

**SCOPE**

This document establishes the Shared Parental Leave (Birth) Policy for Galliford Try Employment Limited. References in this policy to the 'Company' are to Galliford Try Employment Limited. References in this policy to 'our people' are to employees of Galliford Try Employment Limited.

**PURPOSE**

The Galliford Try Employment Limited Shared Parental Leave (Birth) Policy describes the rights of our employees to shared parental leave and pay in relation to the birth of a child. Shared parental leave (SPL) is a form of leave available to working parents following the birth of a child. Individuals who are adopting a child should refer to the Shared Parental Leave (Adoption) Policy.

The Galliford Try Employment Limited Shared Parental Leave (Birth) Policy will be brought to the attention of all our people. This Policy does not form part of our people's contract of employment and may be amended by the Company from time to time. It will be reviewed annually.

**GENERAL DATA PROTECTION REGULATION**

Be aware that whenever we are collecting, using, retaining, transferring or disposing of any information about a person ("processing of personal data") in connection with the subject matter of this policy we have numerous obligations under the General Data Protection Regulations (GDPR). Any failure to comply with GDPR can have serious results including breach of the person's rights and financial penalties for the Company. You must not proceed with any processing of personal data unless you have first read and complied with the Group Data Protection Policy, reference HR-POL-004, which can be found on the HR policy page of Galileo. If you have any questions about GDPR compliance please contact the Group Chief Information Officer, the Head of Information Security and Compliance or Legal Services.

**ABBREVIATIONS/DEFINITIONS**

SPL	Shared Parental Leave
EWC	Expected Week of Childbirth
SMP	Statutory Maternity Pay
MA	Maternity Allowance
ShPP	Shared Parental Pay
KIT/SPLIT	Keeping in Touch/Shared Parental Leave in touch days – payment for any days worked will be at standard basic rate salary and inclusive of any shared parental pay entitlement
Qualifying Week	The fifteenth week before the Expected Week of Childbirth
SPL Opt-In Notice	Confirms the intention to take SPL and must be submitted to the HR Hub at least 8 weeks before the date SPL is proposed to commence
Maternity Leave End Notice	Formal written confirmation by the mother that of the intention to end maternity leave. This must be returned at least 8 weeks before the date SPL is proposed to commence
Booking Notice	Details the intended start and end dates of SPL. This may be a continuous block or split periods of leave. This must be submitted at least 8 weeks prior to the intended commencement of SPL
Split Periods of Leave	SPL can be interspersed by periods of work and up to three separate blocks can be requested

**OUTPUTS**

Reference No.	Document Title	Responsibility	Retention Period
HR-FRM-007	Shared Parental Leave Booking Notice form	Employee	7 Years
HR-FRM-008	Shared Parental Leave (Birth) Opt In form	Employee	7 Years

**SHARED PARENTAL LEAVE (BIRTH) POLICY****1. Eligibility to take Shared Parental Leave (SPL)**

1.1 Following the birth of a child, individuals will be eligible to take SPL if they are in one of the following three categories:

- the child's mother, sharing the main responsibility for the care of the child with either the child's father, or their partner;
- the child's biological father, sharing the main responsibility for the care of the child with the child's mother; or
- the mother's partner, sharing the main responsibility for the care of the child with the mother (where the child's biological father does not share the main responsibility with the mother).

1.2 To be entitled to leave, individuals must also fulfil the following two conditions:

- they must have at least 26 weeks' continuous employment with the Company by the end of the Qualifying Week, and must still be employed by the Company in the week before the leave is to start; and
- the person who SPL is to be shared with must have worked (in an employed or self-employed capacity) for at least 26 of the 66 weeks before the Expected Week of Childbirth (EWC) and had average weekly earnings of at least £30 during 13 of those weeks. The EWC is the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.

**2. How SPL fits with maternity and paternity leave**

2.1 The decision to take SPL is entirely optional. If those eligible for SPL as defined above do not opt in to the scheme, the default will be that, on the birth of a child the mother, if employed, will be entitled to maternity leave.

2.2 The child's father, or the mother's partner, can take paternity leave, as set out in the Paternity Leave policy, before taking SPL. Please refer to Paternity Leave Policy for further information. Once SPL has started, the individual will any untaken paternity leave that they were entitled to.

2.3 SPL can only be taken once the mother has either:

- returned to work;
- given notice to their employer to end maternity leave;
- given notice to their employer to end Statutory Maternity Pay (in circumstances where there is an entitlement to Statutory Maternity Pay but not maternity leave); or
- given notice to the benefits office to end Maternity Allowance (MA) if not entitled to maternity leave or Statutory Maternity Pay

**3. Timing and Duration of leave**

3.1 SPL cannot commence until the mother has completed their compulsory maternity leave period, which lasts until 2 weeks after the birth of the child, or 4 weeks if the mother works in a factory or workshop.

3.2 After the compulsory maternity leave period, the total amount of SPL available to share between parents is 50 weeks, irrespective of how many children are born or expected as a result of the same pregnancy. This 50 week entitlement is reduced by any further maternity leave period taken by the mother, or the weeks in which the mother has been in receipt of SMP or MA if they are not entitled to maternity leave.

- 3.3 Both parents must agree between them the amount of SPL each will take. Neither parent can take SPL unless the other has signed a declaration giving their consent to the division of leave requested (see Notification Requirements below for more information).
- 3.4 SPL can be taken at the same time by both parents, but each week taken concurrently by both parents will count as two weeks from the overall entitlement. SPL must be taken in multiples of complete weeks, therefore, the minimum period of SPL that can be taken is 1 week. SPL may be taken in one continuous block of leave or individuals may request split periods of leave (refer to section 6 below). SPL cannot be taken after the child's first birthday.
4. **Notification requirements**
- 4.1 Individuals who want to take SPL should inform their immediate manager as early as possible. In order to take SPL, both the individual and the person who are they sharing SPL with must give the necessary statutory notices and declarations using the forms provided. These are summarised below:
- 4.2 **SPL Opt-in Notice** - this must be completed and returned to the HR Hub at least 8 weeks before the intended start of SPL. All of the information requested on the form must be fully completed. It is available on the BMS or from the HR Hub.
- 4.3 **Maternity Leave End Notice**
- 4.3.1 Before either parent can start a period of SPL, the child's mother must have given their employer notice in writing to end their maternity leave. If they child's mother works for the Company, they do this by completing a Maternity Leave End Notice ('End Notice'), available in the BMS or from the HR Hub. This must be returned to the HR Hub at least 8 weeks before the proposed commencement of SPL.
- 4.3.2 An individual can give notice to end maternity leave before or after they give birth, but cannot request to end their maternity leave until at least two weeks after the birth (four weeks if they work in a factory or workshop) as outlined in section 3 above.
- 4.3.3 An SPL Opt-in Notice or written declaration that the child's father, or the mother's partner has given their employer notice to take SPL and that the individual has given the necessary declarations in that notice. This should be submitted at the same time as the SPL Opt in Notice.
- 4.3.4 Other than in very limited circumstances, once an End Notice has been submitted, individuals will be bound by the request to end maternity leave and will not be able to re-start it. Those limited circumstances are set out below and will only apply if the maternity leave has not yet ended:
- the individual realises in the 8 weeks following submission of the End Notice that neither they or the other parent are eligible for SPL or Shared Parental Pay (ShPP), in which case the End Notice can be revoked in writing up to 8 weeks after it was given;
  - the death of the other parent; or
  - the individual submitted the End Notice before giving birth and has changed their mind within 6 weeks of giving birth, in which case the End Notice can be revoked in writing up to 6 weeks after giving birth.
- If the End Notice is withdrawn in one of the first two circumstances, individuals will not have a further opportunity to opt into the SPL scheme at a later date.

#### 4.4. **Booking Notice**

4.4.1 Once an individual has opted in to SPL by providing an SPL Opt-in Notice, they must inform the Company of the start and end dates of leave by providing a Booking Notice. This can be submitted at the same time as the SPL Opt-in Notice, or submitted later. The Booking Notice must be returned to the HR Hub at least 8 weeks before of the start of any period of SPL and must state the dates on which ShPP is intended to be claimed, if applicable.

4.4.2 If the Booking Notice gives dates for a single continuous block of SPL, individuals will automatically be entitled to take the leave set out in the notice. If an individual is requesting split periods of leave, they should follow the 'Procedure for requesting split periods of SPL' set out below.

4.4.3 Individuals can only submit up to three Booking Notices to book leave or vary a previously agreed pattern of leave. Once three Booking Notices have been submitted, individuals will not be able to request further periods of SPL or variations to agreed patterns of leave. In very exceptional circumstances the Company will consider additional requests.

#### 4.5 **Evidence of Entitlement**

Individuals must also provide, on request:

- A copy of the birth certificate of the child in respect of whom SPL is requested. If a birth certificate has not yet been obtained, individuals must provide a signed declaration of the child's date and place of birth; and
- The name and address of the other parent's employer or a declaration that they have no employer (for example if they are self-employed).

#### 5. **Procedure for requesting split periods of SPL**

5.1 If you request a single continuous block of leave this will automatically be approved. We recognise that some parents may want to split SPL into shorter periods with periods of work in between, and individuals can request to take up to three separate blocks of SPL each of at least a week. If an individual makes a request for split leave, we will make a practical business assessment about whether the request can be accommodated.

5.2 Where an individual is considering requesting split periods of SPL, we strongly recommend that they discuss this with their line manager as far as possible in advance of the date they want to start SPL and before submitting the formal Booking Notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

5.3 Individuals must submit a Booking Notice, setting out the requested pattern of SPL, at least 8 weeks before they want the leave to start. Once submitted, if the Company haven't already reached agreement on the proposed SPL, and are unable to agree to your request straight away a two-week 'discussion period' will commence. During this period we will either:

- consent to the period(s) of leave requested
- propose alternative dates for the period(s) of leave
- turn down the period(s) of leave requested, without proposing alternative dates

and the arrangements will be confirmed in writing. If the Company and individual have not reached an agreement at the end of the discussion period, the individual will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in the notice (for example, if the individual requested three separate periods of four weeks each, they will be entitled to one continuous 12 week period of leave).

Alternatively, the individual may:

- choose a new start date, which must be at least eight weeks after the original Booking notice was given, provided they inform the Company within five days of the end of the two-week discussion period; or
- withdraw their Booking Notice within two days of the end of the two-week discussion period (in which case it will not be counted, and the individual may submit a new one if they choose to do so).

## 6 Changing / Cancelling periods of SPL

6.1 Individuals can cancel a period of leave by notifying in the Company writing at least 8 weeks before the start date in the Booking Notice. The start date can be changed by giving at least 8 weeks' notice before the original start date and confirming the new start date.

6.2 Individuals do not need to give 8 weeks' notice if they are changing the dates of SPL because their child has been born earlier than the EWC, where the original request had been to start SPL a certain length of time (but not more than 8 weeks) after birth. In such cases individuals should notify the Company in writing of the change as soon as possible.

6.3 A notice to cancel or change a period of leave will count as one of your three Booking Notices, unless:

- the variation is a result of the child being born earlier or later than the EWC;
- the variation is the Company's request; or
- the Company agrees otherwise.

## 7. Shared Parental Pay (ShPP)

7.1 Statutory ShPP of up to 37 weeks (less any weeks of statutory maternity pay or maternity allowance claimed by the individual or the other parent) may be available provided the individual has at least 26 weeks' continuous employment with the Company ending with the 15th week before EWC, and average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year.

7.2 For information regarding the actual amount of ShPP, individuals should contact the HR Hub.

## 8. Terms and conditions of employment

Terms and conditions of employment remain in force during SPL, except for the terms relating to remuneration. Individuals who are entitled to the following benefits will continue to receive these:

- Benefits in kind such as life insurance, payment of professional subscriptions, eligibility to participate in the Sharesave Scheme and Private Medical Insurance will continue; and
- Individuals who are in receipt of a car allowance will continue to receive it, and those who have a company car will retain it. Individuals who have a fuel card will also be retained this, and must continue to comply with the reporting requirements and pay for private fuel where this is due.

### 8.1 Holiday entitlement

Both contractual and statutory holiday will continue to accrue in the usual pay during any period of absence on SPL. If a public holiday falls within a period of SPL, individuals will be given an additional day of annual leave in lieu of that day's public holiday. We would encourage you to use accrued leave immediately before starting SPL, during any unpaid leave period or before returning from a period of SPL. Individuals should discuss holiday plans with their line manager in good time before starting SPL. If an individual does not return to work following SPL they will be paid for any accrued but untaken holiday.

**8.2 Pension**

Individuals who are members of a Company pension scheme have the right to receive pension contributions from the Company throughout any period of paid SPL (i.e. up to 37 weeks for those eligible for company or statutory ShPP). During this period, employee contributions will also continue. The period during which individuals receive paid SPL also counts towards pensionable service. Such entitlement does not continue during unpaid SPL unless the individuals contract specifically provides otherwise.

Individuals returning to work after a period of unpaid SPL, will be given the opportunity to pay additional pension contributions to cover the weeks of unpaid SPL during which no contributions were made. If an individual chooses to make these contributions, the Company will pay employer contributions for this period. For further information and advice, please contact the relevant pension provider.

**9. Continuing obligations during SPL**

An individual's obligations to the Company under their contract of employment will continue during any period of SPL (with the exception of the requirement to work). In particular, the following terms will continue:

- the obligation of good faith and loyalty to the Company;
- the obligation to give notice should an individual intend to end their employment with the Company;
- the obligation of confidentiality;
- the Company's rules covering the acceptance of gifts or other benefits; and
- the prohibition on an individual to carry out other work.

**10. Keeping in touch**

10.1 Individuals can attend work for up to twenty "keeping in touch" or "shared parental leave in touch" days (known as KIT/SPLIT days) during any period SPL. These days can be used to keep individuals informed of developments within Company, to attend training or to plan and facilitate a return to work. This does not impact on ShPP or leave entitlements. Payment for any days worked will be at standard basic rate salary and will be inclusive of any shared parental pay entitlement. KIT days are optional and there is no obligation on an individual to undertake any work during SPL, nor any obligation on to the Company to provide such work. Individuals will not suffer any detriment they do not wish to work on these days.

10.2 The Company is permitted to make reasonable contact with individuals during SPL and may choose to contact individuals to plan for their return to work or let them know about workplace developments. Where SPL is being combined with maternity leave, the 20 KIT days during SPL are in addition to the 10 days of KIT days that may have been taken during maternity leave.

**11. Returning to work**

11.1 An individual must give 8 weeks' prior notice in writing, confirming the return date, if they want to end a period of SPL early. Where possible, this notice should be given in writing.

An individual who wants to extend their SPL you must submit a new Booking Notice at least 8 weeks before the date they were due to return to work. This is subject to them still have SPL entitlement remaining and having not already submitted three Booking Notices. Individuals who are unable to request more SPL may be able to request annual leave or parental leave, which will be considered subject to business need.

11.2 Individuals are normally entitled to return to work in the position they held before starting SPL, and on the same terms of employment. If it is not reasonably practicable for us to allow an individual to return to the same position, we may give another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- if SPL and any maternity or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- if the individual took SPL consecutively with more than four weeks of parental leave (under our Parental Leave Policy).

11.3 Individuals who wish to request a change in working hours or other working arrangements on return from SPL should make a request under our Flexible Working Policy.

#### 12. **Termination / Resignation**

If an individual decides not to return to work following SPL, they should provide the Company with the required notice under their contract of employment. In this circumstance, individuals will continue to be entitled to ShPP (if eligible) and SPL but may be required to repay any enhanced Company payment.

#### 13. **Redundancy during SPL**

If an individual's post is affected by a redundancy situation during SPL, the Company will write to them inform them of any proposals and will invite them to a meeting before any final decision is reached with regard to continued employment. In certain circumstances, individuals on certain types of family related leave will be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

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#### 14. **Detrimental Treatment**

Individuals have the right not to be subjected to detrimental treatment because they have sought to take or made use of the benefits of SPL. Individuals who believe they have been subject to such treatment should raise it with the HR team as soon as possible.

#### 15. **Useful Contacts**

HR Hub by telephone on 01455 231828 or by email to [HR.Hub@gallifordtry.co.uk](mailto:HR.Hub@gallifordtry.co.uk)  
Local HR contacts for advice and guidance