

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Parental Leave (Shared) (Police Staff & Police Officers)
REFERENCE NUMBER	WMP040
Version	1.0

POLICY OWNERSHIP	
DIRECTORATE	BUSINESS SERVICES
BUSINESS AREA	PEOPLE & ORGANISATIONAL DEVELOPMENT

INITIAL IMPLEMENTATION DATE	March 2020
NEXT REVIEW DATE:	March 2023
RISK RATING	LOW
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail contactus@westmercia.pnn.police.uk

1.0 POLICY OUTLINE

This Policy sets out the West Mercia Police and the Offices' of the Police & Crime Commissioner (OPCC) arrangements for shared parental leave and pay in relation to the birth of a child; the adoption of a child; or for the intended parents of a child born through a surrogacy agreement.

2.0 PURPOSE OF POLICY

Shared Parental Leave (ShPL) is designed to enable working parents to share leave and to offer the choice to take time off in a more flexible way following the birth or adoption of their child.

Where the baby is due to be born or the child will be placed for adoption, on or after 5th April 2015, eligible parents will be able to volunteer to end their maternity/adoption leave and pay early, which they can share with the child's father or their partner, i.e. they will cease maternity/adoption leave and pay to create an entitlement of shared statutory parental leave and pay to be taken by the other partner.

The policy applies to police staff and police officers, but does not cover contractors, casual workers, police staff volunteers or workers employed by an agency.

2.1 Principles Of The Policy

2.1.1 If both parents meet the statutory eligibility requirements, they can share parental leave between them and may alternate periods of work and leave or be at home together.

2.1.2 ShPL may be taken in a single continuous block, or in smaller blocks of leave (a minimum of a week at a time), interspersed with time at work (in contrast to maternity leave which has to be taken in a single continuous block). ShPL allows parents to take up to 50 weeks leave on the birth of a child, or placement for adoption, and can be taken up to the day before the child's first birthday or the first anniversary of the child being placed for adoption.

2.1.3 The mother may not commence ShPL until after the compulsory maternity leave period i.e. until two weeks after birth.

The primary adopter may commence ShPL after taking at least two weeks of adoption leave.

The father/ partner may commence ShPL immediately following the birth or placement of the child, but may consider using their two week's maternity support leave before taking ShPL as once ShPL commences, any untaken maternity support leave entitlement is lost.

2.1.4 It is therefore possible to convert up to 50 weeks of the full (52 week) maternity or adoption leave entitlement to Shared Parental Leave (ShPL) and up to 37 weeks of the full (39 week) statutory maternity or adoption pay into Shared Parental Pay (ShPP).

2.1.5 ShPP is paid at the statutory rate.

2.2 Shared Parental LEAVE – Qualifying Conditions

2.2.1 **Continuity of employment test**

The individual must have been continuously employed for 26 weeks up to and including the 15th week before the week in which the baby is due to be born, or by the date the child is due to be matched for adoption, and still be continuously employed in the week before any shared parental leave is due to start.

2.2.2 The individual must share the main responsibility for the care of the child that the shared parental leave and pay relates to, with the other parent (i.e. the child's father or the person who is married to, or partner/ civil partner of the mother).

2.2.3 The other parent must meet a statutory "employment and earnings test" in order to qualify for shared parental leave.

2.2.4 The individual and the other parent must give the necessary statutory notice and declarations, including notice to end any maternity leave, statutory maternity pay (SMP), maternity support leave, statutory maternity support pay (known as Statutory Paternity Pay SPP), adoption leave or statutory adoption pay.

2.3 Shared Parental PAY – Qualifying Conditions

2.3.1 The individual must meet the statutory qualifying requirements for shared parental leave (above) and have a partner who meets the employment and earnings test ([ACAS](#))

2.4 Administrative Process

ShPL can start on any day of the week, but must be taken in complete week blocks.

2.4.1 Curtailment notice – to end maternity or adoption leave

The individual must give us at least eight week's written notice to end maternity or adoption leave (a curtailment notice) before commencing ShPL.

At the same time as the curtailment notice, they must provide a notice to opt into the ShPL scheme or a written declaration that the child's father or their partner has given his or her employer an opt-in notice and that he or she has given the necessary declarations in that notice.

2.4.2 Opt in notice – to notify intention to take ShPL

Not less than 8 weeks before the date before the individual intends the ShPL to start, they must provide a written opt-in notice.

2.4.3 Continuous block ShPL

A request for a continuous single block of ShPL must be accepted by the employer as this is a statutory right.

2.4.4 Discontinuous block ShPL

Where an individual requests a discontinuous block of ShPL, (i.e. two or more periods of ShPL with a return to work in between), the organisation has two weeks to consider the request, and either accept it, propose alternatives or refuse it (for operational/ organisational reasons). The individual may serve up to three separate ShPL request notices, including notices requesting to change ShPL after it has started.

If the organisation refuses the request for discontinuous leave, the individual may choose to take the total amount of leave as a continuous block (which must be approved) or withdraw their request.

2.4.5 Terms & Conditions

During ShPL, the individual will be entitled to the benefit of all their existing terms and conditions of employment other than terms relating to pay which will be paid at the statutory rate.

Information regarding pensions, including buy-back options for periods of unpaid leave can be found on the intranet 'You at Work/ Pay and Benefits/ Pensions', the LGPS website www.lgps2014.org (for police staff) or by contacting Kier Pension Services on (01642) 727333 (for police officers).

2.4.6 Keeping in Touch (SPLIT days)

The individual and their partner can work up to 20 days each during ShPL. These are called 'Shared Parental Leave in Touch' (SPLIT) days.

These days are in addition to the Keeping In Touch (KIT) 10 days already available to those on maternity or adoption leave.

KIT and SPLIT days are optional and should be agreed in advance between the individual and their line manager, and are designed to ensure effective contact with the workplace and to attend appropriate training without bringing maternity/ adoption/ shared parental leave to an end.

3.0 IMPLICATIONS of the POLICY

3.1 Risks

The effective operation of this policy will minimise the risk of successful action against West Mercia Police and OPCC under equality and employment legislation at Employment Tribunal.

3.2 Legal considerations

- Children & Families Act 2014
- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014.
- Equality Act 2010
- Employment Rights Act 1996
- Home Office Circular 011/2015: the effect of the Children & Families Act 2014 on Police Regulations 2003

3.3 Training

Management coaching may be required via staff in People Services. HR Operational teams and the HRSC transactional team have received an employment law update briefing.

4.0 CONSULTATION

The policy has been circulated to members of the Critical Friends group (OPCC, Federation, Unison, Legal Services, Risk Management, Health & Safety and Equality & Diversity and staff network groups) for consultation and feedback.

Specific consultation has been undertaken with Unison representatives, Federation representatives, HR colleagues and the Legal team.

<i>Business Lead Consulted</i>	<i>Date Consulted</i>
Tracey Cooper	March 2020

5.0 DOCUMENT HISTORY

The history and rationale for change to policy will be recorded using the chart below:

Date	Author / Reviewer	Amendment(s) & Rationale	Approval Adoption /
		Previously Approved at JNCC meeting	JNCC 29/01/2015

Mar 2020	G Christie	Reviewed – No Changes, revert back to West Mercia Policy	March 2020
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6.0 PROCEDURE

[Follow link to flow chart](#)

7.0 ASSESSMENT AND ANALYSIS

A 'Health and Safety, Risk and Equalities Assessment' has been conducted. No issues identified.

8.0 MONITORING / EVALUATION

The monitoring and review of this policy is the responsibility of the policy owner.