

Landward Research

SHARED PARENTAL LEAVE



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1 Introduction

Landward Research is committed to supporting good practice in relation to parental rights, recognising the value of achieving a gender-diverse workforce and retaining and promoting talent.

This policy sets out the entitlements and benefits for a primary care giver and their partner in relation to Shared Parental Leave (SPL) and Shared Parental Pay (SPP).

"Primary carer" means the mother or expectant mother of the child, the adoptive parent who intends to take adoption leave, or the parent in a surrogacy arrangement who intends to take surrogacy leave.

"Partner" means the father of the child or the secondary adopter, or the person who, at the date of the child's birth or adoption, is married to, the civil partner of, or the partner of the primary carer. This includes someone, of either sex, who lives with the primary carer and the child in an enduring family relationship but who is not the primary carer's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

Mothers may be female or trans (including individuals identifying as male or as having a non-binary identity); partners and adopters may be male, female or trans (including individuals of a non-binary identity).

Landward Research's Maternity Policy and Procedure continue to apply if the mother does not wish to exercise their rights (with their partner) to SPL and SPP.

Ordinary Paternity Leave and Pay continue to be available for fathers/partners. This is a period of 1 or 2 weeks which must be used in a single block of leave and taken within 8 weeks of the birth.

2 Purpose

The policy aims to promote a consistent and supportive approach to SPL and SPP across Landward Research and to increase awareness about the provisions available for a new primary caregiver and their partner.

SPL is designed to give parents more flexibility in how to share the care of their child in the first year following the birth or adoption. Parents are able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

SPL enables primary carers to commit to ending their Maternity/Adoption Leave and Pay at a future date, and to share the untaken balance of leave and pay as SPL and SPP with their partner, or to return to work early from Maternity/Adoption Leave and opt in to SPL and SPP at a later date.

3 Scope

The policy sets out the entitlements and responsibilities in relation to SPL and SPP. It applies to staff of Landward Research, whether they are the primary caregiver or the partner.

If it is the primary caregiver who is employed by Landward Research, then their partner must (where relevant) submit any notifications to take SPL to their own employer, if they want to take a period of SPL. Similarly, if it is the partner who is employed by the University, the primary care giver must (where relevant) submit any notifications to take SPL to their own employer.

The primary care giver and their partner should ensure that they are each liaising with their own employer so that requests for SPL may be handled as smoothly as possible.

Where both the primary caregiver and their partner are employed by Landward Research, this policy covers both.

This procedure applies equally and fully to Landward Research Ltd and to all subsidiary companies of Landward Research Ltd (on 17th January 2022: Landward Research Teoranta, Landward Limited Liability Company and Landward Limited).

4 Entitlement

The primary caregiver and their partner can share up to 50 weeks of SPL and up to 37 weeks of SPP between them. The amount of SPL to which an individual is entitled will depend on when the primary carer brings their Maternity/Adoption

Leave period to an end and the amount of leave that the other parent takes in respect of the child.

SPL can be used to take leave in blocks separated by periods of work, or it can be taken all in one go, it must be taken in blocks of at least one week. The primary care giver and their partner can choose to be off work together or to stagger the SPL and SPP.

SPL can be booked in up to three separate blocks, even if the primary care giver is not sharing the leave with their partner. If the partner is also eligible for SPL, up to three blocks of leave can be taken each.

If a staff member wants to take SPL as a number of discontinuous blocks of leave, then they should talk about with their line manager first to make sure it will work for both the individual and the organisation. Landward Research can refuse a discontinuous leave request, for example if it's not suitable for the work or workplace and suggest a different arrangement that's more suitable.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth.

The two week compulsory period does not apply to adoptions. The primary carer and/or their partner can begin a period of SPL at any time from the date on which the child is placed for adoption.

Birth and adoptive parents should bear in mind that the partner is entitled to take up to two weeks' Partner/Paternity Leave following the birth or adoption of their child, which they will lose if SPL is taken first.

The primary carer and partner must take any shared parental leave within 52 weeks of birth. Any SPL not taken by the first birthday, or first anniversary of placement for adoption, is lost.

SPL and SPP can only be started once the child has been born or placed for adoption.

5 Eligibility

For staff members to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

SPL can only be used by two people: the primary caregiver/adopter and one of the following:

- The father of the child (in the case of birth) or
- The spouse, civil partner or partner of the child's primary care giver/adopter

Both parents must share the main responsibility for the care of the child at the time of the birth / placement for adoption.

5.1 If Landward Research Employs The Primary Caregiver

The primary caregiver is eligible for SPL and SPP if they:

- Have been working with Landward Research for at least 26 weeks out of the 66 weeks before the week the baby's due or by the end of the week their child was placed with their family (the 26 weeks do not need to be in a row) and remain in continuous employment with Landward Research until the week before any period of SPL that they take
- Are entitled to statutory Maternity/Adoption Leave in respect of the child
- Comply with the relevant Maternity/Adoption Leave curtailment requirements (or has returned to work before the end of statutory Maternity/Adoption Leave) and SPL notice and evidence requirements.

In addition, for the primary carer to be eligible for shared parental leave, the partner must:

- Have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth/ by the end of the week in which the adopter is notified of having been matched for adoption with the child
- Have average weekly earnings of at least the Maternity Allowance threshold [currently £30] for any 13 of those 66 (the average of the highest paying weeks is used, they do not need to be in a row)

5.2 If Landward Research Employs The Partner

The partner is eligible for shared parental leave if they:

- Have been working with Landward Research for at least 26 weeks out of the 66 weeks before the week the baby's due or by the end of the week their child was placed with their family (the 26 weeks do not need to be in a row) and remain in continuous employment with Landward Research until the week before any period of SPL that they take
- Complies with the relevant SPL notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the primary carer must:

- Have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth/ by the end of the week in which the adopter is notified of having been matched for adoption with the child
- Have average weekly earnings of at least the Maternity Allowance threshold [currently £30] for any 13 of those 66 (the average of the highest paying weeks is used, they do not need to be in a row)
- Be entitled to statutory Maternity/Adoption Leave, statutory Maternity/Adoption Pay or Maternity Allowance in respect of the child
- Comply with the relevant Maternity/Adoption Leave or Pay curtailment requirements (or have returned to work before the end of statutory Maternity/Adoption Leave).

6 Amount Of Shared Parental Pay Available

Statutory SPP will be paid at the following rates:

- 6 weeks at 90% of the staff member's average weekly earnings
- 33 weeks at a rate set by the Government for the relevant tax year, or at 90% of the staff member's average weekly earnings, if this figure is lower than the Government's set weekly rate
- (Followed by up to 13 weeks unpaid shared parental leave)

A total of 39 weeks' Maternity/Adoption Pay or Maternity Allowance is available to the primary carer.

As there is a compulsory Maternity Leave period of two weeks, this means that a primary carer who ends their maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with their partner (although it will normally be less than this because of the maternity leave that primary carers usually take before the birth).

Occupational and statutory shared parental pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

To receive SPP, the staff member must be absent from work and intend to care for the child during each week in which they receive SPP.

7 Notice Requirements

If the primary carer plans to take SPL or statutory SPP, they must apply to their employer. If the partner plans to take SPL or statutory SPP, both the partner and the primary carer must apply to their employers.

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

1. A "Maternity, Adoption or Surrogacy Leave curtailment notice" from the primary caregiver setting out when they propose to end their Maternity, Adoption or Surrogacy Leave (unless the primary carer has already returned to work from Maternity, Adoption or Surrogacy Leave)
2. A "notice of entitlement and intention" from the staff member giving an initial, non-binding indication of each period of shared parental leave that they are requesting
3. A "period of leave notice" from the staff member setting out the start and end dates of each period of SPL that they are requesting.

The notice periods set out below (see Primary Caregiver's Notice Curtailing Maternity, Adoption or Surrogacy Leave, Staff member's Notice Of Entitlement And Intention and Staff member's Period Of Leave Notice) are the minimum required by law. However, the earlier the staff member informs Landward Research of their intentions, the more likely it is that we will be able to accommodate their requests, particularly if they want to take periods of discontinuous leave.

Staff members are advised that if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the primary caregiver could provide a Maternity, Adoption Or Surrogacy Leave Curtailment Notice, Notice Of Entitlement And Intention, and A Period Of Leave Notice, at the same time. Similarly, the partner could provide their Notice Of Entitlement And Intention and Period Of Leave Notice at the same time.

Forms and templates for eligible parents to give notice for SPL are available at [ACAS.org.uk](https://www.acas.org.uk), they are free to download and use.

8 Primary Carer's 'Maternity, Adoption Or Surrogacy Leave Curtailment Notice'

Before the primary carer or partner can take shared parental leave, the primary carer must either return to work before the end of their maternity, adoption or surrogacy leave (by giving the required eight weeks' notice of their planned return) or provide their employer with a maternity, adoption or surrogacy leave curtailment notice.

The maternity, adoption or surrogacy leave curtailment notice must be in writing and state the date on which maternity, adoption or surrogacy leave is to end. That date must be:

- After the compulsory maternity leave period, which is the two weeks after birth (does not apply to adoptions or surrogacy)
- At least eight weeks after the date on which the primary carer gave the maternity/adoption leave curtailment notice to Landward Research; and
- At least one week before what would be the end of the maternity, adoption or surrogacy leave period

The primary carer must provide their maternity, adoption or surrogacy leave curtailment notice at the same time they provide either their 'notice of entitlement and intention' or a declaration of consent and entitlement signed by the primary carer confirming that their partner has given their employer a notice of entitlement and intention (see Staff member's notice of entitlement and intention below).

9 Revocation Of Maternity, Adoption Or Surrogacy Leave Curtailment Notice

The primary carer can withdraw their notice curtailing their maternity, adoption or surrogacy leave in limited circumstances.

The withdrawal of a maternity, adoption or surrogacy leave curtailment notice must be in writing and can be given only if the primary carer has not returned to work.

The primary carer can withdraw their maternity, adoption or surrogacy leave curtailment notice if:

- It is discovered that neither the primary carer nor the partner are entitled to SPL or SPP and the primary carer withdraws their maternity, adoption or surrogacy leave curtailment notice within eight weeks of the date on which the notice was given
- The maternity, adoption or surrogacy leave curtailment notice was given before the birth of the child and the primary carer withdraws their maternity, adoption or surrogacy leave curtailment notice within six weeks of the child's birth
- The partner has died.

10 Staff Member's 'Notice of Entitlement and Intention'

The staff member, whether the primary carer or the partner, must provide Landward Research with a non-binding Notice of Entitlement and Intention.

The staff member's Notice of Entitlement and Intention must be in writing and must be provided at least 8 weeks before the start date of the first period of SPL to be taken by the staff member. It must set out the information and incorporate declarations from both the staff member and their partner that are included in the ACAS templates.

Within 14 days of receiving a Notice of Entitlement and Intention from the staff member, whether the primary carer or partner, Landward Research can request from the staff member:

1. A) A copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet

to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice) OR

B) In relation to adoptions within the UK, documentary evidence from the adoption agency of: the name and address of the adoption agency; the date on which the adopter was notified of having been matched for adoption with the child; and the date on which the adoption agency expects the child to be placed for adoption with the adopter

2. The name and address of the other parent's employer (or a declaration that the other parent has no employer).

The staff member has 14 days from the date of the request to send Landward Research the required information.

11 Variation Or Cancellation Of Notice Of Entitlement And Intention

The staff member can vary or cancel their proposed SPL dates following the submission of a notice of entitlement and intention, provided that they provide Landward Research with eight weeks' written notice. The written notice must contain:

- An indication as to when the staff member intends to take SPL (including the start and end dates for each period of leave)
- Details of any periods of SPL that have been notified through a period of leave notice
- Details of any periods of statutory SPP that have been notified in relation to periods where shared parental leave was not to be taken
- A declaration signed by the primary carer and the partner that they agree to the variation.

Any indication of leave intended to be taken that the staff member provides in a variation of notice of entitlement and intention is non-binding until they provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the staff member can make.

12 'Period Of Leave Notice'

To take a period of SPL, the staff member must provide Landward Research with a written notice setting out the start and end dates of each period of SPL requested in that notice.

A 'period of leave notice' must be given not less than eight weeks before the start date of the first period of SPL requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

13 Variation Or Cancellation Of 'Period Of Leave Notice'

The staff member can vary or cancel their proposed SPL dates following the submission of a period of leave notice, provided that they provide Landward Research with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- Vary the start date or the end date of any period of SPL or cancel a request for leave;
- Request that a continuous period of leave become discontinuous periods of leave; or
- Request that discontinuous periods of leave become a continuous period of leave.

14 Limit On Number Of Requests For Leave

The staff member can provide up to three period of leave notices or variations of period of leave notices per pregnancy/adoption, although Landward Research may waive this limit in some circumstances.

15 Continuous Period Of Shared Parental Leave

If the staff member submits a 'period of leave notice' requesting one continuous period of leave, they will be entitled to take that period of leave.

16 Discontinuous Periods Of Shared Parental Leave

The staff member may submit a period of leave notice requesting discontinuous periods of leave. For example, the primary carer and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the staff member submits a period of leave notice requesting discontinuous periods of leave, Landward Research, in the two weeks beginning with the date the period of leave notice was given, can:

1. Consent to the pattern of leave requested
2. Propose an alternative pattern of leave; or
3. Refuse the pattern of leave requested.

If agreement is reached within those two weeks, the staff member is entitled to take the leave on the dates agreed. If no agreement has been reached within that two-week discussion period, the staff member is entitled to take the leave as one continuous period of leave. In that event, the staff member must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The staff member must notify Landward Research of that date within five days of the end of the two-week discussion period.

If the staff member does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if Landward Research has refused the request or no agreement has been reached during the two-week discussion period, the staff member may withdraw a period of leave notice requesting discontinuous periods of leave. The staff member can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given.

A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that a staff member can make.

17 Rights During Shared Parental Leave

During SPL, all terms and conditions of the staff member's contract, except normal pay, will continue. Salary will be replaced by statutory SPP if the staff member is

eligible for it. This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

18 Contact During Shared Parental Leave

Landward Research reserves the right to maintain reasonable contact with staff members during shared parental leave. This may be to discuss staff members' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work, or to update them on developments at work during their absence. It may be to fulfil the legal obligations Landward Research has to the staff member while they're taking SPL.

19 Shared Parental Leave In Touch (SPLIT) Days

A staff member can agree to work for Landward Research (or to attend training) for up to 20 days during SPL period without that work bringing the period of their SPL and SPP to an end. These are known as "shared parental-leave-in-touch" (SPLIT) days.

Staff members cannot be required to carry out any work and have no right to undertake any work during their Shared Parental Leave. Any work undertaken is a matter for agreement between Landward Research and the staff member.

If a line manager requests that a staff member works a SPLIT day, the individual is entitled to turn the opportunity down without suffering any consequences as a result. It is unlawful for an individual to suffer detriment for not agreeing to work SPLIT days, or for requesting to work SPLIT days.

Where a disagreement arises in respect of SPLIT days either about the principle of taking such days or the schedule of how the days are to be taken, the line manager and the staff member should try to resolve the disagreement as informally and quickly as possible.

If SPLIT days are used the line manager will need to inform Payroll by email confirming the date of the SPLIT day and the number of hours worked, so that, where necessary, a payment can be made. A 'day', in SPLIT terms, is defined as anything from attending a 1 hour meeting to a full 7.5 hour day.

Payment for a SPLIT day will be inclusive of the statutory SPP payment for the week. Where payment for the day's work is in excess of the weekly SPP payment, the difference will be paid (up to a full 7.5 hour day's pay). Where payment for a day's work is less than the weekly SPP payment then the staff member will receive the SPP payment only.

20 Early Birth

If the child is born before their expected due date and the staff member 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, by submitting a notice to vary their leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of the staff members' three notifications.

If the child is born more than eight weeks before their expected due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give eight weeks' notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

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

21 Multiple Births/Adoptions

A staff member is not entitled to extra SPL or pay if they are expecting/adopting more than one child.

22 Flexible working arrangements

Staff members who wish to vary their working pattern on return from SPL have the right to request flexible working. All requests will be considered by Landward Research in accordance with the Flexible Working Policy.

23 Other Related Documentation

Where necessary, this policy should be read in conjunction with other Landward Research Policies, such as:

- Equity, Diversity, and Inclusion Policy
- Annual Leave Policy
- Flexible Working Policy
- Parental Leave Policy
- Maternity, Paternity, and Adoption Policy

Relevant Legislation:

The Children and Families Act 2014

Employment Rights Act 1996

Employment Relations Act 1999

Employment Act 2002

Work and Families Act 2006

Maternity and Parental Leave etc Regulations 1999

Maternity and Parental Leave (Amendment) Regulations 2001

Children Act 1989

Children Act 2004

24 Review

Landward Research will review this policy on an ongoing basis and carry out a formal review not less than every 3 years. Such review shall take into account the operation of the Policy since the last formal review, any legal or regulatory developments, an assessment of current best practice and any other relevant information.