

SCOPE

This document establishes the Shared Parental Leave (Adoption) 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 (Adoption) Policy describes the rights of our employees to shared parental leave and pay in relation to the adoption of a child. Shared parental leave (SPL) is a form of leave available to working parents following the adoption of a child.

The Galliford Try Employment Limited Shared Parental Leave (Adoption) Policy will be brought to the attention of all our people. This Policy does not form part of an individual’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
SMP	Statutory Adoption 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
SPL Opt-in-Notice	Confirms the intention to take SPL and must be submitted to the HR Hub at least 7 weeks prior to the date SPL is proposed to commence
Adoption Leave End Notice	Formal written confirmation that adoption leave is intended to be stopped. This must be returned at least 8 weeks before date is intended to commence.
Booking Notice	Details the intended start and end dates of PP. This may be a continuous block or split periods of leave. This form must be submitted at least 8 week 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
Partner	The individual’s spouse, civil partner or someone living with them in an enduring family relationship at the time the child is placed for adoption - but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

OUTPUTS

Reference No.	Document Title	Retention Period	Responsibility
HR-FRM-007	Shared Parental Leave Booking Notice form	7 years	Employee
HR-FRM-011	Shared Parental Leave (Adoption) Opt In form	7 years	Employee

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

Individuals may be entitled to SPL if an adoption agency has placed a child with them or their partner for adoption and they intend to share the main responsibility for the care of the child with their partner. To be entitled to leave, individuals must fulfil the following conditions:

- they must have at least 26 weeks' continuous employment with the Company by the end of the Qualifying Week, and still be employed by the Company in the week before the leave is to be taken;
- their partner must have worked (in an employed or self-employed capacity) for at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks;
- the individual and their partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).
- they or their partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.

2. How SPL fits with adoption and paternity leave

The decision to take SPL is entirely optional. If those eligible to take SPL as defined above do not opt-in to the scheme they may still be entitled to take either adoption leave or paternity leave. Please refer to the relevant policies.

If an individual's partner is taking adoption leave and/or claiming SAP, the individual may be entitled to two weeks' paternity leave and pay (see the Paternity Leave Policy). The individual should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement but once SPL has started, the individual will lose any untaken paternity leave that they were entitled to.

3. Timing and Duration of leave

- 3.1 SPL cannot commence until either the individual or their partner has taken at least two weeks of adoption leave and/or pay. After this compulsory two week period, the total amount of SPL available is 50 weeks, irrespective of how many children are adopted at the same time. This 50 week entitlement is reduced by any further period of adoption leave taken by the individual or their partner, or the weeks in which the individual or their partner have been in receipt of SAP if not entitled to adoption leave.
- 3.2 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).
- 3.3 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.
- 3.4 SPL may be taken in one continuous block of leave or individuals may request split periods of leave (refer to sections 4 and 5 below).
- 3.5 SPL must be taken within one year of the child being placed with the individual.

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 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 is available on the BMS or from the HR Hub. It 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.

4.3 Adoption Leave End Notice

Individuals who want to take SPL and are taking adoption leave must first commit to ending the adoption leave by completing an Adoption Leave End Notice (available on the BMS or from the HR Hub). This must be returned to the HR Hub at least 8 weeks before the intended start date of SPL.

If an individual's partner is eligible to take SPL from their employer, they cannot start it until we have been provided with an End Notice. At the same time as submitting the End Notice, individuals must complete and return an SPL Opt-in Notice (see above) or a written declaration that their partner has given their employer notice to take SPL and that they given the necessary declarations in that notice.

Other than in very limited circumstances, once an End Notice has been submitted, individuals will be bound by the request to end adoption leave and will not be able to re-start it. An End Notice can only be withdrawn if adoption leave has not yet ended and one of the following circumstances applies:

- the individual realises that neither they or their partner are eligible for SPL or ShPP, in which case the curtailment notice can be revoked in writing up to eight weeks after it was given; or
- in the event of the death of a partner.

If the End Notice is withdrawn in one of these circumstances, individuals will be unable to opt back into the SPL scheme at a later date.

5. Booking Notice

5.1 Once the individual has opted in to the 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 must also state the dates on which Shared Parental Pay (ShPP) is intended to be claimed if applicable.

5.2 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 to split periods of leave, they should follow the 'Procedure for requesting split periods of SPL' set out below.

Individuals can only submit up to three Booking Notices to book leave or vary a previously agreed pattern of leave. One 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.

5.3 Evidence of Entitlement

Individuals must also provide, on request:

- One or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
- The name and address of their partner's employer or a declaration that they have no employer (for example if they are self employed).

6. Procedure for requesting split periods of SPL

6.1 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 your request can be accommodated.

6.2 Where an individual is considering requesting split periods of SPL, it is recommended 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.

6.3 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 the 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).

7 Changing / cancelling periods of SPL

7.1 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.

7.2 Individuals do not need to give 8 weeks' notice if they are changing the dates of SPL because the date of adoption has been brought forward and the original request was to start a certain length of time (but not more than 8 weeks) after the adoption. In such cases individuals should notify the Company in writing of the change as soon as possible.

- 7.3 A notice to cancel or change a period of leave will count as one of the three Booking Notices, unless:
- the variation is a result of the date of adoption being earlier or later than original advised;
 - the variation is at the Company's request; or
 - the Company agrees otherwise.

8 Shared Parental Pay (ShPP)

8.1 Statutory ShPP of up to 37 weeks (less any weeks of statutory adoption pay claimed by the individual or the other parent) may be available provided at 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.

8.2 For information regarding the actual amount of ShPP they will receive, individuals should contact the HR Hub.

9. 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.

9.1 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.

The Company encourages individuals 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.

9.2 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 individual 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.

10. 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 carrying out other work.

11. Keeping in touch

- 11.1 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.
- 11.2 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 adoption leave, the 20 KIT days during SPL are in addition to the 10 days of KIT days that may have been taken during adoption leave.

12. Returning to work

- 12.1 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 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.

- 12.2 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).
- 12.3 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.

13. Termination / Resignation

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

14. 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.

15. 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.

16. Useful Contacts

HR Hub by telephone on 01455 231828 or by email to HR.Hub@gallifordtry.co.uk
Local HR contacts for advice and guidance