

<b>Reference Number: UHB 257</b> <b>Version Number: 2</b>	Date of Next Review: 09 March 2025 Previous Trust/LHB Reference Number:
<b>SHARED PARENTAL LEAVE AND PAY PROCEDURE</b>	
<p><b>Introduction and Aim</b></p> <p>Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This procedure sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave and statutory Shared Parental Pay</p> <p>The rules covering shared parental leave and pay are fairly complex; this procedure ensures that employees of Cardiff and Vale University Health Board (the UHB) are informed of their entitlements and provides a straightforward summary of the actions they and their managers need to take.</p>	
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• To provide comprehensive information to employees on their entitlements with regards to shared parental leave and pay</li> <li>• To provide the fair, consistent and effective application of shared parental leave provisions</li> </ul>	
<p><b>Scope</b></p> <p>This procedure applies to all staff who are:</p> <ul style="list-style-type: none"> <li>• Having a baby</li> <li>• Using a surrogate to have a baby</li> <li>• Adopting a child</li> </ul> <p>Both parents must ensure they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.</p>	
<b>Equality and Health Impact Assessment</b>	This Procedure sits under the Maternity, Adoption, Paternity and Shared Parental Leave Policy and EHIA. This EHIA found there to be a positive impact
<b>Documents to read alongside this Procedure</b>	Maternity, Adoption, Paternity and Shared Parental Leave Policy Maternity Leave and Pay Procedure Adoption Leave and Pay Procedure

Document Title: Shared Parental Leave and Pay Procedure	2 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	Paternity Leave and Pay Procedure Flexible Working Procedure Adaptable Workforce Policy Payroll Overpayment/Underpayment Policy Working Times Procedure
<b>Accountable Executive or Clinical Board Director</b>	Executive Director of People and Culture
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<b><u>Disclaimer</u></b> <b>If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the Governance Directorate.</b>	

<b>Summary of reviews/amendments</b>			
<b>Version Number</b>	<b>Date Review Approved</b>	<b>Date Published</b>	<b>Summary of Amendments</b>
1	08.04.2015	14.04.2015	New procedure developed following changes in legislation
2	09.03.2022	26.04.2022	<ul style="list-style-type: none"> <li>• Procedure re-written to make it easier to understand</li> <li>• Occupational pay elements incorporated</li> <li>• Option for reasonable reimbursement of childcare costs or provision of childcare facilities when SPLIT days are worked included</li> <li>• If SPLIT days are worked in the full/half ay period the manager must make arrangments for the member of staff to receive paid leave in lieu once they return to work</li> <li>• New section of equality of access under rotational training contracts</li> <li>• New section on pay progression</li> </ul>

Document Title: Shared Parental Leave and Pay Procedure	3 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

## Contents

1	<b>RESPONSIBILITIES</b>	4
2	<b>SHARED PARENTAL LEAVE</b>	5
3	<b>KEEPING IN TOUCH DURING ADOPTION LEAVE</b>	8
4	<b>RETURN TO WORK</b>	10
5	<b>CONTRACTUAL ARRANGEMENTS</b>	13
Appendices		
1	<b>CONTINUOUS SERVICE</b>	17
2	<b>WORKING FOR THE TEMPORARY STAFFING OFFICE</b>	18

Document Title: Shared Parental Leave and Pay Procedure	4 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

<b>1</b>	<b>RESPONSIBILITIES</b>
<b>1.1</b>	<p><b>Employee</b></p> <ul style="list-style-type: none"> <li>• To inform their manager as soon as they know they are interested in taking shared parental leave</li> <li>• To access this procedure on the UHB website, from their manager or from the HR Operations Centre and seek additional advice if necessary</li> <li>• To ensure the appropriate notice is given and necessary information is provided by completing, in full, the appropriate forms</li> <li>• To inform their manager of their intentions regarding returning to work</li> </ul>
<b>1.2</b>	<p><b>Manager</b></p> <ul style="list-style-type: none"> <li>• Ensure the rules set out in the Procedure are followed without deviation as it can otherwise affect the employee's entitlements. Check with HR Operations if any elements are unclear.</li> <li>• To ensure that the employee is aware of their rights and obligations under this procedure and is afforded time off and all other entitlements</li> <li>• To ensure that the appropriate paperwork is forwarded to the HR Operations Centre</li> <li>• To keep the employee who is on shared parental leave informed about developments in the UHB and the department</li> <li>• Inform Payroll when the employee goes on and returns from shared parental leave</li> <li>• Instruct Payroll to pursue the overpayment procedure if the employee does not return to work and is liable to refund their shared parental leave pay and do not complete the 18 shifts within the specified time period.</li> </ul>
<b>1.3</b>	<p><b>H R Operations Centre</b></p> <ul style="list-style-type: none"> <li>• To advise the employee of their rights and obligations</li> <li>• To administer the shared parental leave provisions in conjunction with payroll</li> </ul>
<b>1.4</b>	<p><b>Payroll</b></p> <ul style="list-style-type: none"> <li>• To ensure that payments are made in line with both current Occupational and Statutory regulations</li> <li>• To ensure that payments are made in line with normal salary crediting</li> <li>• To ensure that the employee's membership to the NHS Pension Scheme is protected during paid and unpaid shared parental leave</li> </ul>

Document Title: Shared Parental Leave and Pay Procedure	5 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

<b>2</b>	<b>SHARED PARENTAL LEAVE</b>
<b>2.1</b>	<p>As soon as the member of staff has decided that they intend to take shared parental leave they must notify their manager. This provides the manager with time to plan for the anticipated absence.</p> <p>All employees have the right to take up 50 weeks of shared parental leave (minus any maternity or adoption leave taken). The amount of pay they will receive depends on length of service and is described in appendix 1.</p> <p>Employees can use shared parental leave to take leave in blocks separated by periods of work, or take it all in one go. They can choose to be off work together or to stagger the leave and pay.</p> <p>N.B. the partner may also be entitled to two weeks paternity leave (to be taken in the first eight weeks) and they are encouraged to use this before taking shared parental leave.</p>
<b>2.2</b>	<p><b>Eligibility to Shared Parental Leave</b></p> <p>To be eligible for shared parental leave and pay both parents must:</p> <ul style="list-style-type: none"> <li>• share responsibility for the child at birth (for birth parents)</li> <li>• share responsibility for the child on the child's due date or birth date (if you are using a surrogate)</li> <li>• or share responsibility for the child on the day they are placed with you (if adopting)</li> </ul> <p>The employee must be working for the UHB at the start of each period of shared parental leave.</p> <p>Shared parental leave and pay can be taken at any time within one year from the birth or placement for adoption, providing two weeks' compulsory maternity following birth has been taken. If adopting, the person claiming adoption pay must take at least 2 weeks of adoption leave.</p> <p>Employees working full or part time are entitled to paid and unpaid shared parental leave under the NHS Occupational adoption pay scheme if:</p> <ol style="list-style-type: none"> <li>I. they have 12 months' continuous service with one or more NHS employers at: <ul style="list-style-type: none"> <li>○ the beginning of the 11th week before the expected week of childbirth</li> <li>○ or at the beginning of the week in which they are notified of being matched with a child for adoption</li> <li>○ or by the 15th week before the baby's due date if applying via a surrogacy arrangement;</li> </ul> </li> <li>II. they notify their employer of their wish to take shared parental leave and provide a minimum of eight weeks' notice, through the submission of shared parental leave application form which will confirm: <ol style="list-style-type: none"> <li>a. their intention to take shared parental leave;</li> <li>b. the date(s) they wish to access shared parental leave (noting that two weeks compulsory maternity or adoption leave must be taken by the</li> </ol> </li> </ol>

Document Title: Shared Parental Leave and Pay Procedure	6 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	<p>mother or primary adopter before they can access shared parental leave);</p> <ul style="list-style-type: none"> <li>c. that they intend to return to work with the same or another NHS employer for a minimum period of three months after their shared parental leave has ended;</li> <li>d. that the mother or primary adopter has returned to work following maternity or adoption leave, or has provided the binding notice confirming that they intend to bring their maternity or adoption leave and pay entitlements to an early end.</li> </ul> <p>III. they confirm that the other parent meets the statutory “employment and earnings test” (work and pay criteria) by being an employed or self-employed earner in the UK for a total of 26 weeks (not necessarily continuously) in the 66 weeks preceding the week the child is due to be born or matched for adoption. The individual must have earned at least an average of £30 (gross) a week in 13 of those 26 weeks (not necessarily continuously). (n.b. This amount can be amended from time to time)</p> <p>Refer to section <b>XXX</b> on Statutory entitlements if the employee does not have 12 months continuous service.</p>
<p><b>2.3</b></p>	<p><b>Accessing Shared Parental Leave</b></p> <p>For shared parental leave to start, the person on maternity or adoption leave must either:</p> <ul style="list-style-type: none"> <li>• return to work, which ends any maternity or adoption leave</li> <li>• or, give their employer ‘binding notice’ of when they plan to end their leave (this cannot normally be changed)</li> </ul> <p>Shared parental leave can be taken while the partner is still on maternity or adoption leave as long as they have given binding notice to end it.</p> <p>In order to access shared parental leave employees will be required to complete the appropriate forms to:</p> <ul style="list-style-type: none"> <li>• Give notice of when the maternity or adoption leave is going to end (be curtailed) (ShPL Curtailment Form)</li> <li>• Give notice that they plan to take shared parental leave and pay (ShPL Notification Form)</li> <li>• Book their leave dates (ShPL Booking Form)</li> </ul> <p>It is the responsibility of the employee to ensure that all information provided is accurate. Where inaccurate information is provided that leads to overpayment of statutory or occupational entitlements, the UHB will have a right to reclaim any overpayment. Providing deliberately inaccurate information may also lead to the UHB taking disciplinary or other action against the employee.</p> <p>The UHB may ask for a copy of the birth certificate or evidence of when they were matched with the child, and the name and business address of the partner’s employer. If this request is made it must be within 14 days of an application for shared parental leave being submitted. The employee must produce the additional information with 14 days of the request</p>

Document Title: Shared Parental Leave and Pay Procedure	7 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

<b>2.4</b>	<p><b>Booking and varying shared parental leave</b></p> <p>Shared parental leave and pay must be taken within one year of the birth of the child, or the date the child was placed with the family in cases of adoption.</p> <p>Shared parental leave can start on any day, but it can only be taken in blocks of full weeks.</p>
<b>2.4.1</b>	<p>Before either parent can take shared parental leave, the mother/adopter must give written notice of their intention to end their maternity or adoption leave by completing a ShPL Curtailment Form and submitting it to their line manager.</p> <p>This form can be completed before or after the birth/adoption but must be in writing and must state the date on which the maternity/adoption leave will end.</p>
<b>2.4.2</b>	<p>Employees who intend to take shared parental leave must give their line managers at least eight weeks written notice by completing a ShPL Notification Form. This can be done at the same time as the ShPL Curtailment Form, or separately, as long as the required 8 weeks' notice is given.</p>
<b>2.4.3</b>	<p>To book the dates of their shared parental leave, the employee must submit a ShPL Booking Form to their line manager, at least 8 weeks before the first period of leave would begin. This can be booked at the same time as the ShPL Notification Form, or separately.</p> <p>An employee can provide up to three notices to book leave. This includes notices to vary a previously agreed pattern of leave.</p> <p>Each of the three notices to book leave may include a single, continuous or discontinuous block of leave.</p> <p>Requests for single blocks of leave cannot be refused.</p>
<b>2.4.4</b>	<p>Confirmed leave arrangements can be amended by the submission of a notice to vary the agreed period of leave. An employee can submit a notice to extend a period of leave, end it sooner than previously agreed or consolidate a number of discontinuous weeks in to a single block of leave using a variation notice. Eight weeks' notice must be given but flexibility should be provided in the event of early and late births.</p>
<b>2.4.5</b>	<p>In instances where discontinuous periods of leave are requested, line manager are not bound to agree the requested pattern. A two-week discussion period between the employee and line manager will commence on the date the employee submits the booking notice. The review will look at the requested pattern of leave and discuss possible alternatives. In the limited circumstances where the line manager refuses the requested pattern, they must explain the reason for the refusal. The employee cannot be prevented from taking the amount of leave they have requested within that notice, but the line manager has authority over how and when it is taken.</p>

Document Title: Shared Parental Leave and Pay Procedure	8 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

<b>2.4.6</b>	<p>In instances where a discontinuous period of leave has been refused and an alternative period has not been agreed during the discussion period, the total combined weeks' leave requested on that notice may be taken as a single continuous block. This should commence on a date specified by the employee but be no less than eight weeks from the date the original notice was provided to the line manager. The employee has five days from the end of the two-week discussion period in which to confirm the date their leave will commence. In instances where the employee specifies no date, leave will commence on the start date of the first period of discontinuous leave that was originally applied for.</p>
<b>2.4.7</b>	<p>An employee is not entitled to withdraw a notice for a single continuous block of leave but may do so with the line manager's express permission.</p> <p>An employee may withdraw their notice to book discontinuous blocks of leave within 15 days of submitting their notice providing an agreement has not been reached with their line manager about when they will be absent from work. Once the 15th day has passed any changes to a period of leave must be made by using a variation notice and a minimum of eight weeks' notice must be provided</p> <p>If a notice is withdrawn it will not count towards the three booking notifications cap.</p>
<b>2.8</b>	<p><b>Confirming shared parental leave and pay</b></p> <p>Following receipt of the signed shared parental leave application form, the HR Operations Centre will confirm in writing:</p> <ol style="list-style-type: none"> <li>i. The employee's paid and unpaid shared parental leave entitlements;</li> <li>ii. The confirmed leave pattern, including start and end dates, for each block of shared parental leave it has been agreed will be undertaken;</li> <li>iii. confirmation of the notification process and the required notice periods for instances where agreed blocks of leave need to be amended; and</li> <li>iv. The length of any period of accrued annual leave which it has been agreed may be taken following the end of the shared parental leave period.</li> </ol>
<b>3</b>	<p><b>SHARED PARENTAL LEAVE PAY</b></p> <p>Eligible employees will be entitled to claim up to 37 weeks of statutory shared parental leave pay (ShPP), less any weeks of statutory maternity pay, maternity allowance or statutory adoption pay that has already been claimed by either partner. ShPP can be claimed following the birth or placement of the child, but not at the same time as the compulsory two weeks of leave following the birth or placement of the child. ShPP is paid at a rate set by the government each year.</p> <p>Where an employee intends to return to work after a period of shared parental leave, the maximum joint entitlement of an eligible couple to occupational shared parental pay will be as set out below. The maximum entitlement will only apply where either parent has not already received statutory or occupational maternity pay, maternity allowance or statutory or occupational adoption pay in respect of the child. Where such pay (excluding pay during the compulsory two-week maternity/adoption leave period) has been received by either parent, the maximum joint entitlement set out</p>



Document Title: Shared Parental Leave and Pay Procedure	9 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	<p>below will reduce proportionate to the amount of maternity or adoption pay which has either been taken and paid to either parent, or notified as intending to be taken by either parent.</p> <ol style="list-style-type: none"> <li>I. for the first six weeks of absence the employee will receive full pay. Full pay is inclusive of any ShPP. The total receivable cannot exceed full pay;</li> <li>II. for the next 18 weeks of absence the employee will receive half of full pay plus any ShPP. The total receivable cannot exceed full pay;</li> <li>III. for the next 13 weeks, the employee will receive any ShPP that they are entitled to under the statutory scheme.</li> <li>IV. for the final 13 weeks, the employee will receive no pay. This may be extended by local agreement in exceptional circumstances.</li> </ol> <p>The UHB will not pay more than 26 weeks - 8 weeks' full pay (including the two weeks' compulsory leave) and 18 weeks' half pay - to employees accessing occupational maternity or adoption or shared parental pay in aggregate to an eligible couple. This is irrespective of whether one or both parents are NHS employees as shared parental leave and pay is a joint entitlement.</p> <p>By prior agreement, occupational shared parental leave pay may be paid in a different way, for example a combination of full pay and half pay, or a fixed amount spread equally over the adoption leave period. Employees who are interested in finding out more about this option should contact Payroll.</p> <p>Statutory Shared Parental Pay (ShPP) is paid at a statutory flat rate sum or 90 per cent of an employee's average weekly earnings, whichever is lower.</p>
<p><b>2.7</b></p>	<p><b>Calculation of shared parental leave pay</b></p> <p>Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Shared Parental Pay entitlements, subject to the following qualifications:</p> <ol style="list-style-type: none"> <li>I. in the event of a pay award or move to a higher pay point being implemented <b>before</b> the paid shared parental leave period begins, the shared parental pay should be calculated as though the pay award or new pay point had effect throughout the entire Statutory Shared Parental Pay calculation period. If such a pay award was agreed retrospectively, the shared parental pay should be re-calculated on the same basis;</li> <li>II. in the event of a pay award or move to a higher pay point being implemented <b>during</b> the paid shared parental leave period, the shared parental pay due from the date of the pay award or new pay point should be increased accordingly. If such a pay award was agreed retrospectively the shared parental pay should be re-calculated on the same basis;</li> <li>III. in the case of an employee on unpaid sick absence or on sick absence attracting half pay during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for Statutory Shared Parental Pay purposes, average weekly earnings for the period of sick absence shall be calculated on the basis of notional full sick pay.</li> </ol>

Document Title: Shared Parental Leave and Pay Procedure	10 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	<p>If the employee is on an Employment Break or is away from the workplace for any other reason (e.g. secondment, parental leave, maternity/adoption leave etc), or if their salary is reduced because of purchased Additional Annual Leave, Childcare Vouchers or any other salary sacrifice scheme when shared parental leave pay is calculated, the amount of shared parental pay they are entitled to may be reduced.</p> <p>Shared parental leave pay will be paid into the employee's bank account on the same day that they would receive their salary and will be subject to the usual deductions for tax, national insurance and pension contributions.</p>
<b>2.9</b>	<p><b>Employees with less than 12 months' continuous service</b></p> <p>If an employee does not satisfy the eligibility criteria set out above for occupational shared parental leave pay, they may be entitled to Statutory Shared Parental Leave Pay whether or not they intend to return to work.</p> <p>If an employee's earnings are too low for them to qualify for Statutory Shared Parental Leave Pay, or they do not qualify for another reason, they are advised to contact their local Job Centre Plus to find out if they are entitled to any other possible benefits.</p>
<b>3</b>	<p><b>KEEPING IN TOUCH DURING ADOPTION LEAVE</b></p> <p>Before shared parental leave commences, the employee and their manager should discuss and agree any voluntary arrangements for keeping in touch during the adoption leave period, including:</p> <ul style="list-style-type: none"> <li>i. Any voluntary arrangements that may help them to keep in touch with developments at work and, nearer the time of their return, to help facilitate their return to work;</li> <li>ii. Keeping the manager in touch with any developments that may affect their intended date of return</li> </ul> <p>To facilitate the process of keeping in touch, it is important that the employee and their manager have early discussions to plan and make arrangements for 'shared parental leave in touch days' (SPLiT days), before the employee's shared parental leave takes place</p> <p>To enable employees to take up the opportunity to work SPLiT days, departments should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities</p> <p>SPLiT days are intended to facilitate a smooth return to work for employees returning from shared parental leave.</p> <p>An employee may work for up to a maximum of 20 SPLiT days without bringing their shared parental leave to an end. Any days of work will not extend the</p>

Document Title: Shared Parental Leave and Pay Procedure	11 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	<p>shared parental leave period. This will enable employees on shared parental leave to work either continuously or on odd days without bringing an end to their shared parental leave and pay. Work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace.</p> <p>Any such work must be by agreement and neither the employer or the employee can insist upon it.</p> <p>For SPLiT days worked the employee will be paid at their basic daily rate for the hours worked, less any occupational or statutory adoption pay. If a SPLiT day is worked in the full pay period, the manager must make arrangements to ensure the employee receives a day of paid leave in lieu once the employee has returned to work. If a SPLiT day is worked during the half pay period, the manager must make arrangements to ensure the employee receives a half day of paid leave in lieu once they have returned to work.</p> <p>Working for part of any day will count as one SPLiT day.</p>
<b>4</b>	<b>RETURN TO WORK</b>
<b>4.1</b>	<p>An employee who intends to return to work at the end of their shared parental leave will not be required to give any further notification to the employer and must present themselves for work on their first working day after the date set out in the letter confirming their leave and pay entitlements. If they wish to change the date and return to work early, they must give at least 28 days' notice.</p> <p>An employee has the right to return to their job under their original contract and on no less favourable terms and conditions. If this is not reasonably practicable they will be found suitable alternative employment, where the terms and conditions are not substantially less favourable than their original job.</p> <p>The manager must complete a Payroll Instruction Form (PIF) to inform Payroll that they have returned from shared parental leave. Failure to do this may result in a delay in their pay. If they have worked SPLiT days their manager should indicate this on the PIF form.</p> <p>Employees taking annual leave at the end of the shared parental leave will be deemed to have returned to work on the first day of annual leave.</p>
<b>4.2</b>	<p><b>Returning on flexible working arrangements</b></p> <p>If, at the end of shared parental leave, the employee wishes to return to work on different hours, the UHB has a duty to facilitate this, where possible. The employee will return to work on different hours, in the same job. If this is not</p>

Document Title: Shared Parental Leave and Pay Procedure	12 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	<p>possible the manager must provide written, objectively justifiable reasons for this and the employee will return to the same pay band and work of a similar nature and status to that which they held prior to their adoption leave.</p> <p>If it is agreed that the employee will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period, this will not affect their right to the return to their job under their original contract at the end of the agreed period.</p> <p>To apply for a change in hours employees should refer to the Flexible Working Procedure. It is recommended that they discuss this with their manager in the first instance and apply as soon as possible as the process can be lengthy.</p>
<b>4.3</b>	<p><b>Employees not returning to NHS employment</b></p> <p>All employees have the right to take up to 50 weeks shared parental leave whether or not they return to NHS employment.</p> <p>An employee who satisfies the conditions for eligibility set out above, except they do not intend to work with the same or another NHS employer for a minimum period of three months after their adoption leave has ended, will be entitled to pay equivalent to Statutory Shared Parental Pay.</p>
<b>4.3</b>	<p><b>Sickness following the end of Shared Parental Leave</b></p> <p>In the event of illness following the date the employee was due to return to work, normal sickness absence provisions will apply as necessary.</p> <p>Employees who return to work prior to the end of the 39 weeks Statutory Shared Parental Pay and then take sick leave of more than 3 calendar days are entitled to receive ShPP. In this instance they will see a mixture of Occupational Sick Pay and ShPP on their payslip.</p>
<b>4.4</b>	<p><b>Postponing a Return to Work</b></p> <p>Employees will not ordinarily be able to postpone their return to work following shared parental leave. However, the return to work may be postponed in exceptional circumstances e.g. sick pre-term baby or multiple births. The extension of unpaid contractual leave should be discussed on a case by case basis and decided by the manager (with advice from HR if appropriate).</p>
<b>4.5</b>	<p><b>Failure Return to work</b></p> <p>If an employee has notified their manager of their intention to return to work for the UHB or another NHS Employer, they must do so within 3 months of the end</p>

Document Title: Shared Parental Leave and Pay Procedure	13 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	<p>of the shared parental leave and are required to work for a minimum of 3 months. If they fail to do, they will be liable to refund the whole of their shared parental pay less any Statutory Shared Parental Pay received.</p> <p>However, the UHB has some discretion to waive their rights to recovery if it is believed that the enforcement of this provision would cause undue hardship or distress. In addition, the UHB may waive the rights to recovery if the employee returns to work via the Temporary Staffing Office (see Appendix 2 for details).</p>
<b>4.6</b>	<p><b>Employment Break</b></p> <p>It may be possible for an employee to take an employment break immediately after their shared parental leave. However, if they do not return to work within the NHS for a minimum of 3 months at the end of the employment break, they will have to re-pay the whole of their adoption pay less any Statutory Shared Parental Pay received. Employees have 3 months from the end of their shared parental leave to return to work before becoming liable to refund adoption pay but this period is suspended for the duration of an employment break.</p>
<b>5</b>	<p><b>CONTRACTUAL ARRANGEMENTS</b></p>
<b>5.1</b>	<p><b>Contractual Rights</b></p> <p>During shared parental leave (both paid and unpaid) employees retain all of their contractual rights except remuneration.</p> <p>Taking a period of shared parental leave will not affect the employee's incremental date, pay awards or continuous service.</p>
<b>5.2</b>	<p><b>Fixed term contracts or training contracts</b></p> <p>If an employee's contract expires more than 15 weeks before the week they are notified of being matched with a child, the employee is not entitled to shared parental leave or pay and their contract will terminate on the existing day of termination.</p> <p>If the employee's contract expires between the 11<sup>th</sup> and the 15<sup>th</sup> week before the expected week of childbirth or they are notified of being matched with a child, then they will not be entitled to occupational shared parental pay but may be entitled to statutory shared parental pay. If the employee has sufficient service to entitle them to statutory shared parental pay, this will be paid and the fixed term contract extended to enable them to take their shared parental leave.</p> <p>If an employee is subject to a fixed term or training contract which expires after the 11<sup>th</sup> week before the expected week of childbirth or the date of matching,</p>

Document Title: Shared Parental Leave and Pay Procedure	14 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	<p>or the 15<sup>th</sup> week before the baby’s due date if applying via a surrogacy arrangement, and who meet the eligibility criteria set out above, shall have their contracts extended so as to allow them to receive up to 52 weeks which includes paid occupational and statutory shared parental pay and the remaining 13 weeks of unpaid shared parental leave.</p> <p>Absence on shared parental leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.</p> <p>If there is no right of return to be exercised because the contract would have ended if shared parental leave had not been taken, the repayment provision set out above will not apply.</p> <p>Employees on fixed term contracts who do not meet the 12 months continuous service condition set out above may still be entitled to Statutory Shared Parental Pay.</p>
<b>5.3</b>	<p><b>Rotational training contracts</b></p> <p>Where an employee is on a planned rotation of appointments with one or more NHS employers, as part of an agreed programme of training, they shall have the right to return to work after a period of shared parental leave in the same post or in the next planned post, irrespective of whether the contract would otherwise have ended if adoption leave had not occurred. In such circumstances the employee’s contract will be extended to enable the practitioner to complete the agreed programme of training.</p> <p>To ensure equality of access:</p> <ol style="list-style-type: none"> <li>a. Where an employee changes employer because their training programme has required them to do so, and</li> <li>b. This means they do not have enough statutory continuous service with their current employer to access statutory adoption pay, but</li> <li>c. They would have had sufficient statutory continuous service to access statutory adoption pay had they not been required to change employer because of their training programme</li> </ol> <p>the employee shall be paid, by their current employer, the value of statutory shared parental pay they would have otherwise received if their statutory continuity had not been broken by their change of employer.</p>
<b>5.4</b>	<p><b>Pay Progression</b></p> <p>An employee on shared parental leave will progress through their pay-step on the date the it is due unless a pay-step review meeting has taken place prior to the commencement of leave which confirmed that the required standards for pay progression would not be met.</p>

Document Title: Shared Parental Leave and Pay Procedure	15 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	<p>For staff on medical or dental contracts the general principle will apply that there should be no detriment to pay progression or annual leave accrual as a result of taking shared parental leave.</p>
<b>5.5</b>	<p><b>Annual leave and public holidays</b></p> <p>Employees on paid and unpaid shared parental leave retain their right to the annual leave and public holiday provided by their terms and conditions of service.</p> <p>Where unused annual leave and public holidays exceed UHB provisions for carry over to the next leave year it may be beneficial for the employee to take the unused annual leave and public holidays before and/or after the agreed (paid and unpaid) shared parental leave period or to allow a short period of part-time working. The amount of annual leave and public holidays to be taken in this way, or carried over, should be discussed and agreed between the employee and their line manager as early as possible.</p> <p>Payment in lieu may be considered as an option where accrual of annual leave and public holidays exceeds normal carry over provisions, providing this would not cause a breach in the Working Time Regulations (1998). Managers should discuss this with the appropriate Directorate Manager/budget holder on a case by case basis.</p> <p>n.b. it is not possible for employees to take annual leave while on shared parental leave as this will bring their shared parental leave to an end.</p>
<b>5.6</b>	<p><b>Pensions</b></p> <p>All adoption leave periods will be counted as continuous service for the purpose of the NHS Pension Scheme.</p> <p>Contributions will be deducted as usual while an employee is on paid adoption leave.</p> <p>Contributions due for the unpaid section of an employee's shared parental leave will be accumulated and recovered over the same number of periods as the unpaid leave on the employee's return to work. If an employee prefers to pay their contributions during their unpaid leave they should contact the payroll department to discuss this.</p>
<b>5.8</b>	<p><b>Secondary Assignments</b></p>

Document Title: Shared Parental Leave and Pay Procedure	16 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

	<p>If an employee has more than one assignment with the UHB, their shared parental pay will be paid from their primary assignment and they will receive one payslip for the duration of their shared parental leave.</p>
<b>5.9</b>	<p><b>Car Users Allowance</b></p> <p>If an employee is in receipt of a regular car users allowance during the period in which their shared parental pay is calculated, this allowance will be included in their average shared parental pay and will not be paid as a separate element until their return to work.</p>
<b>5.10</b>	<p><b>Pregnancy or Subsequent Adoptions Occurring During Adoption Leave</b></p> <p>Paid and unpaid shared parental leave counts as continuous and qualifying service for subsequent periods of maternity, adoption or shared parental leave. This means that an employee who becomes pregnant or is notified that they have been matched with another child while already on shared parental leave is entitled to a further period of maternity, adoption or shared parental leave.</p> <p>However, as maternity, adoption and shared parental pay are calculated on the level of the average weekly earnings rule, the employee may not qualify for any pay during the subsequent period of leave or the level of pay may be reduced.</p>



## APPENDIX 1 - CONTINUOUS SERVICE

For the purposes of calculating whether the employee meets the qualification set out above to have had 12 months of continuous service with one or more NHS employers, NHS employers include health authorities, NHS boards, NHS trusts and the Northern Ireland Health Service (set out in Annex 1 of the AFC terms and conditions handbook).

The following breaks in service will be disregarded (but do not count as service):

- i. A break in service of three months or less will be disregarded;
- ii. Employment under the terms of an honorary contract
- iii. Employment as a locum in a general practice setting for a period not exceeding 12 months;
- iv. A period of up to 12 months spent abroad as part of a definite programme of postgraduate training on the advice of the postgraduate dean or college or faculty advisor in the speciality concerned;
- v. A period of voluntary service overseas with a recognised international relief organisation for a period of 12 months, which may exceptionally be extended for 12 months at the discretion of the employer which recruits the employee on their return;
- vi. Absence on maternity leave, adoption leave, or shared parental leave (paid or unpaid) as provided for under the AFC terms and conditions;
- vii. For doctors and dentists in training, time spent outside of NHS employment (employers not listed in Annex 1 of the AFC terms and conditions handbook) in an Out of Programme (OOP) placement approved by the Postgraduate Dean;
- viii. For doctors and dentists in training, time spent employed in the health service of a UK Crown Dependency as part of an approved training programme.

Line managers may at their discretion extend this period.

Employment as a doctor in training in a general practice setting shall not be regarded as a break in service and shall count as service.

The UHB has the discretion to count other previous NHS service or service with other employers.

Document Title: Shared Parental Leave and Pay Procedure	18 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

## APPENDIX 2 – WORKING FOR THE TEMPORARY STAFFING OFFICE

### 1. WORKING FOR THE TEMPORARY STAFFING OFFICE WHILE ON SHARED PARENTAL LEAVE

Employees are not allowed to work for the Temporary Staffing Office while on paid shared parental leave. However, they are entitled to work a maximum of 50% of their substantive post hours per week for the Temporary Staffing Office during their unpaid leave period. If they exceed this limit it will constitute a return to work. Employees are encouraged to work any shifts in the area in which they are substantively employed.

### 2. RETURNING TO WORK FOR THE TEMPORARY STAFFING OFFICE

Employees who do not return to the UHB or another NHS employer would ordinarily have to repay any enhanced occupational adoption pay they have received. However, in order to retain the skills and experience of employees, the UHB supports the waiver of the right to recover the occupational adoption pay for those employees who are automatically eligible to join the Cardiff and Vale UHB Temporary Staffing Office (i.e. current staff in unqualified or qualified nursing posts, or other areas covered by the Temporary Staffing Department) as long as they work a minimum of 18 shifts within 15 months of commencing their adoption leave.

#### Rules

1. Employees are only permitted to work for the Temporary Staffing Office during their unpaid adoption leave.
2. Working for the Temporary Staffing Office will not constitute a return to work and they will be treated in the normal way as an employee who does not return to work after a period of adoption leave in all aspects apart from this one exception.
3. There is no mutuality of obligation and all conditions working as a Cardiff and Vale **BANK ONLY** staff will apply.
4. Working for the Temporary Staffing Office is on a casual basis with no contracted hours and it is intended for work on a day by day basis when required by the clinical areas. Employees may work any flexible hours to suit their requirements, as there is no contract for working any hours each week. There is no guarantee of regular hours by the UHB or the employee. Availability of work depends on individual area requirements. There is no sick pay. They will be paid for hours worked. All shifts worked will be paid at the current agreed hourly rate for Bank Only staff.

Document Title: Shared Parental Leave and Pay Procedure	19 of 19	Approval Date: 09 Mar 2022
Reference Number: 257		Next Review Date: 09 Mar 2025
Version Number: 2		Date of Publication: 26 Apr 2022
Approved By: Employment Policy Sub Group		

5. It is their responsibility to ensure that they work the minimum of 18 shifts within 15 months of the beginning of their adoption leave.
6. If they do not complete the 18 shifts within the specified time period, Payroll will be instructed to pursue the overpayment procedure as set out in the [Payroll Overpayment/Underpayment Policy](#).