



WEST MIDLANDS POLICE SHARED PARENTAL LEAVE



The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



Current Version And Effective Date.	Version 1.0	04/04/2018
Business Area Owner	Business Partnering	
Department Responsible	Employee Relations	
Policy Contact	Amy Smith, Head of Employee Relations / Gill Fildes, Employee Relations Manager	
Policy Author	Amy Smith, Head of Employee Relations / Gill Fildes, Employee Relations Manager	
Approved By	Ali Layne Smith, Director of People and Organisation Development	
Policy Initial Implementation Date	04/04/2018	
Review Date	04/04/2020	
Protective Marking	None	
Suitable For Publication – Freedom Of Information	Yes	

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



Contents

SHARED PARENTAL LEAVE POLICY	1
1.0 POLICY STATEMENT	4
2.0 PURPOSE.....	4
3.0 SCOPE.....	4
4.0 SHARED PARENTAL LEAVE	4
5.0 SHARED PARENTAL PAY.....	8
6.0 YOUR PAY AND CONDITIONS DURING SHARED PARENTAL LEAVE	8
7.0 AFTER YOUR SHARED PARENTAL LEAVE	10
8.0 LIFE EVENTS IMPACTING YOUR SHARED PARENTAL LEAVE	11

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



1.0 POLICY STATEMENT

We are delighted that you are becoming a parent, whether for the first time or not, and understand that you may want time off work to be with your new family. If you and your partner are having a baby, adopting a child or having a baby through a surrogacy arrangement, you may be eligible for Shared Parental Leave which provides an opportunity for parents to share caring responsibilities and associated time off during the first year of your child's life/placement.

2.0 PURPOSE

We have set out this policy to:

- Explain what Shared Parental Leave is
- Clarify if you are eligible for Shared Parental Leave and Pay, and
- Explain what you need to do if you want to take this leave from our Force.

3.0 SCOPE

This policy applies to all West Midlands Police Officers and Staff, regardless of seniority, including those on fixed-term contracts with our Force.

This policy does not apply to people working with our Force in any third-party capacity, including consultants, contractors and third-party agency staff.

If you are not sure if the policy applies to you or not you can contact Customer Services using the My Service Portal

4.0 SHARED PARENTAL LEAVE

Shared Parental Leave allows you and your partner to share the time away from work to care for your child in the first year after their birth or adoption. The mother/primary adopting parent can elect to end their maternity/adoption leave early and transfer the remaining leave into Shared Parental Leave. However, they must take the two-week period of compulsory maternity/adoption leave before returning to work.

If you are both eligible, you can choose to be off work at the same time or have leave from work at separate times to look after your child. Your leave can be taken at any time in the first year, beginning on the date your child is born/placed with you for adoption.

If you have any questions after reading this guidance or need further help please contact Customer Services using the My Service Portal.

4.1 Eligibility for Shared Parental Leave

To qualify for Shared Parental Leave, you must share the primary responsibility for your child with one of the following:

- a) your husband, wife, civil partner or joint adopter
- b) the child's other parent
- c) your partner (if they live with you and the child)

You, or your partner, must also be eligible for maternity leave or pay, adoption leave or pay or Maternity Allowance. Please refer to the [Maternity Leave Policy](#) or [Adoption Leave Policy](#) to find out further information about your leave and pay eligibility.

If you are eligible for, and wish to take, Shared Parental Leave, you must:

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



- a) Have 26 weeks continuous service with West Midlands Police at the end of the 15th week before your child's expected due date or adoption matching date, and
- b) Continue to work for us at the start of each period of Shared Parental Leave.

Your partner does not have to work for West Midlands Police to be eligible for Shared Parental Leave. However, whether they are employed or self-employed, they must satisfy the 'Employment and Earnings Test', which means they have:

- a) Worked for at least 26 weeks in the 66 weeks leading up to your child's due date/matching date (not necessarily continuously), and
- b) Earned the required average weekly earnings during any 13 of those 66 weeks (not necessarily continuously).

If you and your partner both meet the qualifying eligibility requirements, you are both entitled to Shared Parental Leave and can decide how to take the leave and pay entitlement between you.

However, it is important to note that if your partner is not employed e.g. they are self-employed, they will not be entitled to Shared Parental Leave themselves, but providing they still meet the 'Employment and Earnings Test' (as set out above) and you meet the other eligibility criteria, you will still qualify for Shared Parental Leave yourself.

4.2 Your Shared Parental Leave Entitlement

If you and/or your partner meet the eligibility criteria, you can share a maximum of a total of 50 weeks Shared Parental Leave during the first year of your child's birth or your child's placement for adoption. Any period of Shared Parental Leave taken by one parent, will reduce the balance of leave that is available to the other parent.

Before you can do this, the mother/primary adopting parent must have either ended or given binding notice to end their maternity/adoption leave entitlement

If you are the father/spouse/civil partner/partner to the mother/primary adopting parent, you can start your Shared Parental Leave at any time from immediately after the birth/placement date; however, you may choose to take Maternity/Adoption Support Leave before Shared Parental Leave, as you cannot take it after you have started Shared Parental Leave. Please see our **Maternity/Adoption Support Leave Policy** for further information.

You can take your Shared Parental Leave entitlement either as:

- a) One continuous block of leave; or
- b) Separate blocks of leave, in multiples of complete weeks, which means you return to work between the periods of time you are off work.

4.3 Requesting Your Shared Parental Leave

You can submit up to 3 separate notices to book Shared Parental Leave, which includes any notice to vary a previously agreed pattern of leave. Before we can agree to your Shared Parental leave request, the correct notification process must be completed, as set out below:

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



Step	Action	Who?	Time Line
One	The mother or primary adopting parent must submit a <u>Curtailment Notice</u> , confirming that she/he wishes to end their maternity/adoption leave before the end of the full 52-week entitlement. (If you have already ended your maternity/adoption leave and returned to work, do not complete this step).	Eligible Officer/Staff Member – must be Mother or Primary Adopting Parent.	At least 8 weeks before the maternity/adoption leave is due to end
Two	Complete either the <u>Notice of Entitlement – Birth</u> or <u>Notice of Entitlement – Adoption</u> .	Eligible Officer/Staff Member	At least 8 weeks before you want your Shared Parental Leave to start
Three	Submit the <u>Booking Notice</u> , confirming the dates you wish to start and end your Shared Parental Leave.	Eligible Officer/Staff Member	At least 8 weeks before you want your first week of Shared Parental Leave to start

You can complete all three steps at the same time or at separate times, providing you meet the deadlines for each. You will be required to submit supporting information in respect of a request e.g. a birth certificate, name and address of your partner's employer which will be detailed on the application form.

4.4 Outcome of Your Shared Parental Leave Request

Continuous Leave:

If you have requested a continuous block of leave, you will be entitled to take it, providing you have followed the correct notification process (above).

Discontinuous Leave:

If you have requested a block of discontinuous leave, within 14 days of receiving your Booking Notice we will discuss and review your request, and either

- Agree to your requested dates; or
- Propose an alternative leave pattern.

If we refuse your request for discontinuous leave and we have not reached agreement on an alternative leave pattern, you can take the weeks of leave you requested as continuous leave instead. You can specify the start date for this continuous period of leave, providing it is no less than 8 weeks from the date you submitted your original Booking Notice.

You will have 5 days from the end of the 14-day discussion period to specify the date on which you will start your single continuous block of leave. If you do not then it will automatically commence on the first date of the first week of discontinuous leave you originally applied for

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



in your Booking Notice. If you want to change this, you must submit a **Variation Notice**, which is subject to 8 weeks' notice and which will count as one of your three notices to book leave.

Alternatively, you can withdraw your Booking Notice at any time up to the 15th day after submitting it, providing the pattern you requested has not been agreed or we have not already reached an agreement about an alternative pattern of leave. This will not count as a Variation Notice. After Day 15, any change to your Booking Notice must be done as a Variation Notice.

4.5 Changing requested Shared Parental Leave dates

You can change your Shared Parental Leave dates, ending a period of leave earlier or later than you previously notified, or changing your discontinuous leave into a single block of leave. To do this, you must complete a **Variation Notice**.

You must notify us at least 8 weeks before your new proposed start or end leave date and both you and your partner must sign the notice to confirm agreement to this variation.

You should understand that a Variation Notice counts as one of your three notices to book leave; therefore, if you have already used your notification entitlement, we do not have to agree to your further change or cancellation request.

4.6 Shared Parental Leave in Touch (SPLIT) days

During Maternity and Adoption leave the mother or primary adopting parent is able to take Keep In Touch (KIT) Days. This entitlement ceases when Shared Parental Leave has commenced. If we agree however during Shared Parental Leave up to 20 Shared Parental Leave in Touch (SPLIT) days may be taken in order to maintain contact, keep up to date with training etc.

SPLIT days do not bring your Shared Parental Leave to an end and Shared Parental Pay entitlement is not affected,

We must agree SPLIT days before you can work them. Any work you carry out on an agreed day will be counted as one SPLIT day, even if it means you are only coming into work for a few hours to attend a meeting or short training session.

SPLIT days must be mutually agreed i.e. we cannot force you and you cannot insist on working a SPLIT day.

If you do work a SPLIT day, you will be paid in line with your normal contractual rate of pay for the hours worked during that day.

An adjustment will then be made for any Statutory Shared Parental Leave Pay received for that day and therefore the payment you receive for working a SPLIT day will not be in addition to your Shared Parental Leave Pay for that time period.

4.7 Attending court during your Shared Parental Leave

If you must attend court during your shared parental leave, this will not be counted as a SPLIT day. Instead, you should claim TOIL for any time you spend in Court. It may be possible for this to be conducted via a video link, but this would need to be discussed and arranged with Criminal Justice. Police Staff can, subject to the provision of the PSC handbook, request payment for this time instead.

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



5.0 SHARED PARENTAL PAY

5.1 Statutory Shared Parental Pay

You may qualify for Statutory Shared Parental Pay, in addition to Shared Parental Leave. To be eligible, you must be caring for your child during the weeks in which Statutory Shared Parental Pay is payable, and:

- a) Meet the qualifying requirements for Shared Parental Leave and have a partner who meets the 'Employment and Earnings' Test, and
- b) Have earned not less than the lower earnings limit for national insurance contributions in the 8 weeks leading up to the qualifying week, which is the end of the 15th week before the week in which your baby is due to be born, or the week that you are notified of being matched for adoption with your child, and
- c) Have ended or given binding notice to end your maternity/adoption pay (if you are the mother or primary adopting parent).

Any untaken maternity or adoption pay will become available as Statutory Shared Parental Pay, up to a maximum of 37 weeks.

You will not qualify for Shared Parental Pay if you are only eligible for Maternity Allowance; however, your employed partner may still be eligible to receive it.

Your Shared Parental Pay will be payable during some or all your Shared Parental Leave, depending on the length and timing of your leave. You will receive Statutory Shared Parental Pay at the current statutory rate or 90% of your average weekly earnings, whichever is lower. Any period of Shared Parental Pay taken by one parent will reduce the pool of pay that is available to the other parent.

6.0 YOUR PAY AND CONDITIONS DURING SHARED PARENTAL LEAVE

Throughout your Shared Parental Leave, your terms and conditions of employment (for Police Staff) or Police Regulations (for Police Officers) will remain the same, except for your remuneration (see Shared Parental Pay).

6.1 Annual Leave Entitlement

You will continue to accrue your annual leave entitlement, including Public Holidays, throughout your shared parental leave. You can choose to take your accrued annual leave either directly before or immediately after your shared parental leave. If you accrue any annual leave that you are unable to take before or after your shared parental leave, you can carry it forward to the following leave year.

If you are unsure whether you will return to work after your shared parental leave, we would encourage you to only take the annual leave you will have accrued up until the end of your shared parental pay period. This will reduce the likelihood of you taking too much annual leave, which you would then be required to repay to us.

If you want to book annual leave for a time when you will have returned to work, you should book your leave with your line manager, in accordance with the **Annual Leave for Police Officers Policy** or **Annual Leave for Police Staff Policy**, as applicable. This will ensure you have the best opportunity to have your leave request approved, rather than waiting until your return and then finding the dates you want are not available. As with all annual leave, we cannot guarantee your request will be granted.

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



6.2 Salary Increases

You will be entitled to receive any pay increases that are due to you during your shared parental leave. These will be calculated and back dated to the date the pay award took place and you will not suffer any detriment.

6.3 Pensions

Your rights vary upon which pension scheme you are in and whether you are a Police Officer or member or Police Staff

POLICE OFFICER:

1987/ 2006 Scheme

Your pensionable service may be affected by any periods of unpaid absence as period of absence can only count as pensionable service if pension contributions are paid. Paid maternity leave, maternity support leave and adoption leave count towards pensionable service if pension contributions are paid for those periods.

You will not lose pensionable service for the first 26 weeks of your shared parental leave irrespective of whether you receive any shared parental pay. Pension contributions are payable on relevant pay, including statutory maternity pay, however any period of no pay above the first 26 weeks will not count as pensionable service.

You are able to buy back periods of unpaid maternity leave or parental leave or a period of unpaid sick leave which is less than six months in duration. You cannot pay pension contributions for a total of more than 12 months of unpaid sick leave aggregated across the police service. You must notify us of this decision within 6 months of return to work. The contributions may be paid by lump sum or instalments not exceeding two years of advising us.

2015 Scheme

Your accrual of pension under the 2015 scheme may be affected by periods of unpaid leave. You have the option to make the following count towards the accrual of your pension provided that you have not opted out and that you pay pension contributions which would have otherwise been due:

Unpaid adoption leave, unpaid maternity leave, unpaid parental leave, unpaid maternity support leave, unpaid adoption support leave, of 6 months or less (subject to a lifetime total of 12 months)

If you wish to pay contributions for a period of unpaid leave, they must notify the us i.e. the police pension authority within 3 months of your return to work or if you decide not to return by your exit date if earlier. The contributions must be paid within 6 months of the date that you are advised by the police pension authority of the amount to be paid.

Rate of payback of unpaid leave

The contributions payable under the 2015 scheme will be based on your assumed pay during your period of unpaid leave. Assumed pay is the amount of pensionable earnings you would have received if you had not taken unpaid leave. This should take into account any

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



incremental rise in your earnings in addition to any other pay rise that would have been due were it not for your absence.

POLICE STAFF

Paying back Pension Contributions during unpaid leave – Police Staff

Your pensionable service may be affected by any periods of unpaid absence as period of absence can only count as pensionable service if pension contributions are paid.

If you wish to pay back pension contributions during a period of unpaid paid leave, you must notify our Pensions Department as soon as possible and no later than 30 days after you return to work. If you opt not to purchase the period of unpaid pension this time will not count in any way for pension purposes. Upon receipt of the request the payroll department will provide you with the missing pay figure for you to use in the LGPS calculator

6.4 Work Equipment

If you have work equipment, such as a laptop or mobile phone, you may be asked to return these for the duration of your shared parental leave. If you keep your work equipment, we must emphasise that we do not expect or encourage you to use your work equipment or deal with any work matters during your time away from work.

6.5 Childcare Vouchers

For up to date information on this benefit please visit the My Benefits page on the My Services Portal

6.6 Always There Award

You are eligible to accrue for an 'Always There' milestone award during your shared parental leave.

6.7 Your Federation, Trade Union and Society Subscriptions

If you wish to remain in the Police Federation, your trade union or Police Mutual or another relevant society, you must notify them that you wish to continue making subscriptions during your shared parental leave. You should liaise with Payroll if you have any queries.

For Police Officers only, it is important that you should seek advice from the Federation Officer about your individual contributions, as if you have a break in your contributions, for whatever reason, you may not be entitled to full protection and consultation support from them.

7.0 AFTER YOUR SHARED PARENTAL LEAVE

7.1 Returning to work

You have the statutory right to return to work after your Shared Parental Leave.

You are entitled to return to the same job if your combined leave period (covering any combination of maternity/paternity/adoption/shared parental leave) is 26 weeks or less.

If you have taken more than 26 aggregated weeks of leave (covering any combination of maternity/paternity/adoption or shared parental leave) you still have the right to return to work but we may offer you a suitable alternative role if it is not reasonably practical for you to return to your original job. The alternative work will be on no less favourable terms and conditions than your original job.

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



If you decide that you want to reduce or adjust your working hours, you have the right to request flexible working. Please see our **Flexible Working Policy** for further information.

Prior to your return to work, you and your line manager should discuss any support which you may require in regards to training.

7.2 Not returning to work

If you decide during your shared parental leave that you do not wish to return to work, you should provide us with written notice of your resignation, in accordance with your relevant notice period, as set out in Police Regulations (for Police Officers) or your terms and conditions of employment (for Police Staff).

If you are unable to return to work at the end of your shared parental leave due to a medical reason, we will manage this as we would with any other sickness absence from work, in line with our **Attendance Policy**.

If you do not return to work after your shared parental leave and have not resigned or are unable to return due to a medical reason, we will treat this as unauthorised absence.

8.0 LIFE EVENTS IMPACTING YOUR SHARED PARENTAL LEAVE

8.1 Revoking Notice to Curtail Maternity or Adoption Leave

You can only withdraw notice to curtail maternity/adoption leave if you are the mother/primary adopting parent, you have not yet returned to work and your curtailment date has not passed, and:

- i) You discover within 8 weeks of the mother/primary adopting parent submitting notice to end maternity/adoption leave, that neither you or the other parent qualifies for Shared Parental Leave or Shared Parental Pay, or
- ii) The other parent dies, or
- iii) You gave the notice before your child's birth date and have withdrawn it within 6 weeks of the birth date (for mother's only).

In these circumstances, you must complete and submit a **Revocation Notice**.

When you have submitted a Revocation Notice, you cannot opt into Shared Parental Leave later, unless the reason for the Revocation Notice was because you gave notice before your child's birth date and have withdrawn it within 6 weeks of the birth date. In this situation, you must still be with the same partner to be eligible to request Shared Parental Leave.

If you revoke your notice, you will remain on maternity/adoption leave. The other parent's right to Shared Parental Leave and/or Statutory Shared Parental Pay ends immediately.

If you are the other parent, you must notify us that you are no longer entitled to Shared Parental Leave without delay. If you are the partner and already on Shared Parental Leave, we may need you to remain off work for up to 8 weeks from the date we were informed of the revocation. Your absence will be treated as Shared Parental Leave, even though you are no longer entitled to it. You will not be eligible for Statutory Shared Parental Pay during this time.

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.



8.2 Your child is born early

If your child is born before the beginning of the week they were due, you should give us notice of your request for Shared Parental Leave as soon as reasonably practicable; the 8-week notification rule does not apply.

If your child is born early and you had already booked Shared Parental Leave to start within the first 8 weeks of your child's expected week of birth, you can choose to take the booked leave early. You should submit a **Variation Notice** as soon as reasonably practicable, which will not count as one of your 3 notices to book leave.

You must still adhere to the 8-week notice period for any leave you want to arrange that is after the first 8 weeks of your child's due date.

8.3 When one parent is no longer caring for your child

If you will no longer be caring for your child, your entitlement to both Shared Parental Leave and Pay will end immediately, so you must notify us without delay in order to prevent any over payment. If you have any Shared Parental Leave arranged within 8 weeks of your entitlement ceasing, we reserve the right to require you to still take the leave. Any leave you have arranged after 8 weeks of your entitlement ceasing must be cancelled.

If you are the remaining parent and are continuing to care for your child, you will still be eligible for your Shared Parental Leave entitlement. However, you will only be able to transfer the other parent's remaining entitlement to your own entitlement if you have their signed agreement confirming a variation to your leave entitlement.

The specific provisions of this policy are not contractual, unless expressly stated, and can be amended from time to time.