

Shared Parental Leave Policy

(TCE050 FEB18)

Shared Parental Leave (SPL)

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Shared Parental Leave (SPL)

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1. Introduction

This policy sets out the SPL rights and obligations for eligible employees wishing to take SPL following the birth of a child. It also sets out The Crown Estate's current policy on providing enhanced occupational shared parental pay to eligible employees who take SPL.

2. Eligibility

Who is entitled to SPL?

You are entitled to SPL in relation to the birth of a child if, at the date of the child's birth:

- you are the child's mother and share the main responsibility for the care of the child with the child's father (or your Partner¹, if the father is not your Partner);
- you are the child's father and share the main responsibility for the care of the child with the child's mother; or
- you are the mother's Partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

What service do I need to qualify for SPL?

You need to have at least 26 weeks' continuous service with The Crown Estate by the end of the 15th week before the child's expected week of childbirth (Qualifying Week), and still be employed by The Crown Estate in the week before the leave is to be taken.

Are there any other eligibility requirements?

Yes, the other Parent² must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Expected Week of Childbirth (EWC) and had average weekly earnings of at least £30 during 13 of those weeks (this figure is correct as of 2015 but may change annually).

In addition, you and the other Parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay or maternity allowance periods.

Please note that there are also specific eligibility requirements that apply to enhanced occupational shared parental pay which are explained in section 7.

3. Period of Leave

I meet the eligibility requirements, how much leave am I entitled to?

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of statutory maternity pay or maternity allowance if she is not entitled to maternity leave).

If you are considering taking SPL you are encouraged to contact your manager or HRA or HRBP to arrange an informal discussion about your plans as early as possible.

¹ Partner means a person (whether of a different sex or same sex) who lives with the mother and the child for whom the SPL entitlement arises in an enduring family relationship, but is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew

² Parent means one of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, or father or the mother's spouse, civil partner or Partner if not the father).

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Can I take leave in discontinuous periods?

Yes, you can take it in a single period of continuous leave, or two or more periods of discontinuous leave, where you intend to return to work between the periods of leave.

Can I take it in days or must it be taken in blocks of complete weeks?

SPL may only be taken in blocks of complete weeks but may begin on any day of the week.

Is there any restriction on when I can take SPL?

If you are the child's mother, you cannot start SPL until after the compulsory maternity leave period which lasts for two weeks after your child is born.

SPL must end no later than one year after the birth of your child. Any SPL not taken by your child's first birthday is lost.

Am I still entitled to Paternity Leave?

Yes, SPL is additional to the statutory right to two weeks' paternity leave. If you are the child's father or mother's Partner you may take SPL following the birth of your child but you should consider using your two weeks' paternity leave before taking SPL. Once you exercise your right to SPL you will no longer be entitled to take paternity leave.

4. Opting in to SPL and pay

When do I need to notify you of my intention to take SPL?

In order to qualify for the right to SPL, no later than eight weeks before the date you intend your SPL to start, you must complete an opt in notice (Notice of Entitlement and Intention Form (mother) or Notice of Entitlement and Intention Form (partner)).

As long as you complete this form fully you will be complying with the requirements of notification. Please note there is a requirement to provide certain evidence, if requested.

5. Ending maternity leave

I am the child's mother, how do I end my maternity leave to enable me to opt in to SPL?

You must give The Crown Estate at least eight weeks' written notice to end your maternity leave by completing a curtailment notice (Maternity Leave Curtailment Notice Form) before you can take SPL.

You must also give The Crown Estate, at the same time as the curtailment notice, a notice to opt into the SPL scheme (Notice of Entitlement and Intention (mother) Form) or a written declaration that the child's father or your Partner has given his or her employer an opt-in notice and that you have given the necessary declarations in that notice (Mother's Declaration of Consent and Entitlement for Partner to take Leave Form).

The other Parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have provided a valid curtailment notice.

A curtailment notice is usually binding and cannot be revoked, save in limited circumstances. Please refer to the details provided on the Maternity Leave Curtailment Form.

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Provided you complete this form fully you will be compliant with the notification requirements to end your maternity leave. Please note there is a requirement to provide certain evidence, if requested.

6. Notifying The Crown Estate of your SPL dates

How do I give notice of the start and end dates of my leave?

Once you have opted into SPL in accordance with the requirements set out in paragraph 4, you will also need to give a period of leave notice informing The Crown Estate of the start and end dates of your leave. This can be given at the same time as your opt-in notice and/or in the same notice form (Notice of Entitlement and Intention Forms (mother or partner)), or it can be given later (Period of Leave Notice), as long as it is given at least eight weeks before the start of your SPL. You must also state in this period of leave notice the dates on which you intend to claim ShPP (refer to point 7), if applicable.

Will I automatically be entitled to the dates requested?

If your period of leave notice gives dates for a single continuous block of SPL, you will be entitled to take the leave set out in the notice, provided that you meet the relevant qualifying criteria; you have given The Crown Estate at least eight weeks' notice; and your continuous block of SPL does not exceed the total number of weeks of SPL available to you.

You can submit up to three periods of leave notices.

What if I wish to request discontinuous periods of leave?

In general, a period of leave notice should set out a single continuous block of leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter discontinuous periods (of at least a week) with periods of work in between. It is best to discuss this with your manager, HRA or HRBP in advance of submitting any formal period of leave notice. This will give the business more time to consider the request and hopefully agree a pattern of leave with you from the start.

You must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If your manager is unable to agree to your request for discontinuous periods of SPL straight away, there will be a two-week discussion period. At the end of that period, your manager will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave starting on the date given for the first period of leave).

Alternatively, you may choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and inform your manager of this within five days of the end of the two-week discussion period. Please note that if you do not provide this information within this time you may be required to start a period of continuous SPL on the start date of the first period of discontinuous SPL given in your notice; or withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted as one of your three permitted notices and you may submit a new one if you choose).

What if I wish to change the dates or cancel my SPL?

You can cancel a period of SPL by notifying your manager in writing at least eight weeks before the start date you have included in your period of leave notice.

You can change the dates for a period of leave by giving your manager at least eight weeks' notice before the original start date you have included in your period of leave notice and the new start date.

You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your leave a certain length of time

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(but not more than eight weeks) after birth. In such cases please notify your manager in writing of the change as soon as you can.

A notice to cancel or change a period of leave will count as one of your maximum three period of leave notices, unless: you withdraw your period of leave notice within two days of the end of the two-week discussion period; the variation is a result of your child being born earlier or later than the EWC; the variation is at The Crown Estate's request; or your manager agrees otherwise.

7. Shared Parental Pay

There are two types of shared parental pay:

- **Statutory Shared Parental Pay (ShPP):** subject to the eligibility criteria below, this is the money that we pay to you on behalf of the Department of Work and Pensions for up to 39 weeks (less any weeks of statutory maternity pay or maternity allowance claimed by you or the other Parent).
- **Occupational Shared Parental Pay (OSPP):** subject to the eligibility criteria below, OSPP is paid for a total of up to 14 weeks at full pay and 25 weeks ShPP. Please note that OSPP is not payable in addition to Occupational Maternity Pay or Occupational Paternity Pay. The period of OSPP must be taken within 26 weeks of birth.

How do I qualify for ShPP?

You need to have at least 26 weeks' continuous service with The Crown Estate up to the Qualifying Week to receive ShPP. In addition, your average weekly earnings in the 8 weeks up to and including the Qualifying Week must be at least equivalent of the lower earnings limit for Class1 National Insurance contributions.

In addition, the mother must be entitled to SMP or maternity allowance and must have reduced the maternity pay period or maternity allowance period; you must intend to care for the child during each week in which ShPP is payable; you must remain in continuous employment until the first week of ShPP has begun; and you must comply with the notifications set out above.

ShPP is paid for a total of up to 39 weeks.

ShPP is treated as earnings and is therefore subject to PAYE and National Insurance deductions.

How do I qualify for OSPP?

You need to have been continuously employed by The Crown Estate for at least one year ending with the Qualifying Week to be eligible to receive OSPP under The Crown Estate's OSPP Scheme. In addition you must:

- continue to be employed by The Crown Estate during the entire period that you have notified your manager that you wish to take SPL;
- confirm in writing, before commencing SPL, that you intend to return to work for at least three months after the end of your SPL;
- provide, within 14 days of the request, any documents or other evidence requested, regarding the EWC of your child (and the child's birth certificate must be sent to us as soon as reasonably practicable after the child's birth) and the start and end dates of the mother's maternity leave, statutory maternity pay and/or maternity allowance period.

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OSPP is paid as follows:

- the first 14 weeks of ShPP are topped up to full pay by OSPP;
- the following 25 weeks are paid at the ShPP rate set by Department of Work and Pensions.

OSPP is only paid if you are on SPL for the relevant period and will only be paid during a single period of continuous leave (unless in exceptional circumstances The Crown Estate agrees otherwise in writing). OSPP is paid at the full rate of your normal basic salary (based on your average earnings in the eight weeks prior to the Qualifying Week) and includes the flexible benefits allowance (if applicable).

OSPP includes any ShPP that may be due for that period and is subject to deductions for tax, National Insurance Contributions and pension contributions (where relevant) in the normal way.

OSPP is a payment made by The Crown Estate as follows:

Length of continuous employment	ShPP / OSPP
Less than 26 weeks' service at Qualifying Week	No ShPP or OSPP but may be entitled to statutory shared parental allowance.
26 weeks' service up to and including the Qualifying Week	39 weeks ShPP.
One years' service up to and including the Qualifying Week	Up to 14 weeks OSPP and up to 25 weeks ShPP. The 14 weeks OSPP must be taken within 6 months of birth and in one continuous period (unless agreed otherwise).

Any occupational maternity, paternity or adoption pay that you have received in relation to the child for which you wish to receive OSPP will count towards your OSPP entitlement. No combination of occupational maternity, paternity, adoption or OSPP will:

- in the case of a mother, exceed a total of 26 weeks at full pay and 13 weeks at the statutory rate of pay; and
- in the case of a Partner, exceed a total of 14 weeks at full pay and 25 weeks at the statutory rate of pay.

Payment of OSPP is on the assumption that you will return to work, in a full or part time capacity, for at least three months after the end of your SPL. If you later decide not to return to work for this minimum period, you must repay to The Crown Estate any OSPP (but not ShPP) plus the flexible benefits allowance (if applicable).

The Crown Estate reserves the right to withhold OSPP if you do not comply with the notification and other requirements of this policy.

8. Childcare voucher scheme (Note: only available to employees already in receipt)

This is available only to existing employees already in the scheme, whilst receiving OSPP, your childcare vouchers will continue to be deducted as salary sacrifice. When you have exhausted your OSPP entitlement they will continue to be provided but the costs will be met by The Crown Estate.

9. Tax Free Allowance

The Government has introduced a few new ways to support working parents with childcare costs. For further information and eligibility please visit the HMRC website [here](#)

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10. Contact during your SPL

Your manager will discuss with you the arrangement for keeping in touch during your SPL as it is important that you are kept informed of any developments at work. For example, to discuss your plans for returning to work, advising of job vacancies or simply to keep you up to date on developments during your absence.

11. SPL in touch days (SPLIT)

What are SPLIT days?

SPLIT days allow you to work or train during SPL without bringing your SPL to an end.

They may be used for any activity which would ordinarily be classed as work under your contract of employment, including training, attending a conference, a team meeting or any activity undertaken for the purposes of keeping in touch with the workplace. They can be undertaken at any stage during SPL.

How many SPLIT days can I work?

By agreement with your manager, you may undertake up to 20 days' paid work during your SPL without bringing your SPL leave to an end.

What payment will I receive when I work a SPLIT day?

If you work a SPLIT day during a period of full pay, no additional payment will be made but if you work during a period of ShPP only, your pay will be 'topped up' so that you receive full pay for the hours worked. If you work for less than a full day, this will count as one SPLIT day for the purposes of the 20 maximum days, although payment will only be made for actual hours worked.

Are the 20 SPLIT days in addition to KIT days?

Yes, these are in addition to any KIT days that you may have taken during maternity leave.

Do I have to work SPLIT days?

No, SPLIT days are optional and can only take place by agreement between both you and your manager. You cannot be penalised for refusing to take up a SPLIT day. Similarly, you do not have a right to work a SPLIT day if your manager does not agree to it. It should be noted that any work undertaken as a SPLIT day would not extend the statutory SPL period in any way.

12. Contractual rights during and on return from SPL

In general what contractual rights do I maintain during leave?

During your SPL The Crown Estate will maintain all contractual rights except for pay. You will receive ShPP or OSPP instead, provided you meet the qualifying requirements. Please note that any financial benefits linked to salary such as flexible benefits allowance, will be calculated on actual monies received.

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What about annual leave?

You will continue to accrue annual leave for the entire period of SPL in accordance with your leave entitlement as set out in your contract of employment. We therefore recommend that all or as much of any outstanding annual leave you have is taken before starting SPL.

You may choose to take annual leave accrued during your SPL at the end of your paid leave period; you will then be put back on the payroll but your actual physical return will not be until the end of your SPL period. You should discuss this with your manager and book leave through MyView in the usual way. You cannot automatically use accrued leave to extend your SPL without approval from your manager.

If you wish to return from SPL on reduced hours you will need to discuss with your manager how your accrued leave can be most conveniently taken. For example, it may be appropriate to take that leave before the reduced hours come into effect at the end of your SPL.

Will I maintain continuous service?

Where you exercise your right to return to work, all periods of time that you take off work as SPL are subsequently counted as continuous service for the purposes of calculating any service-related statutory rights. Thus once you return to work, your length of service is calculated as if you had never been absent.

What about my pension?

When you are in receipt of ShPP, The Crown Estate will continue to make contributions on your behalf into the relevant pension fund (if you are a member). Your contributions will be deducted from your ShPP and will be based on the amount of ShPP that you receive.

During any period of Shared Parental leave when you are not receiving any salary or ShPP, no pension contributions will be made by The Crown Estate. This service will not be pensionable.

If you return to work and wish to make up their contributions, you may be able to and we would recommend that you contact the Pension Advisor to discuss further.

Will I be able to return to the same job?

If you return to work after you have taken a total period of up to 26 weeks in aggregate of SPL, maternity leave, paternity leave and adoption leave, you are entitled to return to the same job, on the same terms and conditions of employment as if you had not been absent.

If you return to work after you have taken a total period of more than 26 weeks in aggregate of SPL, maternity leave, paternity leave and adoption leave, or a period of SPL in combination with more than four weeks of ordinary parental leave (under our Parental Leave Policy), you are entitled to return to the same job, on the same terms and conditions as if you had not been absent, unless it is not reasonably practicable. If it is not reasonably practicable, we may offer you alternative work which is suitable and appropriate in the circumstances, on terms and conditions which are no less favourable.

13. Notification to return or not to return to work

I intend to return to work at the end of SPL on the date I have already notified; do I need to notify my manager?

If you intend to return to work at the end of your SPL period on the date you have already notified you

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are not required to give notice of your return. Although there is no legal requirement for you to give advance notice of your intention to return at the end of your SPL period, you are encouraged to keep your manager informed of your intentions so that appropriate cover and workloads can be planned.

Can I return earlier than my SPL end date?

If you decide to return prior to the end of your SPL period you should give your manager and HR Advisor (HRA) or HR Business Partner (HRBP) at least 8 weeks' notice, in writing, of your intended date of return. If you fail to give the required notice, The Crown Estate may postpone your return for up to 8 weeks or until your SPL entitlement has been exhausted.

What should I do if I do not wish to return to work?

If you do not wish to return to work at the end of your SPL, you should give The Crown Estate written notice as per your contract and before the end of your SPL. If a resignation date is not specified your resignation will be effective from the end of your paid SPL period. If you have received OSPP you should contact your HRA or HRBP to make arrangements to pay this back.

What happens if I am ill when I am due to return?

If at the end of your leave you are unable to return to work due to illness you should notify The Crown Estate in the usual way and in accordance with The Crown Estate's Managing sickness absence policy and you will then transfer from SPL to sick leave. Normal conditions governing sickness absence will then apply.

I would like to request to vary my hours or work pattern, what steps should I take?

If you are thinking of varying your present pattern or hours of work on return from SPL you should discuss it with your manager at the earliest opportunity and at least 8 weeks before your return date. If you have 26 weeks service at the date of application you are entitled to apply to work flexibly. Whilst there is no automatic right to return to work on flexible hours, The Crown Estate will consider all applications made under the Flexible Working policy.

14. Fixed term

I am on a fixed term contract, what am I entitled to?

If you are on a fixed term contract and your contract expires whilst you are on SPL, or prior to the completion of 3 months' work on return, you should contact your manager and HRA or HRBP in advance of the contract end date for guidance.

Where a fixed term contract ceases after the Qualifying Week or during paid SPL, OSPP will cease with effect from the contract end date. The Crown Estate will continue to pay you ShPP, if eligible, The Crown Estate will calculate the amount and will pay the lump sum during the month of leaving

15. General

This policy does not form part of your contract of employment and The Crown Estate reserves the right to amend this policy and to vary or withdraw the enhanced arrangements set out in this policy at any time. In addition, any statutory entitlements and obligations will be governed by the applicable statutory provisions in force from time to time and this policy is intended to serve only as a general guide to such rights and obligations.

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16. Other related policies

Related policies include:

- Maternity/Adoption Leave
- Flexible Working
- Parental Leave
- Paternity Leave
- Dependant Leave

17. Document Control

Document History:

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