



Fioretti Trust

 *Aspiration*  *Wisdom*  *Compassion* 

Parental Leave

Approved by: Trust Board Date: May 2024

Last review: December 2023

Next review: December 2024

This policy supersedes all previous parental leave policies



Shared parental leave

Shared parental leave applies in respect of a child whose birth is due, or who is adopted, on or after 5th April 2015.

- Employed mothers continue to be entitled to 52 weeks of Maternity Leave and 39 weeks of statutory maternity pay or maternity allowance.
- If they choose to do so, an eligible mother can end her maternity leave early and, with her partner or the child's father, opt for Shared Parental Leave instead of Maternity Leave. If they both meet the qualifying requirements, they will need to decide how they want to divide their Shared Parental Leave and Pay entitlement.
- Paid Paternity Leave of two weeks continues to be available to fathers and a mother's or adopter's partner, but additional paternity leave is replaced with Shared Parental Leave
- Adopters have the same rights as other parents to Shared Parental leave and pay.

Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be 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.

During the 66 weeks before the week the baby is due (or the week you are matched with your adopted child). The other parent in the family must meet the employment and earnings tests which are:

- have been working for at least 26 weeks (these do not need to be consecutive weeks)
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row). This can be as an employee, worker or self-employed person.

The partner does not have to be working at the date of birth or when you start SPL or ShPP.

Where both parents satisfy the continuity of employment test requirement they will both be able to make use of the pot of Shared Parental Leave. However, the regulations mean that a family can still use Shared Parental Leave even when only one parent actually meets the eligibility criteria. For example, a self-employed parent is not entitled to take Shared Parental leave but could still pass the employment and earnings test allowing the other parent in the family to qualify.

It will be for the mother or adopter to decide whether to use the whole of the maternity or adoption entitlement or use Shared Parental Leave at some point. However, a mother or adopter does not have to have actually ended the maternity or adoption entitlements for Shared Parental Leave to start for their partner. Provided the mother or adopter has given advance notice of a reduction in maternity or adoption leave equivalent to the leave which the partner wishes to take, then the partner could start to take Shared Parental Leave while the mother or adopter is still on maternity or adoption leave.

Shared Parental Leave may be taken at any time within the period which begins on the date the child is born/date of the placement and ends 52 weeks after that date. An employee is entitled to submit three separate notices to book leave. At least 8 weeks' notice must be given for the first period and there are also detailed provisions for an indicative notice (preceding the actual notice), and for a

discussion period. Leave must be taken in complete weeks and may be taken either in a continuous period, which an employer cannot refuse, or in a discontinuous period, which the employer can refuse. If a request for discontinuous leave is refused then the total amount of leave requested in the notice will automatically become a continuous block unless it is withdrawn.

Shared Parental Pay

Statutory Shared Parental Pay is paid at £184.03 or 90% of average weekly earnings (whichever is lower).

If the mother or adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used their full entitlement then Statutory Shared Parental Pay can be claimed for any remaining weeks.

To qualify for Shared Parental Pay a parent must, as well as passing the continuity of employment test also have earned an average salary of the lower earnings limit of £113 for the 8 weeks' prior to the 15th week before the expected due date or matching date. Like Shared Parental Leave the other parent in the family must meet the employment and earnings test.

Shared parental leave – Birmingham position

Birmingham (Fioretti Trust has adopted the Birmingham position) has not adopted a local shared parental leave scheme. It follows the statutory provisions. The partner of a mother will be eligible for Statutory Shared Parental Pay, but there is no occupational parental pay.

Flexible working – statutory provisions

The right to apply for flexible working applies to parents amongst others.

Job sharing

Many parents, and other employees, seek to share a job as a type of flexible working. Further information on job sharing is particular. Case law in employment tribunals has shown that there is unlikely to be good reason for refusing permission to women returning from maternity leave to share a job.

Time off for dependants

The legal right to reasonable time off for dependants is distinct from parental leave. It is intended to cover emergencies involving a dependant, and as a child is defined as a dependant, will be relevant to parents. The test of reasonableness is crucial, so it is essential for employees and employers to be aware of the details of the law.

Information on time off for dependants- The Law

Fathers, Partners and Surrogacy Parents – Ante-natal Appointments

Prospective fathers, partners of pregnant women, or eligible intended parents in cases of surrogacy have the right to time off to attend up to two ante-natal appointments, lasting up to six and a half hours each. Partners do not have to be the biological parent of the child. The law is silent on pay and therefore time off for this purpose is unpaid. As with any time off, employees must apply in advance and in this particular case can be asked for a declaration that they are eligible for the time off and a statement of the appointment details. They cannot be asked to produce the appointment card, because this is the property of the mother.

