Reference Number: UHB 257 **Version Number: 3**	Date of Next Review: 30 September 2029 Previous Trust/LHB Reference Number:

SHARED PARENTAL LEAVE AND PAY PROCEDURE

Introduction and Aim

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

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.

Objectives

- To provide comprehensive information to employees on their entitlements with regards to shared parental leave and pay
- To provide the fair, consistent and effective application of shared parental leave provisions

Scope

This procedure applies to all staff who are:

- Having a baby
- Using a surrogate to have a baby
- Adopting a child

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.

Equality and Health Impact Assessment	This Procedure sits under the Family and Parental Leave Policy and EHIA. This EHIA found there to be a positive impact
Documents to read alongside this Procedure	Family and Parental Leave Policy Maternity Leave and Pay Procedure Adoption Leave and Pay Procedure New Parent Support Leave & Pay Procedure Flexible Working Procedure Adaptable Workforce Policy

	Payroll Overpayment/Underpayment Policy Working Times Procedure
Accountable Executive or Clinical Board Director	Executive Director of People and Culture
Author(s)	Workforce Governance Manager / RCN

Disclaimer

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.

Summary of reviews/amendments

Version Number	Date Review Approved	Date Published	Summary of Amendments
1	08.04.2015	14.04.2015	New procedure developed following changes in legislation
2	09.03.2022		• Procedure re-written to make it easier to understand • Occupational pay elements incorporated • Option for reasonable reimbursement of childcare costs or provision of childcare facilities when SPLIT days are worked included • 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 • New section of equality of access under rotational training contracts • New section on pay progression
3	30.09.26	02/11/2026	• Procedure rewritten to improve understanding • Updated inclusive language • Introduction of Glossary clarifying key terms • Consideration of reduced notice periods for those undergoing adoption

Contents

1	**RESPONSIBILITIES**	7
2	**SHARED PARENTAL LEAVE**	8
3	**KEEPING IN TOUCH DURING SHARED PARENTAL LEAVE**	13
4	**RETURN TO WORK**	14
5	**CONTRACTUAL ARRANGEMENTS**	16
Appendices		
1	**CONTINUOUS SERVICE**	20
2	**WORKING FOR THE TEMPORARY STAFFING OFFICE**	21

GLOSSARY

Term	Definition
Shared Parental Leave (SPL)	Up to 50 weeks of leave parents may share following the birth/ adoption of a child. Calculated by deducting the number of weeks of maternity/adoption leave utilised, from 52.
Shared Parental Pay (ShPP)_	Up to 37 weeks of pay parents may share following the birth of/adoption of a child. Calculated by deducting the number of weeks of maternity/adoption pay utilised from 39. This can be made up of a combination of statutory and occupational shared parental pay.
Statutory Shared Parental Pay	Statutory shared parental pay available to employees who meet the eligibility criteria set out in the policy, is paid at the national statutory rate, or 90% of average weekly earnings, whichever is lower.
Occupational Shared Parental Pay	Enhanced shared parental pay available to employees who meet the eligibility criteria set out in the policy, where occupational maternity/adoption pay has not been exhausted.
Employment and Earnings Test	The statutory work and pay criteria both parents must meet to qualify for Shared Parental Leave.
Booking Notice	Non-binding notice of an employees' intention to take shared parental leave

Binding Notice	Formal notification locking in the dates an employee intends to take shared parental leave.
Variation Notice	A request to alter a previously agreed period of shared parental leave. A maximum of 3 variation notices may be submitted.
Curtailment	Bringing maternity/adoption to an end, prior to utilising the full 52-week entitlement.
Continuous Leave	Where all Shared Parental Leave is taken in one ‘block’ with no break.
Discontinuous Leave	Where Shared Parental Leave is taken in blocks, with periods of returning to work/utilising leave in between.
SPLiT Days	Shared Parental Leave in Touch days – Up to 20 days which may be worked by both parents whilst remaining on shared parental leave.

1 RESPONSIBILITIES

1.1 Employee

- To inform their manager as soon as they know they are interested in taking Shared Parental Leave
- To access this procedure on the UHB website, from their manager or from the People Services Team and seek additional advice if necessary
- To ensure the appropriate notice is given and necessary information is provided by completing, in full, the appropriate forms
- To inform their manager of their intentions regarding returning to work

1.2 Manager

- Ensure the rules set out in the Procedure are followed without deviation as it can otherwise affect the employee's entitlements. Check with People Services if any elements are unclear.
- To ensure that the employee is aware of their rights and obligations under this procedure and is afforded time off and all other entitlements
- To ensure that the appropriate paperwork is forwarded to the People Services Team.
- To keep the employee who is on Shared Parental Leave informed about developments in the UHB and the department
- Inform Payroll when the employee goes on and returns from Shared Parental Leave
- Instruct Payroll to pursue the overpayment procedure if the employee does not return to work for 3 months and/or does not complete the 18 shifts within the specified time period (Temporary staffing) and is liable to refund their Shared Parental Leave Pay.

1.3 People Services

- To advise the employee of their rights and obligations
- To administer the Shared Parental Leave provisions in conjunction with payroll

1.4 Payroll

- To ensure that payments are made in line with both current Occupational and Statutory regulations
- To ensure that payments are made in line with normal salary crediting
- To ensure that the employee's membership to the NHS Pension Scheme is protected during paid and unpaid Shared Parental Leave

2 SHARED PARENTAL LEAVE

2.1

As soon as an employee 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.

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.

Employees can use Shared Parental Leave to take leave all in one go, or in up to 3 blocks separated by periods of work. Both parents can choose to be off work together or to stagger the leave and pay.

N.B. the partner may also be entitled to two weeks new parent leave which may be taken together or as individual 1 week blocks within 52 weeks of the birth, date of placement for adoption.

2.2 Eligibility to Shared Parental Leave

To be eligible for Shared Parental Leave and Pay both parents must:

- share responsibility for the child at birth (for birth parents)
- share responsibility for the child on the child's due date or birth date (if using a surrogate)
- or share responsibility for the child on the day their placement commenced (if adopting)

The employee must be working for the UHB at the start of each period of Shared Parental Leave.

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.

Employees working full or part time are entitled to paid and unpaid Shared Parental Leave under the NHS Occupational Shared Parental Pay scheme if:

I. they have 12 months' continuous service with one or more NHS employers at:
   - the beginning of the 11th week before the expected week of childbirth
   - or at the beginning of the week in which they are notified of being matched with a child for adoption
   - or by the 15th week before the baby's due date if applying via a surrogacy arrangement;

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:
   a. their intention to take Shared Parental Leave;

	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 birth parent or primary adopter before they can access Shared Parental Leave); 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; d. that the birth parent 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. III. they confirm that the other parent meets the statutory "employment and earnings test" 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 any 13 of those 26 weeks. (n.b. This amount can be amended from time to time) The UHB recognises that, in cases of adoption, employees may receive limited notice of the child's placement date. In these circumstances, requests for Shared Parental Leave submitted with less than the required notice may be considered on a case-by-case basis. Refer to section 2.9 on Statutory entitlements if the employee does not have 12 months continuous service.
2.3	**Accessing Shared Parental Leave** For Shared Parental Leave to start, the person on maternity or adoption leave must either: • return to work, which ends any maternity or adoption leave • or, give their employer 'binding notice' of when they plan to end their leave (this cannot normally be changed) 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. In order to access Shared Parental Leave employees will be required to complete the appropriate forms to: • Give notice of when the maternity or adoption leave is going to end (be curtailed) • Give notice that they plan to take Shared Parental Leave and Pay • Book their leave dates 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.

	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
2.4	**Booking and Varying Shared Parental Leave** 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. Shared Parental Leave can start on any day, but it can only be taken in blocks of full weeks.
2.4.1	Before either parent can take Shared Parental Leave, the birth parent/adopter must give written notice of their intention to end their maternity or adoption leave by completing a Curtailment Form and submitting it to their line manager. 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. n.b. any application for adoption/maternity leave must be agreed prior to making an application for Shared Parental Leave.
2.4.2	Employees who intend to take Shared Parental Leave must give their line managers at least eight weeks written notice by completing a Notification Form. This can be done at the same time as the Curtailment Form, or separately, as long as the required 8 weeks' notice is given.
2.4.3	To book the dates of their Shared Parental Leave, the employee must submit a 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 Notification Form, or separately. An employee can provide up to three notices to book leave. This includes notices to vary a previously agreed pattern of leave. Each of the three notices to book leave may include a single, continuous or discontinuous block of leave. Requests for single blocks of leave cannot be refused.
2.4.4	Confirmed leave arrangements can be amended by submitting 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.
2.4.5	Where an employee requests discontinuous periods of leave, the line manager does not have to agree to the requested pattern. A two-week discussion period will begin

	from the date the booking notice is submitted. During this period, the employee and line manager should discuss the proposed leave pattern and explore any suitable alternatives. If the line manager refuses the requested pattern, they must explain the reason for this. The employee remains entitled to take the total amount of leave requested in the notice, but the line manager may determine how and when that leave is taken.
2.4.6	Where a request for discontinuous leave is refused, and no alternative is agreed during the discussion period, the employee may take the total number of weeks requested as one continuous block. The employee may choose the start date, but this must be at least eight weeks after the original notice was given to the line manager. They must confirm the start date within five days of the end of the two-week discussion period. If the employee does not confirm a start date, the leave will begin on the start date of the first period of discontinuous leave originally requested.
2.4.7	An employee cannot withdraw a notice for a single continuous block of leave unless their line manager agrees. A notice for discontinuous blocks of leave may be withdrawn within 15 days of being submitted, provided the employee and line manager have not agreed when the leave will be taken. After 15 days, any changes must be made using a variation notice, with at least eight weeks' notice. A withdrawn notice will not count towards the three booking notice limit.
2.8	**Confirming Shared Parental Leave and Pay** Following receipt of the signed Shared Parental Leave application form, People Services will confirm in writing: i. The employee's paid and unpaid Shared Parental Leave entitlements; ii. The confirmed leave pattern, including start and end dates, for each block of shared parental leave it has been agreed will be undertaken; and iii. confirmation of the notification process and the required notice periods for instances where agreed blocks of leave need to be amended
3	**SHARED PARENTAL PAY** Eligible employees will be entitled to claim up to 37 weeks of Statutory Shared Parental 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.

	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 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. 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; 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; III. for the next 13 weeks, the employee will receive any ShPP that they are entitled to under the statutory scheme. IV. for the final 13 weeks, the employee will receive no pay. This may be extended by local agreement in exceptional circumstances. 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. By prior agreement, occupational Shared Parental 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 Shared Parental leave period. Employees who are interested in finding out more about this option should contact Payroll. 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.
2.7	**Calculation of Shared Parental Pay** Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Shared Parental Pay entitlements, subject to the following qualifications: I. in the event of a pay award or move to a higher pay point being implemented **before** 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; II. in the event of a pay award or move to a higher pay point being implemented **during** 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; 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. 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. Shared Parental 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.
2.9	**Employees with less than 12 months' continuous service** 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 Pay whether or not they intend to return to work. If an employee's earnings are too low for them to qualify for Statutory Shared Parental 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.
3	**KEEPING IN TOUCH DURING SHARED PARENTAL LEAVE** Before Shared Parental Leave commences, the employee and their manager should discuss and agree any voluntary arrangements for Shared Parental Leave keeping in touch days (SPLiT days) during the Shared Parental Leave period, including: 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; ii. Keeping the manager in touch with any developments that may affect their intended date of return 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

	SPLiT days are intended to facilitate a smooth return to work for employees returning from shared parental leave. 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 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. Any such work must be by agreement and neither the employer or the employee can insist upon it. For SPLiT days worked the employee will be paid at their basic daily rate for the hours worked, less any occupational or statutory Shared Parental 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. Working for part of any day will count as one SPLiT day. n.b. This is separate from an employees' entitlement/ability to return to work in between periods of discontinuous Shared Parental Leave.
4	**RETURN TO WORK**
4.1	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. 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. The manager must notify Payroll via the Staff Movement Advice (SMA) App of the employee's return to work from Shared Parental Leave. Failure to do this may result in a delay in their pay. If they have worked SPLiT days, the manager should also indicate this via the SMA app.

	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; this leave will contribute towards the 3-month required return to NHS employment for those in receipt of Occupational Shared Parental Pay.
4.2	**Returning on flexible working arrangements** 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 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 Shared Parental leave. 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. 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.
4.3	**Employees not returning to NHS employment** All employees have the right to take up to 50 weeks shared parental leave whether or not they return to NHS employment. 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 Shared Parental leave has ended, will be entitled to pay equivalent to Statutory Shared Parental Pay.
4.4	**Sickness following the end of Shared Parental Leave** In the event of illness following the date the employee was due to return to work, normal sickness absence provisions will apply as necessary. 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.

4.5	**Postponing a Return to Work** 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. (Other leave provisions may also be available in these circumstances e.g. Neonatal Care Leave). The extension of unpaid contractual leave should be discussed on a case-by-case basis and decided by the manager (with advice from People Services if appropriate).
4.6	**Failure to Return to work** 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 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. 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 waiver the rights to recovery if the employee returns to work via the Temporary Staffing Office (see Appendix 2 for details).
4.7	**Employment Break** 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 Shared Parental 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 Shared Parental Pay but this period is suspended for the duration of an employment break.
5	**CONTRACTUAL ARRANGEMENTS**
5.1	**Contractual Rights** During Shared Parental Leave (both paid and unpaid) employees retain all of their contractual rights except remuneration. Taking a period of Shared Parental Leave will not affect the employee's incremental date, pay awards or continuous service.
5.2	**Fixed term contracts or training contracts**

	If an employee's contract expires more than 15 weeks before the expected week of childbirth/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. If the employees contract expires between the 11th and the 15th 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. If an employee is subject to a fixed term or training contract which expires after the 11th week before the expected week of childbirth or the date of matching, or the 15th 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. Absence on Shared Parental Leave (paid and unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service. 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. 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.
5.3	**Rotational training contracts** 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 Shared Parental 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. To ensure equality of access: a. Where an employee changes employer because their training programme has required them to do so, and

	b. This means they do not have enough statutory continuous service with their current employer to access Statutory Shared Parental Pay, but c. They would have had sufficient statutory continuous service to access statutory Shared Parental pay had they not been required to change employer because of their training programme 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.
5.4	**Pay Progression** An employee on Shared Parental Leave will progress through their pay-step on the date 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. 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.
5.5	**Annual leave and public holidays** 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. Where unused annual leave and public holidays exceed UHB provisions for carry over to the next leave year it is recommended the employee take a 'block' of the unused annual leave and public holidays before and/or after the agreed Shared Parental Leave period or to allow a short period of part-time working facilitated by annual leave. 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, this agreement should be confirmed in writing. Any application for carry over of annual leave should be submitted to the ESR Team via their usual application process. 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.

	n.b. annual leave may be taken in between periods of discontinuous Shared Parental Leave but cannot be taken during an active period of paid or unpaid Shared Parental Leave.
5.6	**Pensions** All Shared Parental Leave periods will be counted as continuous service for the purpose of the NHS Pension Scheme. Contributions will be deducted as usual while an employee is on paid Shared Parental Leave. 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.
5.8	**Secondary Assignments** 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.
5.9	**Car Users Allowance** 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.
5.10	**Pregnancy or Subsequent Adoptions Occurring During Shared Parental Leave** 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. 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.

APPENDIX 1 - CONTINUOUS SERVICE

To qualify for Occupational Shared Parental Pay, employees must have 12 months' continuous NHS service with one or more recognised NHS employer. Recognised NHS employers are listed in Annex 1 of the Agenda for Change Terms and Conditions Handbook.

The following breaks in services do not break continuous service, but do not count towards service:

a. A break in services of 3 months or less
b. Employment under an honorary contract
c. Employment as a locum in general practice setting for a period of up to 12 months
d. Up to 12 months abroad for approved post graduate training on advice of postgraduate dean/college/faculty advisor in relevant specialty
e. Up to 12 months undertaking voluntary service overseas with recognised international relief organisation. May be extended by further 12 months in extenuating circumstances at employing organisations discretion,
f. A period Maternity, Adoption, or Shared Parental Leave.
g. Out of programme placement for doctors and dentists in training approved by postgraduate dean.
h. Employment in health service of UK Crown Dependency for doctors and dentists in training 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.

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 Shared Parental 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 shared parental 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 shared parental leave.

Rules

1. Employees are only permitted to work for the Temporary Staffing Office during their unpaid shared parental 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 shared parental 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 guaranteed or contracted hours. Shifts are offered on a day-by-day basis according to service need. Employees are paid only for hours worked, at the current agreed Bank Only hourly rate, with no right to sick pay.
5. It is their responsibility to ensure that they work the minimum of 18 shifts within 15 months of the beginning of their Shared Parental 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.