

Our values are: **honesty, respect, integrity, openness, inclusion, ambition**



People Management Toolkit

Managing Time Off for Parents

1.0 Introduction

- 1.1 **sportscotland** is committed to helping working parents balance the needs of work and family life and appreciates the importance of providing choice for parents in how they arrange parental care during the first year of a child's life or following their adoption.
- 1.2 Paternity and parental leave are now statutory rights for fathers, adoptive parents and same-sex partners and apply to the periods of absence granted to around the birth or adoption of their child. They exist to provide parents with the time needed to maintain their family responsibilities while still retaining their right to return to work.
- 1.3 **sportscotland** offers enhanced paternity and parental leave provisions to all employees in accordance with eligibility qualifications.
- 1.4 In managing paternity and parental leave matters, **sportscotland** will not discriminate on the grounds of disability, age, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation (protected characteristics) and also gender identity, responsibility for dependents, political beliefs, trade union activity, socio-economic background, Looked After Children and Care Experienced Young People (LACY) or other relevant factors.

2.0 Scope of Policy

- 2.1 **sportscotland's** policy is to:
 - support employees' right to time off work to be with their partner and/or a baby or have a baby (or child) placed with the employee
 - provide the right for an employee to return to their job, or an alternative position, on no less favourable terms and conditions
 - ensure effective ownership of paternity and parental leave process by requiring Line Managers to monitor and manage their team;
 - act fairly, reasonably and consistently.
 - ensure the same provisions are available to same-sex male and female partners who become parents either biologically or through adoption.
- 2.2 The policy applies to all **sportscotland** employees.

Role of Human Resources

HR will support the paternity/parental leave processes by providing guidance, advice and support to managers and individuals on the reasonable application of the policy.

3.0 Guidelines / Procedure

Paternity/Partner Leave

What is Paternity/Partner Leave?

- 3.1 Employees may be eligible for Statutory Paternity/Partner leave and pay if they and their partner are:
- having a baby
 - adopting a child
 - having a baby through a surrogacy arrangement
- 3.2 Employees are not entitled to any paid time off to accompany their wife/partner to antenatal appointments or relaxation/parenting classes; however, they can use holiday entitlement or flexi-time (if applicable) for such appointments with Line Manager approval.

Role of Human Resources

HR will support the maternity and adoption leave process by providing guidance, advice and support to managers and individuals on the reasonable application of the policy.

Who can take Paternity/Partner Leave?

- 3.3 Statutory Paternity/Partner leave is available to employees who:
- have or expect to have responsibility for the child's upbringing
 - are the biological father of the child or the mother's husband or partner (including same sex relationships)
 - have worked continuously for **sportscotland** for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopter is notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions).

Role of Human Resources

HR will support the maternity and adoption leave process by providing guidance, advice and support to managers and individuals on the reasonable application of the policy.

How Long is Paternity/Partner Leave for?

- 3.4 Paternity/Partner leave can last a maximum of two weeks and can start on any day of the week. It cannot be taken in blocks of less than one week or as individual days.

Employees can choose to take either 1 week or 2 consecutive weeks' leave. The amount of time is the same even if they have more than one child (e.g. twins).

When can Paternity/Partner Leave be taken?

- 3.5 Paternity/Partner Leave can't start before the birth although employees may be able to take some holidays or flexi-time (if applicable) before the birth with Line Manager agreement. The Paternity/Partner leave start date must be one of the following:
- the actual date of birth
 - an agreed number of days after the actual birth
 - an agreed number of days after the expected week of childbirth
- 3.6 Employees will need to take their Paternity/Partner leave within 56 days of the actual date of birth of the child (or due date if the baby is early).
- 3.7 The start and end dates are different if the employee is adopting. An employee taking Paternity/Partner leave because they're adopting can start their leave:
- on the date of placement
 - an agreed number of days after the date of placement
 - on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions)
 - The day the child is born or the day after for surrogate parents.

In adoption cases, the leave must be taken within 56 days of the child being placed for adoption.

- 3.8 Employees may use holiday entitlement or flexi leave (if applicable) to extend their period of leave, with Line Manager agreement.

What if the baby is still born or dies?

- 3.9 In the rare but sad event that the baby dies or is still born, employees are entitled to take paternity/partner leave as they would have normally, providing the baby was still born after 24 weeks of pregnancy or has died.

How should sportscotland be notified of Paternity/Partner Leave?

- 3.10 Employees must request paternity/partner leave at least 15 weeks before the week the baby is due using form [SC3](#). The Line Manager should take a copy and give the original back to the employee.
- 3.11 In the case of an adopted child, this must be no later than seven days after the date on which the notification of the match with the child was given by the adoption agency. Employees having a baby through adoption or a surrogacy arrangement must use form [SC4](#).

Role and Responsibilities of the Employee

*Employees have a responsibility to comply with the relevant notification periods set out in this policy, ensure that any relevant information/documentation is made available upon request by **sportscotland** and ensure both their Line Manager and HR Advisor are kept up to date with regard to paternity and parental leave matters.*

What if the Employee Wants to Change their Paternity/Partner Leave Start Date?

- 3.12 Any changes to intended paternity/partner leave dates should be notified within 28 days or as soon reasonably practicable.

Payment During Paternity/Partner Leave

- 3.13 If eligible for Statutory Paternity/Partner leave, employees will be paid their full pay for the period of leave.
- 3.14 **sportscotland** will offset Statutory Paternity Pay against the employee's full pay and they will be asked to complete a [SC3](#) form for Payroll/HR which allows **sportscotland** to reclaim the statutory part of their pay from HMRC.
- 3.15 Paternity/Partner Pay is subject to PAYE income tax and national insurance contributions as with normal salary payments.
- 3.16 Employees can't get Statutory Paternity/Partner Pay and Leave if they've taken [Shared Parental Leave](#).

Role and Responsibilities of the Line Manager

Line Managers have a responsibility to manage paternity/partner and parental leave matters for members of their team, maintain regular contact as agreed with their team member on paternity or parental leave and ensure their HR Advisor is updated with any paternity/partner or parental leave requests.

Parental Leave

What is Parental Leave?

- 3.17 Parental leave is for employees to take time off work to look after a child's welfare. This type of leave is unpaid, and is available for each child up to their 18th birthday. Parental Leave can be for parents to (e.g.):
- spend more time with their children
 - look at new schools
 - settle children into new childcare arrangements
 - spend more time with family, such as visiting grandparents

Who can take Parental Leave?

- 3.18 Employees must have worked for **sportscotland** continuously for a period of 52 weeks or more by the time they wish to take the leave and must meet all of the following criteria:
- they're named on the child's birth or adoption certificate or they have or expect to have parental responsibility
 - they're not self-employed or a 'worker', e.g. an agency worker or contractor
 - they're not a foster parent (unless they've secured parental responsibility through the courts)

- the child is under 18

How Long is Parental Leave for?

- 3.19 Employees are entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday. A 'week' equals the length of time an employee normally works over 7 days (including Saturday and Sunday). Part-time employees are entitled to take parental leave in proportion (pro-rata) to their contractual hours.
- 3.20 Employees must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless the child is disabled.

When can Parental Leave be taken?

- 3.21 Parental leave can be taken up to the child's 18th birthday. Employees don't have to take all the leave at once.
- 3.22 The limit on how much parental leave each parent can take in a year is 4 weeks for each child. A year starts from the date the request was approved.

Carrying Parental Leave over from a previous job

- 3.23 Parental leave applies to each child not to an individual's job.

Payment During Parental Leave

- 3.24 All periods of Parental Leave are unpaid.

How should sportscotland be notified of Parental Leave?

- 3.25 Employees must give their Line Manager at least 21 days' written notice before their intended start date. If they or their partner are having a baby or adopting, its 21 days before the week the baby or child is expected. Employees must confirm the start and end dates of their Parental Leave in their written notice

Shared Parental Leave (SPL)

What is Shared Parental Leave?

- 3.26 Shared Parental Leave (SPL) is aimed at giving parents flexibility over how they share childcare during the first year of the child's life/placement. Parents can share a 'pot' of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.
- 3.27 SPL enables eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed. This could mean that the mother/adopter shares some of the maternity or adoption leave with their partner, perhaps returning to work for part of the time and then resuming leave at a later date.

Who can take Shared Parental Leave?

- 3.28 Shared Parental Leave (SPL) is available to all employees, however, Shared Parental Pay provision will vary dependant on length of service with **sportscotland**. Paternity/Partner Leave is still available for fathers and partners.

- 3.29 To qualify for SPL, the employee must share responsibility for the child with one of the following:
- their husband, wife, civil partner or joint adopter
 - the child's other parent
 - their partner (if they live with you and the child)
- 3.30 The employee or their partner must be eligible for [maternity pay or leave](#), [adoption pay or leave](#) or [Maternity Allowance](#). If the mother or adopter does not qualify for maternity leave or allowance, her partner will not be eligible for SPL and Shared Parental Leave Pay.
- 3.31 The employee must also:
- have been employed continuously by **sportscotland** for at least 26 weeks by the end of the 15th week before the due date (or by the date they are matched with the adopted child)
 - stay with **sportscotland** while they take SPL
 - give correct notice, including a declaration that their partner meets the employment and income requirement, which allow employees to get SPL

See www.direct.gov.uk for income requirements.

- 3.32 During the 66 weeks before the week the baby's due (or the week they are matched with your adopted child) the employee's partner must:
- have been working for at least 26 weeks (they don't need to be in a row)
 - have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)
- 3.33 This can be as an employee, worker or self-employed person. The employee's partner doesn't have to be working at the date of birth or when the employee starts SPL.
- 3.34 Please speak to your HR Advisor if you are unsure if you qualify under the eligibility criteria.

How can Shared Parental Leave be taken?

- 3.35 It will be up to parents how SPL is shared i.e. parents can take leave at different times or take time off together, provided they take no more than 52 weeks of this leave, combined in total (including maternity leave and paternity leave already taken).
- 3.36 In the case of maternity leave, SPL can be taken after the compulsory period of maternity leave has lapsed (two week after baby is born or four weeks if employee works in a factory). Eligible parents will then be able to share the remaining maternity leave and pay between themselves.
- 3.37 For adoptions, SPL can start for the partner whilst the surrogate mother or adopter is still on maternity or adoption leave provided the mother/adopter has given binding notice to end their leave (or pay if they are not entitled to leave).
- 3.37 SPL can only be taken until the child's first birthday.

When can Shared Parental Leave be taken?

3.38 Employees have a statutory right to a maximum of three separate blocks of leave or can just take a single continuous period of SPL. Blocks must be of at least one week duration.

If a **continuous** period (block) of SPL is requested, this will be accommodated as requested.

If a **discontinuous** period of SPL is requested e.g. work one week, SPL next week, work one week, SPL next week, over more than 3 occasions, **sportscotland** can:

- agree to the requested pattern of leave
- reject the request in its present form
- propose changes to the request
- insist the employee takes the leave in a continuous block

3.39 If the Line Manager and employee cannot agree on the discontinuous period of SPL within two weeks, the employee can withdraw their request or take the leave requested as a single continuous period.

What if there is more than one baby born/child adopted?

3.40 SPL entitlement is not affected by the birth or expected birth of more than one child in the same pregnancy or more than one child being placed. Entitlement remains 52 weeks per event (including maternity/adoption leave already taken).

When can Shared Parental Leave Start?

3.41 For SPL to start, the mother or adopter must do one of the following:

- end their maternity leave or adoption leave by returning to work.
- provide **sportscotland** with a [Binding Notice](#) (a decision that cannot normally be changed) of the date the maternity or adoption leave will end. If the mother has already given 'binding notice' to end her leave, her partner can start SPL.
- end maternity pay or maternity allowance

How Long is Shared Parental Leave for?

3.42 The total period of paid leave will not exceed 39 weeks (including maternity/adoption and paternity pay), whichever parent takes the leave.

3.43 Statutory Shared Parental Pay is paid at the flat rate of Statutory Maternity Pay. This rate is set by the Government for the relevant tax year and reviewed in April each year.

See www.direct.gov.uk website for current rates.

3.44 Shared Parental Pay is subject to PAYE income tax and national insurance contributions as with normal salary payments.

See Appendix 1 for the process.

Enhanced Shared Parental Pay

- 3.45 **sportscotland** offers an Enhanced Shared Parental Pay to eligible employees.
- 3.46 To qualify for the enhanced pay, employees must have one year's continuous service with **sportscotland** by the end of the 15th week before the expected date of delivery (EDD) (or date matched with adopted child).
- 3.47 If eligible, employees will be entitled to receive **full pay** until the child is 26 weeks old.
- 3.48 Enhanced Shared Parental Pay will then be followed by 13 weeks paid at the standard Statutory Maternity Pay rate. See www.direct.gov.uk website for current rates.
- 3.49 The final 13 weeks of Shared Parental Pay are unpaid.
- 3.50 The **sportscotland** enhanced payment will offset Statutory Shared Parental Pay against the employee's full pay. If the employee does not return to work following their SPL for at least three calendar months, they will be required to re-pay **sportscotland** the difference between the Enhanced Shared Parental Pay and the Statutory Shared Parental Pay for which they were eligible.
- 3.51 Enhanced Shared Parental Pay is subject to PAYE income tax and national insurance contributions just like normal salary.

How should sportscotland be notified of Shared Parental Leave?

- 3.52 The key notice periods are as follows:
- The mother / adopter will have to give her employer at least 8 weeks' written notice of her intention to end her maternity / adoption leave and pay period
 - Both parents must give at least 8 weeks' written notice before the start of any period of SPL stating when the leave will start and end
 - If parents wish to take several blocks of leave, at least 8 weeks' written notice in respect of each period of leave must be given. Please note that this 8 weeks' builds in a two week discussion period.
 - After the child's birth, there is a 6 week window in which the mother / adopter, who has already said they plan to share their maternity / adoption leave with their partner, can change their mind and decide to stay on maternity / adoption leave themselves using up all the entitlement to leave and pay.
- 3.53 If the child is born more than 8 weeks' early, this notice period can be shorter with approval from **sportscotland**.
- 3.54 Notification must be in writing, in a [Shared Parental Leave Form](#), which will ask for confirmation of the following information to ensure eligibility in conjunction with meeting the key notice periods:
- Partner's name, address and National Insurance number
 - Confirmation that the partner satisfies the eligibility criteria to take SPL and Shared Parental Pay
 - Confirmation that the partner agrees to share SPL and Shared Parental Pay

- Maternity leave start and end dates
 - The total amount of SPL and Shared Parental Pay available and how much SPL is intended to be taken
 - Confirmation that childcare is shared with the partner
- 3.55 The completed form should be passed to the Line Manager for authorisation before being passed to HR.
- 3.56 Once the [Shared Parental Leave Form](#) has been received, **sportscotland** has the right to request a copy of the child's birth certificate and the name and address of the partner's employer. **sportscotland** will have 14 days to request this information and employees have a further 14 days to provide it.
- 3.57 Upon receipt of the Shared Parental Leave Form, HR will write out to confirm the details of the SPL and payment information.
- 3.58 Parents may make up to 3 statutory notifications for leave or changes to periods of leave. If notice of SPL is withdrawn because the leave pattern cannot be agreed, it does not count toward the 3 notices. However, further periods of leave and changes can be agreed outwith the SPL scheme.

What if the Employee Wants to Change their Shared Parental Leave Start Date?

- 3.59 Any changes to intended SPL should be notified by the employee within 8 weeks of the proposed change.

Cancelling Decision to End Maternity or Adoption Leave

- 3.60 The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:
- The planned end date has not passed
 - The mother has not already returned to work

One of the following must also apply:

- It is discovered during the 8 week notification period that neither partner is eligible for either SPL or Shared Paternity Pay
- The employee's partner has died
- It is less than 6 weeks after the birth (and the mother gave notice before the birth)

4.0 Other Information

Contact During a Period of Shared Parental Leave

- 4.1 During the period of SPL, **sportscotland** may make reasonable contact with the employee and in the same way the employee may make reasonable contact with **sportscotland**. The frequency and nature of the contact will depend on a number of factors, including but not limited to:
- the nature of the work and the employee's post
 - any agreement that the Line Manager and the employee might have reached before the shared parental leave began

- whether either party needs to communicate important information to the other such as:
 - current vacancies or promotion opportunities
 - staff briefings or general announcements.
- 4.2 Contact can be made in any way that suits both parties i.e. telephone, e-mail, letter or visits which can either be to the normal place of work or any other place to be mutually agreed.
- 4.3 Employee's who have 'home-working' access as part of their job will maintain this during their SPL; however, the method of contact used by both parties should be agreed prior to the employee commencing their period of leave.

Shared Parental Leave in Touch Days (SPLIT)

- 4.4 Each parent will have the right to have up to 20 SPLIT days during SPL (this is in addition to the ten KIT days allowed during maternity and adoption leave).
- 4.5 Employees may, by prior agreement with **sportscotland**, work up to 20 days during their SPL leave. Individuals should make arrangements with their Line Manager giving at least 7 days notice. These are known as 'Shared Parental Leave in Touch Days (SPLIT)'. These days can be used within a period of SPL.
- 4.6 Any work done on any day (regardless of whether it is a full day's work) during the SPL leave period will count as a whole SPLIT day i.e. one hours work on a single day would count a one SPLIT day. The type of work undertaken on a SPLIT day is a matter for agreement between the Line Manager and the employee. These days can only be used for activity which would ordinarily be classed as work under the contract of employment and that would normally be paid for. These can include attendance at training courses, seminars or staff briefings.
- 4.7 Payment for SPLIT days will be based on normal salary only and will be paid at the end of the block of SPL.

It is the Line Manager's responsibility to keep a record of any SPLIT days taken and notify HR at the end of the SPL period to ensure they are processed for payment.

Shared Parental Leave Example

- 4.8 Lucy and Simon work for different employers and are expecting their baby on 29th June 2015. Simon wants to be active in the first months of his child's life, so they agree that Lucy's 52 weeks' maternity leave and 39 weeks' maternity pay will be shared between them. Lucy notifies her employer that she intends only to take 9 weeks of her leave and pay, after which time she will return to work. Simon tells his employer that he wants to take Shared Parental Leave and Pay from the start of September 2015.

Lucy's 52 week maternity leave and pay is split as follows:

- Lucy has 9 week's leave and pay
- Simon has the remaining 43 weeks' leave and 30 week's pay

Simon could also take two week's Statutory Paternity Leave and Pay.

Assuming their baby is born at the start of week 1, their pattern will be as follows:

Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	
Lucy	Maternity Leave and Pay Period									At Work																	
Simon	SPL / P		At Work							Shared Parental Leave and Pay																	
Week	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	
Lucy	At Work																										
Simon	Shared Parental Leave and Pay													Shared Parental Leave (unpaid)													

Returning To Work

- 4.9 The date on which the employee is expected to return to work will normally be the return to work date as detailed on the Shared Parental Leave Form.

Returning Early

- 4.10 Employees wishing to return to work before the end of the SPL period must give **sportscotland** at least 8 weeks notice, in writing, of the date they intend to return. This is to allow **sportscotland** to make any necessary arrangements for the employee's return.

Delaying Return

- 4.11 Employees wishing to return to work beyond the end of their SPL period must submit a request for holidays or other leave to their Line Manager and copied to the HR Advisor.

Not Returning

- 4.12 Employees who choose not to return to work following their SPL period must give notice of their resignation to **sportscotland** as early as possible in accordance with their contract of employment. This must be submitted to their Line Manager. Any holidays accrued but not yet taken during the SPL period will be paid in the final salary payment.
- 4.13 Employees who choose not to return to work for a period of no less than **three** calendar months will have to pay back the Enhanced Shared Paternity Leave Pay to **sportscotland** less the amount of Statutory Maternity Pay to which they are entitled.

Pensions

- 4.14 Both Employee and Employer pension contributions will continue during the paid part of adoption, maternity and shared parental leave (i.e. the first 39 weeks) or additional paternity leave (i.e. weeks 20 to 39 weeks) subject to the necessary minimum earnings level. Pensionable service will also continue during this period of leave.
- 4.15 During any period of unpaid Family Friendly Leave, **sportscotland** will not make any contributions to an employee's pension. However, employees have the choice as to whether they wish to continue contributing during this period or make up any missing payments on their return to work.
- 4.16 Where an employee has Additional Voluntary Contributions (AVC's) they can choose whether to suspend, reduce, increase or continue AVC payments during their period of leave.

5.0 Record Keeping

- 5.1 **sportscotland** will keep a record of any period of Parental Leave taken by an employee and will be obliged to disclose this information to an employee's future employer on request.

6.0 Compliance

- 6.1 Employees who do not support this policy and procedure may be subject to disciplinary action.
- 6.2 Compliance with this policy will be monitored by the Senior Management Team.

Appendix 1

Shared Parental Leave Notification Process



