

## Shared Parental Leave Policy

### Statement and Purpose of Policy

Serenta Homecare recognises and respects the rights of parents to take time away from work in connection with childbirth or adoption. No employee will be subjected to a detriment for exercising their right to take Shared Parental Leave ('SPL') in accordance with this policy or for seeking to do so.

The purpose of this policy is to ensure that employees and managers are clear about entitlements to SPL and Shared Parental Pay (ShPP), the process that should be followed for arranging leave and the terms that apply during and after SPL.

This policy is intended to summarise your statutory rights. If there is a contradiction between this policy and the statutory SPL entitlements, this policy shall be amended, as necessary, to comply with legislative requirements.

This is a statement of policy only and does not form part of your contract of employment. We may amend this policy at any time, in our absolute discretion.

### 1. What SPL is and Who Qualifies?

SPL offers parents the flexibility to choose how to share the care of their child during the twelve months following the child's birth or placement for adoption, giving qualifying employees up to 50 weeks SPL during those twelve months.

A mother can choose to end her maternity leave early and opt to take the remaining leave and pay entitlement with the child's father or her partner as SPL instead of maternity leave. To do so both parties must meet the qualifying criteria. A mother cannot start SPL until after the first two weeks of compulsory maternity leave following childbirth.

The father/partner can take SPL immediately after the child's birth but may wish to exhaust paternity leave and pay entitlements first, as these rights are lost if any SPL or Shared Parental Pay (ShPP) is taken before this.

Employees who qualify for adoption leave can take SPL after two weeks of adoption leave. This applies to male, female, and same sex couples.

The total amount of SPL available is 52 weeks:

- Less the weeks spent by the mother on maternity leave (or the weeks in which the mother has been in receipt of statutory maternity pay (SMP) or maternity allowance (MA) **or**
- less the weeks spent on adoption leave (or the weeks in which the adopter has been in receipt of statutory adoption pay (SAP)).
- If a mother gives notice of maternity leave ending on a set date before the maximum entitlement, the mother's partner can take leave while the mother is still on maternity leave and/or receiving maternity pay.

Only the mother or adopter and either the father of the child or the partner of the child's mother/adopter (including same sex partners) can qualify for SPL. Both parents must share the main responsibility of childcare at the time of birth or placement for adoption and:

- The mother/adopter must be entitled to statutory maternity leave or statutory adoption leave and have ended or given notice to reduce this entitlement
- You must still be working for Serenta Homecare at the start of each period of SPL
- You must pass the 'continuity test' which means you have a minimum of 26 weeks' service at the end of the 15<sup>th</sup> week before the child's expected due date or matching date for adoption
- Your partner must meet the 'employment and earnings test' which means in the 66 weeks immediately before the child's expected due date they must have worked for at least 26 weeks and earned an minimum average per week in any 13 of those weeks
- You must correctly notify us of your entitlement and provide evidence as required.

## **2. Notification and Booking of SPL**

You must notify us of your entitlement to SPL and ShPP and book any SPL by giving us notice. You can do both of these things at the same time, but you must do both at least eight weeks before you take SPL.

You are encouraged to informally discuss your entitlement and intention to take SPL with the Registered Manager as early as possible, in order that we can best support the requests you make. If you formally notify us that you are entitled to SPL, Serenta Homecare may want to meet with you informally to discuss this, if this has not been done already.

Whether or not you have had an informal discussion, to notify us of your entitlement to SPL, you must write to your manager at least eight weeks before the SPL start date stating:

- Your name
- The name of the other parent
- The start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available
- The date on which the child is expected to be born and the actual date of birth or the date of placement for adoption
- The amount of SPL you and your partner each intend to take (SPL can only be taken in complete week blocks, but can start on any day of the week)
- A non-binding indication of when you expect to take the leave.

You must provide us with a signed declaration stating:

- That you meet or will meet the conditions to take SPL

- That all the information you have given is correct, full and accurate
- That if you are not the mother/adopter of the child, that you are the father of the child or partner of the mother of the child
- That if for any reason you become ineligible for SPL, you will immediately inform us.

You must provide a signed declaration from your partner stating:

- Their name, address, and national insurance number (or confirmation they do not have a national insurance number)
- That they are the mother, father, or partner of the mother of the child
- That they satisfy the employment and earnings test, above and at the date of the child's birth share parental responsibility with you
- That they consent to the amount of SPL you are requesting to take
- That they consent to us processing the information in the declaration form
- If they are the mother, that they will inform Serenta Homecare immediately if they are no longer eligible

### **3. Request for Further Evidence of Eligibility**

Within 14 days of an SPL request Serenta Homecare may require further evidence of eligibility, which you will need to provide within 14 days of our requests, this might be:

- The name and business address of your partner's employer, or your partner's contact details if they are self-employed or no longer employed; and/or
- In the case of biological parents, a copy of the child's birth certificate (or a declaration of the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which you were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

If we have reasonable suspicion that fraudulent information has been provided or have been informed by HMRC that a fraudulent claim has been made, we will investigate this and start our disciplinary procedure as we deem necessary.

To book SPL you must provide notice of SPL on a SPL booking form available from the Registered Manager as well as notification of entitlement, making sure there is at least eight weeks between your booking notice and the start of SPL.

You are entitled to a maximum of three requests to book or vary SPL and may book a continuous block of SPL, which provided you satisfy the requirements in this policy and have provided us with the evidence requested, will be confirmed by us to you within 14 days.

You can book two or three blocks of discontinuous leave and work in between, provided you have agreement from Serenta Homecare to do this on the dates you request. If you have notified Serenta Homecare you wish to take discontinuous leave, which does not require further discussion, agreement to your SPL will be confirmed in writing within 14 days. If further discussion is required, Serenta Homecare will usually contact you in writing within 14 days to arrange a meeting on at least two days' notice where you can be accompanied by a colleague or trade union representative.

The purpose of a meeting with you after we receive your notification and booking notice, is to discuss what will happen in your absence and how Serenta Homecare can meet your discontinuous SPL request and if Serenta Homecare cannot, whether Serenta Homecare can agree a different pattern of leave.

All discontinuous leave notifications will be considered carefully on their individual merits and benefits to an employee as well as negative impacts on the business will be looked at in detail before a decision is made to grant or refuse the leave. No decision made about one employee's discontinuous SPL shall impact another employee's requests will be considered individually at the time they are made.

If a discontinuous leave request is refused by Serenta Homecare, you have the right to withdraw your notification within 15 days of giving it or taking SPL in a continuous block. You have until the 19<sup>th</sup> day after giving the original notification to choose when your SPL starts, but this must be at least eight weeks after the original notification date. If you do not state a start date your SPL will start on the first date given in your original notification.

You can vary or cancel agreed and booked SPL, provided that you advise Serenta Homecare in writing at least eight weeks before the date your leave was supposed to start and give eight weeks' notice of the new start date for your SPL.

A variation to SPL because of a child being born early or agreed by you on Serenta Homecare request, will not reduce the number of new notifications you have the right to make.

#### **4. Shared Parental Pay (ShPP)**

If eligible you may be entitled to take up to 37 weeks ShPP while taking SPL. The number of weeks available will depend on the amount by which the mother reduces their maternity/adoption pay period or maternity allowance period and how much SMP/SAP/MA has already been paid. ShPP may be payable during some or all of SPL depending on the length and timing of SPL.

If eligible, you will receive statutory ShPP, at the rate set by the government for the relevant tax year or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

To receive ShPP you must qualify for SPL and satisfy the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity pay period or maternity allowance period

- You must intend to care for the child during the week in which ShPP is payable
- You must have average weekly earnings for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date/matching date that are not less than the lower earnings limit in force for national insurance contributions
- You must remain in continuous employment until the first week of ShPP has begun
- You must give proper notification as stated in this policy

You must give the Registered Manager at least eight weeks written notice of your entitlement to ShPP and where possible this notice should be given as part of your notice of entitlement to take SPL.

Your notice of entitlement to ShPP must also include:

- The start and end dates of any maternity/adoption pay or maternity allowance
- The total amount of ShPP available, the amount of ShPP you and your partner each intend to claim, and non-binding idea of when you expect to claim ShPP
- Your signed declaration that the information you have given is correct, that you meet, or Serenta Homecare will meet, the criteria for ShPP and that you will immediately inform the company should you become ineligible.

Your partner must also sign a declaration to go with your notice of entitlement to ShPP and this must include:

- Their agreement to you claiming ShPP and for us to process any ShPP payments to you
- (in the case where the partner is the mother) that they have reduced their maternity pay or maternity allowance
- (in the case where the partner is the mother) that they will immediately inform you should they become ineligible.

## **5. Terms and Conditions During SPL**

- During SPL, your contract of employment continues as usual and you are entitled to receive all your contractual benefits, except for salary.
- SPL is in addition to your annual leave entitlement. Annual leave should wherever possible be taken in the year that it is accrued. Your Line Manager will discuss with you when annual leave is best taken around your SPL.
- Pension contributions will continue to be made during the time you receive ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while our contribution will be based on the salary that you would have received had you not been taking SPL.

## **6. Contact During SPL**

Before your SPL begins, we will discuss arrangements for keeping in touch during your leave. We have the right to make reasonable contact with you during your SPL to discuss matters, which might include updating you on business developments, possible promotion opportunities, or special arrangements to be made or training to be given on your return to work and how you will return to work.

You can agree to work for us for up to 20 days during SPL without bringing your SPL to an end or affecting your right to claim ShPP. These are known as "Shared Parental Leave in Touch" or "SPLIT" days. Any work carried out on a day or part of a day counts as a day's work under this policy.

You are not obliged to carry out any work, and we are not obliged to offer you any work, during your SPL. Any work undertaken must be agreed between us. If you work a SPLIT day you will receive full pay for any day worked, so if you are receiving ShPP at the time, this will be 'topped up' to your usual pay. Any SPLIT days worked do not extend the period of SPL.

## **7. Returning to Work After SPL**

You will be informed in writing of the end date of your SPL and should return on the working day after that date, to avoid your late return being treated as an unauthorised absence. If you cannot return on the agreed date, you should notify Serenta Homecare of this in advance. If you cannot work due to sickness or injury, our sickness policy will apply.

If you wish to return to work earlier than the expected return date, you may provide written notice to vary the leave and must give at least eight weeks' notice of your new return date. This will count as one of your notifications. If you have already used your three notifications to book and/or vary leave then Serenta Homecare do not have to accept the notice to return early.

On returning to work after SPL, you are entitled to return to the same job if your total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, you will return to the same job on the same terms and conditions, as if you have had not been absent.

If your maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in total, you have the right to return to the same job, or, if this is not reasonably practicable, to a suitable and appropriate job on terms and conditions no less favourable.

If you also take a period of unpaid parental leave of four weeks or less this will have no effect on your right to return to the same job if the total weeks of maternity/paternity/adoption leave and SPL do not exceed 26 weeks.

If a parent takes five weeks of unpaid parental leave, even if the total number of weeks taken on maternity/paternity/adoption and SPL do not exceed 26 weeks, you will be entitled to return to the same job, or, if this is not reasonably practicable, to a suitable and appropriate job on terms and conditions no less favourable.

If your situation changes before or during SPL, or you have any questions about anything relating to this policy you should contact the Registered Manager.

## **8. Guide to the General Data Protection Regulations (GDPR)**

Serenta Homecare processes personal data when managing employees' right to maternity leave in accordance with the General Data Protection Regulations.

Data collected as part of this procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to parental leave requests and managing shared parental leave.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the General Data Protection Regulations immediately. It may also constitute a disciplinary offence, which will be dealt with under the Company's Disciplinary Procedure.

### **Document Control**

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