

Shared Parental Leave

This document outlines the Scottish Prison Service Policy in relation to Shared Parental Leave and Pay.

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Unlocking Potential - Transforming Lives.

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All Scottish Prison Service Employees

Links to Other Policies:

[Maternity and Parenting Policy and Procedure](#)

[Special Leave Policy](#)

[Attendance Management Policy](#)

[Flexible Working Policy](#)

[Career Break Policy](#)

[Equality, Diversity and Human Rights Policy](#)

[Employee Code of Conduct](#)

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1.0 Introduction

This document forms part of the Scottish Prison Service (SPS) suite of Family Friendly & Work Life Balance Policies and sets out the rights of SPS employees to shared parental leave (ShPL) and shared parental pay (ShPP).

ShPL enables eligible parents to choose how to share the care of their child during the first year after 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 ShPL.

2.0 Aim

The aim of the SPS Shared Parental Leave policy is to:

- Allow working parents to share the care of their children.
- Enable working partners to take a more active role in caring for their children.
- Reduce the gender bias that currently impacts on women's careers.

3.0 Policy Statement

SPS complies with the Shared Parental Leave Regulations, which provides a statutory right for eligible employees to take ShPL in connection with the birth of their child, or placement of an adopted child. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory ShPL and statutory ShPP.

4.0 Scope

This policy has been developed by Management and the Trade Union Side working in Partnership.

This policy applies to all SPS employees regardless of the nature of their contract of employment as long as they meet the eligibility criteria for ShPL (*'Continuity of*

Employment Test and *Employment and Earnings Test*) as set out in this policy and supporting documents. Each parent will need to qualify for leave and pay in their own right.

5.0 Definitions

For simplification of this document the following terms and definitions apply:

- **Main Parent** – the birth parent, mother or main adopter of the child.
- **Main adopter** – the person with whom the adoptive child is expected to be placed and who has primary care for the child.
- **Partner** – the other caring parent, who is not the birth parent, mother or main adopter, but may be the child’s biological father, the main parent’s partner who can be their husband/wife, civil partner or partner living in an long-term relationship with them and the child.
- **Parent** – the birth parents of the child and adoptive parents or intended parents in surrogacy arrangements.
- **Expected week of childbirth** – the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.
- **Placement date** - the date at which the child comes to live with the adopting parents.
- **Matching date** - the week in which the adopting parents are notified by the adoption agency that they are matched with a child for adoption is called the Matching date.

6.0 Shared Parental Leave Entitlement

Eligible employees may be entitled to take up to 50 weeks ShPL which an individual is entitled to will depend on when the main parent brings their maternity/adoption leave period to an end.

Currently, main parents are entitled to 52 weeks leave. The first two weeks (or four weeks for factory workers) following birth are the compulsory maternity/adoption leave period and are reserved for the main parent. This means that the main parent cannot curtail their maternity/adoption leave to take ShPL until two weeks (or four

weeks for factory workers) after the birth/placement and the maximum period that the eligible parents can take as ShPL is 50 weeks (48 weeks for factory workers) between them.

A main parent may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give their [‘Maternity/Adoption Leave Curtailment Notice’](#) at a specified future date. If the main parent reduces their maternity/adoption leave entitlement then they and/or their partner may opt-in to the ShPL system and take any remaining weeks as ShPL.

Periods of ShPL do not have to be consecutive and the two parents can take leave at the same time, provided that the total amount of leave taken does not exceed 52 weeks.

The partner can begin a period of ShPL at any time from the date of the child's birth but the partner should bear in mind that they are still entitled to take up to two weeks' paternity leave following the birth of their child, which they will lose if ShPL is taken first. To enable the partner to start taking ShPL from the birth of the child (and whilst the main parent is still on maternity/adoption leave), the main parent will be able to give notice to end their maternity/adoption leave on a specific date in the future. ShPL must end no later than one year after the birth/placement of the child and any ShPL not taken by the first birthday or first anniversary of placement for adoption, is lost.

ShPL will generally commence on the employee's chosen start date specified in their [‘Period of Leave Notice’](#), or in any subsequent [‘Variation or Cancellation Notice’](#).

If the employee is eligible to receive it, statutory ShPP may be paid for some, or all, of the ShPL period.

7.0 Eligibility for Shared Parental Leave

ShPL can only be used by two people, the main parent and partner. Both parents must share the main responsibility for the care of the child at the time of the birth or placement for adoption and have to satisfy either the *‘Continuity of Employment Test’* (SPS employee) or the *‘Employment and Earnings Test’* (SPS employee's partner).

The main parent and their partner need to jointly consider whether they meet the qualifying criteria for ShPL. This also applies to prospective parents who have a child placed with them under fostering to adopt arrangements.

For simplicity, employees may calculate their eligibility for ShPL on the government homepage following this link: <https://www.gov.uk/pay-leave-for-parents>.

7.1 Continuity of Employment Test

To be eligible for ShPL the employee must:

- Have at least 26 weeks continuous service with SPS by the end of the 15th week, before the expected week of childbirth or adoption matching date.
- Still be working for SPS when they intend to take the leave.
- Have earnings above the lower earnings limit for the eight week period prior to the 15th week, before the expected week of childbirth or adoption placement date. The lower earnings limit is set annually by the government for the relevant tax year (please check with your local HR department for the current rate).

7.2 Employment and Earnings Test

In order to qualify, an employed person must have a partner who:

- Declares that they meet the 'Employment and Earnings Test';
- Has worked for any 26 out of the 66 weeks leading up to the expected week of childbirth or the adoption matching date; and
- Have average weekly earnings of at least the maternity/adoption allowance threshold for any 13 of those 66 weeks (please check with your local HR department for the current maternity/adoption allowance threshold rate).

8.0 Notice Requirements for Shared Parental Leave

The notices that the parents must give to SPS to be able to take ShPL are made up of three elements. They are:

- ['Maternity/Adoption Leave Curtailment Notice'](#)
- ['Notice of Entitlement and Intention to take ShPL'](#)
- ['Period of Leave Notice'](#)

The notice periods set out below (see [‘Maternity/Adoption Leave Curtailment Notice’](#), [‘Notice of Entitlement and Intention’](#) and [‘Period of Leave Notice’](#)) are the minimum required by law as set out in the Shared Parental Leave Regulations.

Where an employee has already decided the pattern of ShPL that they would like to take, they can provide more than one type of notice at the same time. For example, the main parent could provide a [‘Maternity/Adoption Leave Curtailment Notice’](#), [‘Notice of Entitlement and Intention’](#) and [‘Period of Leave Notice’](#) at the same time. Similarly, the partner could provide their [‘Notice of Entitlement and Intention’](#) and [‘Period of Leave Notice’](#) at the same time.

All notice forms are available on the [Shared Parental Leave SharePoint site](#) on My SPS. Employees should use these forms to make any requests in relation to ShPL or pay.

8.1 Maternity/Adoption Leave Curtailment Notice

Before an eligible main parent or partner can take ShPL, the main parent must either return to work before the end of their maternity/adoption leave (by giving the required eight weeks’ notice of their planned return) or provide SPS with a complete [‘Maternity/Adoption Leave Curtailment Notice’](#) form, stating the date on which the maternity/adoption leave is to end, giving at least eight weeks’ notice.

That date must be:

- after the compulsory maternity/adoption leave period, which is the two weeks (or four weeks for factory workers) after birth; and
- at least eight weeks after the date on which the main parent gave the ‘Maternity/Adoption Leave Curtailment Notice’ to their employer, giving at least eight weeks’ notice; and
- at least one week before what would be the end of the additional maternity/adoption leave period. This notice must be given at least 9 weeks before the 52 weeks of maternity/adoption leave is due to end.

The main parent may choose to provide their [‘Maternity/Adoption Leave Curtailment Notice’](#) at the same time they provide their [‘Notice of Entitlement and Intention to take ShPL’](#). Once the main parent has provided their [‘Maternity/Adoption Leave Curtailment Notice’](#) and either parent has informed their employer of their entitlement to take ShPL then the [‘Maternity/Adoption Leave Curtailment Notice’](#) is binding and cannot be withdrawn (except in very limited circumstances – see Section 9).

To enable the partner to start taking ShPL from the birth/placement of the child (and whilst the main parent is still on maternity/adoption leave), the main parent will be

able to provide their employer with the [‘Maternity/Adoption Leave Curtailment Notice’](#) for a specific date of the main parent’s choice.

8.2 Notice of Entitlement and Intention to take SHPL

Eligible employees, whether the main parent or the partner, must provide SPS with a completed non-binding [‘Notice of Entitlement and Intention to take ShPL’](#) form, providing at least eight weeks’ notice before the start date of the first period of ShPL to be taken.

The notice of entitlement will include:

- the number of weeks that the main parent took maternity/adoption leave (or will have taken, where notice has been given to curtail the leave on a specific future date);
- how many weeks of ShPL and pay is available to the employee and their partner;
- how many weeks each parent intends to take;
- a declaration from the employee’s partner stating that they meet the employment and earnings test. This declaration will also state that they give their consent to SPS employee taking ShPL and/or pay and SPS to process information provided by them; and
- a non-binding indication of how the employee will take ShPL that is available to them.

(Please view the [‘Notice of Entitlement and Intention to take ShPL’](#) form for all required information)

Please note that the [‘Notice of Entitlement and Intention to take ShPL’](#) can only be accepted if:

- the main parent has handed in their ‘Maternity/Adoption Leave Curtailment Notice’ prior to, or together with the ‘Notice of Entitlement and Intention to take ShPL’; or
- the partner provides a declaration that the main parent has forwarded their ‘Maternity/Adoption Leave Curtailment Notice’ to their employer consenting to the ShPL their partner intends to take.

Within 14 days of receiving a [‘Notice of Entitlement and Intention to take ShPL’](#) from the employee, whether the main parent or partner, SPS will request the following information:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet

to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice) or in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption;

- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

In order to be entitled to ShPL, the employee has 14 days from the date of the request to send the required information to SPS (unless the application is made prior to the birth of the child).

8.3 Period of Leave Notice

In addition to notifying SPS of entitlement and intention to take ShPL, an employee must also give formal written notice by filling out the '[Period of Leave Notice](#)' form setting out the start and end dates of each period of ShPL requested in that notice. In many cases, the '[Period of Leave Notice](#)' form will be given at the same time as the '[Notice of Entitlement and Intention](#)' to ShPL.

The employee must book ShPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

An eligible employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

Continuous Period of Shared Parental Leave

A notification can be for a period of continuous leave, which means a number of weeks taken in a single unbroken period (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of ShPL available to them and provided that SPS has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave per pregnancy/adoption.

Discontinuous Periods of Shared Parental Leave

An employee may submit a '[Period of Leave Notice](#)' requesting discontinuous periods of leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example 8 weeks leave, returning to work for 4 weeks, followed by a further 4 weeks leave).

Each request for discontinuous leave will be considered on a case-by-case basis, taking into account business needs and circumstances at the time of the request.

Requests for Leave

An employee can provide a combined total of up to three '[Period of Leave Notices](#)' or variations of '[Period of Leave Notices](#)' per pregnancy/adoption.

ShPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of ShPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of ShPL, the next period of ShPL can start on any day of the week.

9.0 Variation and Cancellation of Notices

9.1 Variation and Cancellation Notice

SPS recognises that situations may arise where an employee will want to cancel or vary their '[Maternity/Adoption Leave Curtailment Notice](#)', '[Notice of Entitlement and Intention to take ShPL](#)' or '[Period of Leave Notice](#)'. Each notice sets out different requirements and circumstances of how and when the notice can be cancelled or varied as outlined below.

Variation and Cancellation Notice of Maternity/Adoption Leave Curtailment

The main parent can withdraw their '[Maternity/Adoption Leave Curtailment Notice](#)' only in limited circumstances. In order to withdraw a '[Maternity/Adoption Leave Curtailment Notice](#)' the main parent must provide their line manager with a '[Variation and Cancellation Notice](#)' and can only be accepted if the main parent has not

returned to work. The main parent can withdraw their '[Maternity/Adoption Leave Curtailment Notice](#)' if:

- it is discovered that neither the main parent nor the partner is entitled to ShPL or statutory ShPL and the main parent withdraw their '[Maternity/Adoption Leave Curtailment Notice](#)' within eight weeks of the date on which the notice was given;
- the '[Maternity Leave Curtailment Notice](#)' was given before the birth of the child and the birth parent withdraws their '[Maternity Leave Curtailment Notice](#)' within six weeks of the child's birth (this only applies to birth parents); or
- the partner has died.

Variation or Cancellation Notice of Entitlement and Intention to take ShPL

Employees can vary or cancel their proposed ShPL dates or any other details following the submission of a '[Notice of Entitlement and Intention to take ShPL](#)', as long as they provide SPS with a '[Variation and Cancellation Notice](#)' at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

To make changes to this notice, the employee has to notify SPS by completing the '[Variation and Cancellation Notice](#)' and by completing a new form of the '[Notice of Entitlement and Intention to take ShPL](#)'.

Any indication of leave intended to be taken that the employee provided in a variation of '[Notice of Entitlement and Intention](#)' is non-binding until they provide a '[Period of Leave Notice](#)' in relation to that period of leave. Therefore, if leave was booked that will no longer take a notice to vary/cancel a '[Period of Leave Notice](#)' leave must also be made (see below).

There is no limit on the number of variations of '[Notice of Entitlement and Intention](#)' that the employee can make.

Variation or Cancellation Notice of Period of Leave Notice

Employees can vary or cancel their proposed SPS dates following the submission of a '[Period of Leave Notice](#)', as long as they provide SPS with a '[Variation and Cancellation Notice](#)' not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of ShPL or cancel a request for leave;

- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

Any '[Variation or Cancellation](#)' notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early or late, or where SPS has requested the change to the leave period and the employee agrees, will not count as further notification.

10.0 Confirmation of Leave Arrangements

Once the Line Manager receives the '[Period of Leave Notice](#)', it will be dealt with as soon as reasonably possible, but a response will be provided no later than the 14th calendar day after the leave request was made. To ensure the response is provided by the 14th day, the request may be considered by another appropriate manager. The Line Manager will consult with the Second Line Manager and the HR Department prior to approving any request for discontinuous leave.

If an employee submits a '[Period of Leave Notice](#)' requesting discontinuous periods of leave, SPS can;

- a) consent to the pattern of leave requested;
- b) propose an alternative pattern of leave; or
- c) refuse the pattern of leave requested, within the two weeks beginning with the date the '[Period of Leave Notice](#)' was given.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to SPS against any adverse impact to the business.

10.1 Discussions regarding Shared Parental Leave

The Line Manager will usually arrange a meeting with the employee to discuss the request however, where a notice is for a single period of continuous leave, or where a request for discontinuous leave can, without further discussion be approved in the terms stated in the employee's '[Period of Leave Notice](#)', a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the discussion may be held over the telephone. At the meeting the employee may be accompanied by a workplace colleague or Trade Union representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and SPS, and what the outcome may be if no agreement is reached.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the ['Period of Leave Notice'](#) was originally given. The employee must notify SPS of that date within five days of the end of the two-week discussion period.

If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the ['Period of Leave Notice'](#).

Alternatively, if SPS has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a ['Period of Leave Notice'](#) requesting discontinuous periods of leave. The employee can withdraw a ['Period of Leave Notice'](#) at any time on or before the 15th day after the ['Period of Leave Notice'](#) was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can request.

11.0 Statutory Shared Parental Pay

Eligible employees may be entitled to take up to 37 weeks statutory ShPP while taking ShPL (this can rise to 39 weeks for a partner where the birth parent dies in childbirth). Statutory ShPP is paid at 90% of the employee's averaged weekly earnings or the statutory ShPP flat rate, whichever is lower (please check with your local HR department for current statutory ShPP rate).

The amount of weeks available will depend on the amount by which the main parent reduces their maternity/adoption pay period or maternity allowance period. A main parent must take at least two weeks of statutory maternity/adoption pay (the first two weeks after giving birth/the placement of the child), which reduces the maximum amount of statutory ShPP that can be created to 37 weeks.

Statutory ShPP may be payable during some or all of ShPL, depending on the length and timing of the leave. If both parents qualify for statutory ShPP they must decide who will receive the statutory ShPP, or how it will be divided, and each should inform their employer of their entitlement.

In addition to meeting the eligibility requirements for ShPL, an employee seeking to claim statutory ShPP must further satisfy each of the following criteria:

- the main parent must be/have been entitled to statutory maternity/adoption pay or maternity/adoption allowance and must have reduced their maternity/adoption pay period or maternity/adoption allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee must have earned not less than the lower earnings limit in force for national insurance contributions in the relevant period. The lower earnings limit is set annually by the government for the relevant tax year (please check with your local HR department for current rate). The relevant period is usually the eight weeks leading up to the qualifying week (as with ShPL, the qualifying week is the end of the 15th week before the week in which the baby is due to be born, or the week that the adopter is notified of being matched with a child).
- the employee must remain in continuous employment until the first week of ShPL has begun;
- the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive statutory ShPP they must, at least eight weeks before receiving any statutory ShPP, give their Line Manager written notice (['Notice of Entitlement and Intention to take ShPL'](#)), advising of their entitlement to statutory ShPP. To avoid duplication, if possible, this should be included as part of the ['Notice of Entitlement and Intention to take ShPL'](#).

In addition to what must be included in the ['Notice of Entitlement and Intention to take ShPL'](#) any notice that advises of an entitlement for statutory ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity/adoption allowance;

- the total amount of statutory ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim statutory ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for statutory ShPP and that they will immediately inform SPS should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming statutory ShPP and for SPS to process any statutory ShPP payments to the employee;
- that they have reduced their maternity/adoption pay or maternity allowance (in the case whether the partner is the main parent);
- that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any statutory ShPP due will be paid at a rate set by the Government for the relevant tax year.

12.0 SPS Occupational Shared Parental Pay

Eligible employees who claim Statutory ShPP will also qualify for SPS Occupational ShPP, subject to the following conditions;

- the employee has been continuously employed by SPS for at least one year at the qualifying week;
- the employee is in the paid employment of SPS at the time their ShPL begins;
- the employee must be in receipt of Statutory ShPP for the same period;
- the employee must sign, before starting ShPL, a Statement of 'Intention and Undertaking to Repay Salary'.

SPS Occupational ShPP is paid at the full rate of the employee's normal basic salary for a maximum of 26 weeks of ShPL and includes the Statutory ShPP due. In other words, SPS will top up Statutory ShPP to the level of the employees full basic pay during the relevant period.

SPS Occupational ShPP will not be paid where it's known that an employee won't be returning to work after shared parental leave.

13.0 Terms & Conditions during SHPL

During a period of ShPL, an employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for remuneration.

13.1 Pension Contributions

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid ShPL. Employee contributions will remain at the same percentage but will be based on actual pay, while SPS contributions will be based on the salary that the employee would have received had they not been taken ShPL.

13.2 Annual Leave

ShPL is granted in addition to an employee's normal annual holiday entitlement and contractual annual leave entitlement will continue to accrue during periods of ShPL. Employees are reminded that holidays should wherever possible be taken in the year they are earned. Where a ShPL period overlaps two annual leave years employees and their Line Manager should consider how their annual leave entitlement can be used.

13.3 Contact During Shared Parental Leave

Before an employee begins a period of ShPL, the Line Manager will discuss the arrangements for them to keep in touch during their leave. SPS reserves the right to maintain reasonable contact with the employee from time to time during their SHPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

13.4 Shared Parental Leave in Touch Days

Employees can agree to work for up to 20 days each during the Shared Parental Leave (ShPL) period without bringing their period of ShPL to an end or impacting on their right to claim Shared Parental Pay (ShPP) for that week. Such days, known as

Shared Parental Leave in Touch days (SPLIT days) are different from reasonable contact as described at 13.3 above.

SPS is not obliged to offer SPLIT days nor is the employee obliged to work if requested by SPS. An employee taking a SPLIT day will be paid at their full contractual rate of pay for carrying out work which may include attending training or a team meeting on a day or part of a day.

SPLIT days may be worked at any stage during the ShPL period. An employee, with the agreement of SPS, may use SPLIT days to work part of a week during ShPL. SPS and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of ShPL or to trial a possible flexible working pattern. Any SPLIT days worked do not extend the period of ShPL.

Line managers should record SPLIT days using the [‘Contact, KIT and SPLIT days’ form](#)

SPLIT days are in addition to the 10 Keeping in Touch (KIT) days employees are entitled to under the maternity leave policy. Further details are contained in the [Maternity Leave Policy](#)

13.5 Fraudulent Claims

It is the responsibility of the employee to ensure that any information submitted in relation to ShPL is factual and accurate. The employee also has a responsibility to inform SPS immediately of a change to their circumstances which may affect their eligibility to ShPL or ShPP.

Where there is a suspicion that fraudulent information may have been submitted, or where SPS has been informed by HMRC that a fraudulent claim was made, the matter may be referred for further investigation under the SPS’s [disciplinary processes](#) .

14.0 Returning to Work after Shared Parental Leave

Employees are expected to return to work on the next working day after the end date of any period of ShPL, unless they notify SPS otherwise. If they are unable to attend work due to sickness or injury, the normal SPS arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If an employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give SPS at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have SPS does not have to accept the notice to return early but may do so at the sole discretion of SPS.

On returning to work after ShPL, the employee is entitled to return to the same job if the employee's combined total statutory maternity/ paternity/ adoption leave and ShPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/ paternity/ adoption leave and the most recent period of ShPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and ShPL amounts to more than 26 weeks in total, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable, appropriate and on terms and conditions which are no less favourable.

14.1 Unpaid Parental Leave

If the employee takes a period of unpaid parental leave of four weeks or less in addition to ShPL this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the combined weeks of maternity/paternity/adoption and shared parental leave do not exceed 26 weeks.

If a parent takes a period of five weeks of unpaid parental leave in addition to SHPL, even if the total combined weeks of maternity/ paternity/ adoption and ShPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

Further Information:

SPS recognises that, from time to time, employees may have questions or concerns relating to their Shared Parental Leave rights. In certain situations an employee's rights and requirements regarding Shared Parental Leave and Shared Parental Pay may change. In these circumstances SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees should clarify the relevant procedures with their Line Manager or the local Human Resources department to ensure that they are followed.

Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

Equality Statement

SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This policy applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible and engaging for staff.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.

If you require this document in an alternative format please contact Human Resources.

Review and Monitoring

This policy will be reviewed every three years or sooner where applicable to reflect changing business and legislative requirements.

Human Resources Policy and Guidance in SPS

SPS policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Civil
Service
Management
Code



UK Legislation



EU
Legislation



ACAS



CIPD Best
Practice