable by reason of redundancy. In such cases, the employee shall be entitled to be offered a suitable alternative vacancy where one exists. Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation) take place. For officers, a move will apply only in the interests of an officer's career development or other exceptional circumstances.

10.0 Shared Parental Pay

- 10.1 For eligible individuals, ShPP is paid at the current statutory rate for maternity/adoption pay a week or 90% of an individual's average weekly earnings, whichever is lower.
- 10.2 ShPP is payable for up to a maximum of 37 weeks. To qualify for this, the necessary criteria must be met (see Section 2 - Eligibility)
- 10.3 The correct notice and information should be provided to receive ShPP.
- 10.4 Any SPLIT days taken will be paid at the individual's current rate of pay.

11.0 Pensions

- 11.1 For officers, the first 52 weeks SPL is reckonable for the purposes of pay increments, leave and for inclusion in any period of probationary service. For pension purposes, any period of SPL when police officers are in receipt of ShPP shall be reckonable.
- 11.2 Where an officer upon returning to work opts to buy back any relevant service from a period of unpaid SPL, the period of service bought back is reckonable

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from a service perspective. Any unpaid leave within the first 26 weeks of SPL is automatically pensionable and does not need to be bought back.

- 11.3 Where an officer opts to take one or more periods of SPL (for the same pregnancy/adoption), any return to duty (excluding SPLIT days) will not count towards the 52 weeks reckonable for pay and leave purposes.
- 11.4 During any unpaid SPL, an officer can elect to make up the pension contributions that would have been paid during this period. Where an officer elects to make such contributions, Payroll will write to the officer confirming arrangements for the repayment of the contributions in question. An opportunity for an officer to elect to pay pensions contributions will be given prior to the officer commencing SPL.
- 11.5 For employees, the first 39 weeks of SPL will be regarded as continuous employment for pension purposes. Members of the Local Government Pension Scheme (LGPS) will continue to have their pensions contributions deducted during the period they receive ShPP (up to 39 weeks). During any period of unpaid SPL, an employee can elect to make the pension contributions that would have been paid during this time and are given the opportunity prior to commencing SPL to elect to pay pensions contributions. Payroll will write to the employee to confirm whether they wish to make these contributions.

12.0 Annual and Bank Holiday Leave

- 12.1 Annual leave entitlements continue to accrue whilst on SPL, including provision for public/bank holidays as they arise. Accrual of annual leave entitlements during the period of SPL is based on the individual's hours immediately prior to the commencement of SPL.
- 12.2 Individuals are entitled to take annual leave during a break in SPL. Where SPL bridges two annual leave years, any remaining leave entitlement (including bank holiday) not able to be taken during a break in SPL, will be carried forward and must be taken at the end of SPL (prior to the return to work).

13.0 Attendance at court

- 13.1 If whilst on SPL, an individual is required to attend court, they must do so. Attendance at court as a police witness is classed as duty. The individual should contact Payroll to advise them of the requirement to attend court and to clarify pay arrangements.

14.0 Fixed Term Contracts

- 14.1 The Force does not have to renew a fixed term contract if it was due to end during a period of SPL but will not use the fact that an individual has taken or intends to take SPL for not continuing a contract.
- 14.2 When a contract ends the individual's entitlement to SPL ends even if the individual starts to work for another employer, because they will no longer meet the eligibility test. The other parent will keep their entitlement. The individual could still be entitled to ShPP.

15.0 Regulatory Background

The principal documents regulating this aspect are:

- a. Devon and Cornwall Police Staff Handbook
- b. Police Staff Council Handbook
- c. Shared Parental Leave Regulations 2014
- d. Children and Families Act 2014
- e. Equality Act 2010
- f. Employment Rights Act 1996

14. Document History	
Present portfolio holder	Head of HR Operations
Present document owner	S&P Lead Employee Relations
Present owning department	People Portfolio
Below details required for version 1.0 and major amendments only	
Name of board	Strategic People Board
Date approved	21/10/2021
Chief Officer approving	J Mosley & A Poole

15. Version History			
Version	Date	Reason for Amendments	Amended by
1.0	26.10.2021	Initial document created.	S&P Lead Employee Relations (53666)/Legitimacy Team
1.1	19/10/2021	'OPCC Devon and Cornwall' unticked from the 'Applicable to' table. No change to review date.	Legitimacy Team (7101)

16. Associated Documents
<ul style="list-style-type: none"> • Mission & Values (D&C pages) • Values (Dorset pages) • Human Rights Legislation • Records Management (D&C page) • Records Management (Dorset) • Freedom of Information Act • Government Security Classification • GDPR/DPA 2018 • National Decision Model • Code of Ethics (D&C page) • Code of Ethics (Dorset Page) • Standards of Professional Behaviour • J-P-050 Maternity Leave – Police Staff Policy • J-P-076 Paternity Leave (Maternity-Adoption Support) Policy