

Shared Parental Leave and Pay Procedure

1. Purpose

The purpose of this procedure is to outline the arrangements for shared parental leave and pay to enable eligible employees and their partners to share leave flexibly following the birth or adoption of a child.

2. Scope

This procedure applies to all BRC employees including LGBTQ+ people, same sex couples, same gender couples and those involved in surrogacy arrangements. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

3. Procedure Statement

The Shared Parental Leave Procedure allows you and your partner, or your child's other parent, more flexibility in sharing the care of your child during the first year after birth or adoption. If you are both eligible for shared parental leave, you will be able to choose how to split the available leave between you, including deciding to be off work at the same time or at different times. You may also be able to take leave in more than one block.

3.1. Setting Out the Process

3.1.1. Eligibility

3.1.1.1. The eligibility requirements are complex and involve both parents meeting certain employment and earnings-related criteria. This includes our employee (whether birth parent/ adopter or partner) having at least 26 weeks' continuous employment ending with the 15th week before the Expected Week of Childbirth.

3.1.1.2. As eligibility criteria are required from both parents and we are not required to liaise with the employer of the other parent, it is your responsibility to provide a written declaration confirming that you are eligible to take shared parental leave and/ or pay. In addition, we require a written declaration from your partner confirming that they:

- i. are eligible;
- ii. meet the 'Employment and Earnings Test'; and
- iii. consent to the taking of shared parental leave and/ or pay.

3.1.2. When and How Much Leave Can be Taken?

3.1.2.1. Shared parental leave allows parents to take leave in the following ways using the remaining balance of the birth parent/ adopter's leave and pay entitlement:

- at the same time;
- just the partner; or
- in alternating blocks.

3.1.2.2. The birth parent/ adopter and partner must take any shared parental leave within 52 weeks of the child's birth or placement for adoption taking into account the following:

- birth parents/ adopters cannot curtail maternity/ adoption leave to take shared parental leave until at least two weeks after the birth or child's placement. This means that the maximum period that birth parents/ adopters can take as shared parental leave is 50 weeks (which can be a combination of an initial period of maternity leave, followed by shared parental leave);
- shared parental leave must be taken in blocks of at least one week and you can request shared parental leave in one continuous block, or as a number of discontinuous blocks;
- a maximum of three requests for leave per pregnancy or per adoption can be made by each employee;
- non-birth parents' pay entitlement will be based on the pay received at the relevant week (e.g. if the birth parent has already taken 15 weeks leave, and wishes to curtail their maternity leave at week 16, and the partner starts their leave at week 16, the pay entitlement will be what is normally issued at week 16, not week 1);
- partners can start shared parental leave and pay before the end of the maternity or adoption leave as long as the birth parent or adopter have provided binding notice of the end date of the maternity or adoption leave.

3.1.3. How to Request Leave and Notice Requirements

- 3.1.3.1.** If you are intending to take shared parental leave, you must let your line manager know as soon as possible.
- 3.1.3.2.** Formal requests must be made using the [Shared Parental Leave Request Form](#), giving a minimum of eight weeks' notice. The request, known as the 'period of leave notice', should set out the start and end dates of each period of shared parental leave and can be a request for continuous or discontinuous periods of leave.
- 3.1.3.3.** In addition to sections 3.1.3.1. and 3.1.3.2., birth parents and adopters are also required to provide notice for maternity/ adoption leave curtailment, setting out when they propose to end their maternity/ adoption leave (unless already returned to work). This can be done using the [Maternity/ Adoption curtailment form](#).
- 3.1.3.4.** The form should be used as a non-binding indication of each period of shared parental leave proposed and can be changed at any time as long as notice of the changes is given in advance of the change happening.
- 3.1.3.5.** If you are the birth parent, your partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their own employer, which may have its own shared parental leave policy in place.
- 3.1.3.6.** If you are the partner, the birth parent must (where relevant) submit any notifications to take shared parental leave to their own employer.
- 3.1.3.7.** Both the birth parent and the partner should ensure that they are each liaising with their own employer to guarantee that requests for shared parental leave are handled as smoothly as possible. The obligation is on each parent to agree their proposed plan with their own employer.
- 3.1.3.8.** More detailed information regarding notices can be found in the [Shared Parental Leave Guidance Notes](#).
- 3.1.3.9.** You can either make a request for one continuous period, or for discontinuous periods of shared parental leave. You can make up to three requests. Any

request for a continuous period of leave must be accepted.

3.1.3.10. If a request is made for discontinuous periods of leave however, your line manager must respond within a 14-day discussion period with one of the following responses:

- accept the request;
- propose alternatives; or
- refuse the request.

3.1.3.11. If your request is refused, you may either withdraw your request or take the leave as a continuous period instead. The start date for the leave must be at least eight weeks from the original period of leave notice and should be confirmed within five days of the end of the 14-day discussion period.

3.1.3.12. You can withdraw a request on or before the 15th day after the request was made. A request for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave.

3.1.3.13. Once the actual dates for the leave have been established, and the Advice and Casework Team receive the form, the leave will be added to SAVi. A letter confirming the dates will be sent to you.

3.1.4. Shared Parental Pay

3.1.4.1. If you have met the following, you are entitled to statutory shared parental pay for the first 37 weeks of the leave:

- 26 weeks' continuous service up to the beginning of the 15th week before the expected week of childbirth or the end of the week in which you, if you are the adopter, is notified of having been matched for adoption with the child (or by the end of the week in which you receive official notification in relation to an adoption from overseas, i.e. the qualifying week);
- the qualifying requirements for shared parental leave;

- your partner meets the 'Employment and Earnings Test'; and
- you have earned not less than the lower earnings limit in the eight weeks leading up to the qualifying week.

3.1.4.2. We enhance shared parental pay so that, after the compulsory maternity/ adoption leave period of two weeks after the birth, a birth parent/ adopter who ends their leave at the earliest opportunity could share up to 37 weeks' shared parental pay with their partner.

3.1.4.3. The number of weeks enhanced shared parental pay available to eligible employees will depend on how much maternity/ adoption pay the birth parent/ adopter has already received. Where shared parental leave is taken part way through the total 52 weeks of maternity leave and shared parental leave, the pay entitlement will deduct the number of weeks already taken by both parents.

3.1.4.4. The 37 weeks shared parental pay entitlement must be shared between the parents. Please see examples in the [Shared Parental Leave Guidance Notes](#).

Continuous service up to the beginning of the 15th week before the Expected Week of Childbirth	First 6 weeks	Next 12 weeks	Next 21 weeks
26 weeks	100% weekly earnings	50% weekly earnings plus lower rate of shared parental pay*	Lower rate of
52 weeks	100% weekly earnings	50% weekly earnings plus lower rate of shared parental pay*	50% weekly earnings or lower rate of shared parental pay, whichever is greater
26 weeks – international staff exempt from paying UK taxes (not entitled to shared parental pay)	100% weekly earnings	50% weekly earnings	Unpaid
52 weeks – international staff exempted from paying UK taxes (not entitled to shared parental pay)	100% weekly earnings	50% weekly earnings	50% weekly earnings

(*average weekly lower rate of shared parental pay cannot exceed normal full pay)

3.1.4.5. Statutory and enhanced shared parental pay is paid in the normal way (into your bank or building society account) at the usual pay intervals and is subject to tax and National Insurance deductions.

3.1.4.6. Payment of enhanced shared parental pay is conditional on you returning to work for a minimum period of three months after shared parental leave. If you do not return to work for this minimum period, we reserve the right to require you to repay enhanced shared parental pay (but not statutory shared parental pay).

3.1.4.7. You do not have to repay enhanced shared parental pay if we terminate your employment, unless:

- we were entitled to and did terminate your employment summarily, on grounds of misconduct, or absence without leave; or
- we terminated your employment pursuant to an application by you for voluntary redundancy.

3.1.4.8. You must inform us if you start work for another employer, or are taken into legal custody. In these instances, entitlement to shared parental pay from us is likely to cease.

3.1.5. Terms and Conditions During Shared Parental Leave

3.1.5.1. Your terms and conditions of employment remain in force during shared parental leave, except for the terms relating to pay.

3.1.6. Annual Leave

3.1.6.1. Annual leave (including bank holidays) will continue to accrue during shared parental leave.

3.1.6.2. Annual leave accrued during the shared parental leave period may be carried over to the next leave year in circumstances where it has not been possible to take the leave in the current leave year, e.g. where the shared parental leave period straddles two leave years or you have returned to work at the end of the leave year. The limit of five days carry over does not apply in these situations.

3.1.6.3. It is not possible to take annual leave during shared parental leave.

3.1.7. Pension Arrangements

3.1.7.1. If you are a member of our pension scheme, pension contributions will continue to be paid for the duration of the paid part of your shared parental leave.

3.1.7.2. Your employee contribution will be based on actual pay, whilst the employer's contributions will be based on the pay you would have received if you had not been on shared parental leave unless you inform the Advice and Casework Team that you wish to make up the shortfall.

3.1.8. Shared Parental Leave in Touch (SPLIT) Days

3.1.8.1. You may work up to 20 SPLIT days, with the prior agreement of your line manager. These should not be confused with the ten keeping in touch days that a birth parent/ adopter has during their maternity/ adoption leave, which are separate and additional.

3.1.8.2. If you return from maternity/ adoption leave to take shared parental leave, you will only be able to take SPLIT days and the right to any untaken keeping in touch days will be lost.

- the purpose of a SPLIT day is to enable us to keep in touch during the period of shared parental leave. Examples of when you might work a SPLIT day might include: to participate in a training event, to attend a meeting or to undertake a discrete piece of work;
- SPLIT days will only be arranged with the mutual agreement between you and us;
- SPLIT days will be paid at the rate of your normal contractual earnings, in addition to any statutory or enhanced shared parental pay, and will not affect shared parental pay and pay (if applicable);
- any work done on a day during shared parental leave will count as a whole SPLIT day (even if only part of a day is worked);
- Line managers should inform the Shared Service Centre, via email, using the subject line 'SPLIT day(s)' if you take a SPLIT day. The payroll team will then process these for payment in the next available payroll.

3.1.9. Return to Work

3.1.9.1. If you want to end a period of shared parental leave early, you must give us eight weeks' written notice of the new return date. If you have already given us three period of leave notices you will not be able to end your shared parental leave early without our agreement.

3.1.9.2. If you want to extend your shared parental leave, assuming you still have unused shared parental leave entitlement remaining, you must give us a written notice at least eight weeks before the date you were due to return to work. If you have already given us three period of leave notices you will not be able to extend your shared parental leave without our agreement. You may instead be able to request annual leave or ordinary parental leave in accordance with our [Ordinary Parental Leave Procedure](#), giving as much notice as possible, subject to operational requirements.

3.1.9.3. You are normally entitled to return to work in the position you held before starting shared parental leave, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we look for another suitable and appropriate job for you on terms and conditions that are not less favourable, but only in the following circumstances:

- if your shared parental leave and any adoption or paternity leave you have taken adds up to more than 26 weeks in total (whether taken consecutively or not); or
- if you took shared parental leave consecutively with more than four weeks of ordinary parental leave.

3.1.9.4. If you wish to work under different terms and conditions to those you were contracted to prior to your shared parental leave (e.g. part-time), you should discuss this with your line manager as early as possible. You should make a request under our [Flexible Working Policy](#). We will do our best to accommodate your request subject to operational requirements.

3.1.9.5. If you decide you do not want to return to work, you should give notice of resignation in accordance with your contract.

3.2. Lessons Learned from Procedure Evaluation

The changes made to this Procedure directly arise from bringing it into alignment with the BRC Policy and Procedure Framework and through obtaining feedback from key stakeholders (Staff Association, People Support, People Partners, Advice and Casework, International HR, EDI Team, CEO Office, Talent Growth and the Diversity Networks). The changes also represent our commitment to our EDI strategy and making policies family friendly.

4. Responsibilities

The Chief Operating Officer together with the Senior Director of People are responsible for oversight of this procedure.

The Senior Director of People ensures implementation and compliance with this procedure.

The Owner (Chief Operating Officer) oversees the development or review of the procedure document and provides support to the Lead (People Policy Advisor).

The Lead undertakes the procedure review (as necessary) under the guidance, and with the support, of the Owner.

The People Services team provide advice and support for the implementation of this procedure.

All employees are responsible for complying with, and adhering to, this procedure.

5. Governance

Associated policy document/s	<ul style="list-style-type: none">• HR Policy Framework• Flexible Working Policy
Supporting procedure document/s	<ul style="list-style-type: none">• Maternity Leave and Pay Procedure• Secondary Caregiver Procedure• Ordinary Parental Leave Procedure• Supporting Attendance Procedure• Flexible Working Procedure• Reorganisation Procedure
Procedure/s superseded	N/A
Legislation/ regulatory requirements and standards	The Shared Parental Leave Regulations 2014
Endorsing Authority; Endorsement date	Head of People Advisory; 08 2025
Approval Authority; Approval date	Head of People Advisory; 08 2025
Procedure Owner	Chief Operating Officer
Procedure Lead	People Policy Advisor
Date effective	08 2025
Interim update date	N/A
Review date	08 2028
Version	4.0

Keywords	maternity leave, maternity pay, parental leave, family leave, pregnancy leave, adoption, flexible working, adopter	
Revision history	Version	Summary of change (s)
June 2017 Interim update	Version 1.0	Review date aligned with related leave procedures.
December 2017 Interim update	Version 1.1	Updated to align with new HR Policy Framework and corporate procedure template
June 2018 Scheduled update	Version 2.0	Update to reflect new enhanced Shared parental pay benefits; staff with at least one year's service at the date on which maternity leave begins will be entitled to Occupational Maternity Pay, as follows: 6 weeks at full pay; 12 weeks at half pay plus SMP; 21 weeks at half pay or SMP, whichever is the greater. Staff who do not have the qualifying service but are eligible for SMP will be entitled to the current level of Occupational Maternity Pay, as follows: 6 weeks at full pay; 12 weeks at half pay plus SMP; 21 weeks at SMP.
March 2019 Interim update	2.1	Clarification of eligibility rules for adoptive parents
July 2019 Interim update	2.2	Clarification on ability for partner to start Shared Parental leave while mother/main adopter is still on maternity /adoption leave
August 2019 Interim update	2.3	Pushed back review date to February 2020 in line with updated review schedule
Dec 2019 Minor update	2.4	Clarified that payment of SPLIT days are in addition to any statutory or enhanced SPL pay received at the time.
December 2020 Interim review	2.5	No legal updates required currently fit for purpose push back review date to align with family friendly policies review

June 2021 Update	2.6	Review date pushed back to allow for wider consultation
March 2022 Interim review	2.7	Reviewed as fit for purpose. Review date extended
July 2022 Interim update	2.8	Updated section 'Recording shared parental leave' to advise managers to contact people support to log this leave in SAVi
August 2022 Major Review	3.0	Reviewed externally by Outset
August 2025 Major review	4.0	Transferred to the new format. Re-wrote a few sections to make it gender neutral. Clarified the scope.

Appendix: Definitions

Birth parent: the person who biologically contributes to the conception of a child or gives birth to them. The term is often used to distinguish them from adoptive or legal parents.

Expected Week of Childbirth: the week, beginning on a Sunday, in which a doctor or midwife expects the baby to be born. It is usually based on a due date calculated from the first day of the pregnant person's last menstrual period or an early ultrasound scan.

Keeping in touch day: a day during maternity leave when an employee can agree with their employer to work up to 10 days without ending their maternity leave or affecting their maternity pay. These days are optional and meant to help the employee stay connected to the workplace, attend training, or ease the return to work.

Non-birth parent: a parent who did not biologically contribute to or give birth to a child but has a parental role in their life. This can include adoptive parents, step-parents, or others with legal or recognized parental responsibilities.

Partner: includes the spouse, civil partner individual and a person in a long-term relationship with another person. The right also applies to those who will become parents through surrogacy.

Pregnant employee: All eligible employees within the BRC's diverse community, including all the protected characteristics under the Equality Act 2010 (age, disability, race, ethnicity, religion or belief, sex, gender reassignment (gender identity), sexual orientation).

Primary caregiver: A person who is the primary carer of a newborn or newly adopted child. The primary carer is the person who meets the Child's needs more than anyone else. According to UK law, only one person can be a Child's primary carer.

Redundancy: Redundancy refers to the termination of an employee's position by an employer due to factors such as economic downturn, technological advancements, organisational restructuring, or the closure of a business unit

SAVi Self-Service: the people management system that the line manager uses to manage employee's absence and all types of leave.

Secondary caregiver: A person who has parental responsibility for the Child but is not the Primary Caregiver.

Surrogacy: when a person carries and gives birth to a baby on behalf of someone else who will become the child's parent or parents.