

SHARED PARENTAL LEAVE POLICY

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NORFOLK
CONSTABULARY



SUFFOLK
CONSTABULARY

SHARED PARENTAL LEAVE

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Legal Basis

Legislation specific to the subject of this policy document:

- Employment Rights Act 1996
- Shared Parental Leave Regulations 2014
- Statutory Shared Parental Pay (General) Regulations 2014
- Social Security Contributions and Benefits Act 1992
- Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014
- Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014
- Maternity Allowance (Curtailment) Regulations 2014

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Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom Of Information Act 2000

Other documentation which you must check this document against:

- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- College of Policing – Authorised Professional Practice

Other relevant documents:

- Frequently Asked Questions – Staff and Officers
- Frequently Asked Questions – Managers

1. Statement of Policy

- 1.1 The purpose of this policy is to provide details of the Constabularies' Shared Parental Leave (SPL) provisions and explain the procedure for requesting SPL.
- 1.2 Norfolk and Suffolk Constabularies (together 'the Constabularies') are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. Unless we have expressly stated that a policy is contractual (police staff), all our policies and procedures are non-contractual. We may update our policies at any time and will consult with UNISON and/or Federation (as applicable) on any changes proposed. Our policies may also be periodically updated to reflect any changes in employment legislation or Police Regulations.
- 1.3 All the Constabularies' policies promote equality, eliminate unlawful discrimination and actively promote good relations regardless of a person's age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status. Managers have a specific responsibility to ensure this policy is applied fairly and all police officers and police staff are responsible for supporting colleagues and ensuring its success.
- 1.4 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the HR department in conjunction with the Central Policy Unit.
- 1.5 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards and continues to meet our needs.
- 1.6 The Director of People has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory

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framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the HR Managers, HR Delivery.

2. Applicability

- 2.1 This policy is for police officers ('officers') and police staff employees ('staff').
- 2.2 Whilst shared parental leave and pay is currently only enacted in employment legislation and not yet in Police Regulations, the Constabularies have decided to apply the same conditions to police officers in equivalent circumstances.
- 2.3 The policy should be read in conjunction with the Staff/Officer FAQs and Manager FAQs.

3. Introduction

- 3.1 Shared Parental Leave provides eligible parents with more choice and flexibility in the way they choose to care for their child during the first year of birth or adoption placement.
- 3.2 When considering whether or not to request Shared Parental Leave please note that Shared Parental Pay will only be paid at the statutory rate and will not be enhanced by any occupational element. Please see section 9 for further information on Shared Parental Pay.

4. Eligibility for Shared Parental Leave

- 4.1 Eligibility is in two parts as follows.

Note that any reference to 'employment' below should be taken to include service as an officer.

'Continuity of employment test'

- 4.2 You can apply for SPL if you share the main responsibility for caring for your child at the time of birth or adoption placement with your spouse, partner (if they live with you), joint adopter or the child's other parent and if:
 - you or your partner are entitled to maternity/adoption leave or statutory maternity/adoption pay or maternity allowance, and
 - you have at least 26 weeks' continuous service before the 15th week of the expected week of childbirth or adoption placement; and
 - you or your partner have provided a 'curtailment notice' to end or reduce any maternity or adoption entitlement; or have already returned to work early; and
 - you are still employed by, or are an officer of, the Constabularies in the week you intend to commence your SPL.

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The partner's eligibility 'employment and earnings test'

4.3 You, if you're the partner; or your partner must:

- share the main responsibility for the care of the child at the time of the birth or adoption placement; and
- have been employed for at least 26 weeks during the 66 weeks before the expected week of birth or adoption placement; and
- have earned at least £30 per week on average in 13 of the 66 weeks.

4.4 Both you and your partner must also provide the correct notification and evidence as required (see section 6 below).

4.5 You can check whether you and/or your partner are eligible for SPL by using the gov.uk checker [here](#).

4.6 If both parents qualify for SPL, this will be a joint entitlement and it will be for the parents to decide how to divide this between themselves. Sometimes only one parent will qualify. In this case, whilst the leave cannot be shared, it can still be taken by the parent who does qualify.

5. When and how much Shared Parental Leave can be taken

5.1 The maximum amount of SPL that could be available to the parents jointly is 50 weeks. This is because a mother or adopter must take at least two weeks maternity or adoption leave before they can curtail their maternity/adoption leave.

5.2 SPL cannot be taken before the birth or adoption placement. SPL must be taken in the 12 months following the child's birth or adoption placement. Any entitlement not taken in those 12 months will be lost.

5.3 The actual amount of SPL available will depend on how much maternity or adoption leave has already been taken by the date the mother or adopter returns to work.

5.4 SPL has to be taken in blocks of at least one week. It can be taken either as one continuous block or as a number of discontinuous blocks. This enables parents to stop and start their SPL and return to work in between if they wish. Parents can take their SPL at different times or at the same time as each other.

5.5 Partners can start SPL before the end of the maternity or adoption leave as long as notice of the maternity/adoption leave end date has been given.

5.6 The SPL entitlement does not include any period of maternity/adoption support leave (alternatively known as paternity leave). It is therefore recommended that maternity/adoption support leave is taken before SPL, as it will otherwise be lost. For the Constabularies' policy on maternity/adoption support leave, please see the relevant section in the

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Maternity Leave Policy (Officers and Staff) and Adoption Leave Policy (Officers and Staff).

6. Notice Requirements for taking Shared Parental Leave

- 6.1 If you are considering taking SPL, you are encouraged to talk to your line manager as early as possible and before submitting any formal notice so that potential options can be discussed.
- 6.2 Formal notice requirements to take SPL is made up of three separate steps. These steps are set out below with links to the forms you will need to complete.

Step 1: Notice to Curtail Maternity/Adoption Leave

- You will need to complete and submit Form SPL1 if you are the mother/adopter in the Constabulary, setting out when you propose to curtail your maternity/adoption leave (unless you have already returned to work early). You must give at least eight weeks' notice to end it.
- 6.3 If the mother/adopter works in another organisation, they will need to follow their own employer's process to curtail their maternity/adoption leave.

Step 2: Notice of Entitlement and Intention to take SPL

- 6.4 You will need to complete and submit one of the following forms:
- Form SPL2 if you are the mother/adopter who works in the Constabulary and you and your partner, or just you, wish to take SPL; or
 - Form SPL3 if you are the mother/adopter who works in the Constabulary and only your partner who does not work in the Constabulary wishes to take SPL; or
 - Form SPL4 if you are the partner who works in the Constabulary (and the mother/adopter does not) and you wish to take SPL.
- 6.5 Your form in this step is required to confirm entitlement and give an initial, non-binding indication of each period of SPL which you (as the mother/adopter/partner) would like. At least eight weeks' notice must be given before your first intended period of SPL. If you are the mother/adopter, the appropriate form at Step 2 should ideally be submitted **with** your SPL1 curtailment notice.
- 6.6 Following submission of the applicable form, your line manager will contact you to discuss your request for SPL, to enable them to plan for your intended periods of leave.

Step 3: Period of Leave Notice

- You will need to complete and submit Form SPL5 setting out the specific start and end dates of each period of SPL that you are requesting. This

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must be submitted no later than eight weeks prior to the start date of the first period of SPL requested in that notice.

This form can be submitted at the same time as Step 1 or Step 2, if you are clear of the dates you would like to take SPL at this point.

- 6.7 Each parent can submit up to three separate Period of Leave Notices. This includes any notice to vary a period of leave already booked.
- 6.8 Each leave notice can be a request for a 'continuous' (a single block of weeks) or 'discontinuous' (a number of separate weeks) periods of leave.
- 6.9 Whether you are the mother/adopter or the partner, the other parent must submit the relevant notices to their own employer, which may have its own policy in place.
- 6.10 Both parents should ensure they are each liaising with their own employer so that their requests can be handled as smoothly as possible. There is no requirement for employers to liaise with one another.
- 6.11 SPL requests are based on trust. However, within 14 days of receipt of the "Notice of Entitlement & Intention to take SPL" form we have the right to request a copy of the child's birth certificate or adoption matching certificate. We also have the right to request the contact details of your partner's employer. If a request is made, you should provide the information within 14 days.

7. Agreeing a period of Shared Parental Leave

- 7.1 Once a period of Leave Notice is received it will be dealt with as soon as possible and a response usually provided within 14 days.
- 7.2 If you request one continuous period of SPL you are entitled to take the dates requested.
- 7.3 If you request discontinuous periods of SPL in the same notice, this will be fully considered taking account of operational demand. Your line manager will arrange to discuss your request with you as necessary.
- 7.4 If agreement on the dates cannot be reached, you may either withdraw your request or take the leave as a continuous period instead, on a date you specify, within a further eight weeks. Alternatively, you can make a new request. If you withdraw the request, it will not count as one of your three permitted leave notice requests.

8. Varying or cancelling your Shared Parental Leave dates

- 8.1 You can vary or cancel a period of SPL you have booked, provided you give at least eight weeks written notice before both the date to be changed and the new proposed date.

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- 8.2 Varying or cancelling and resubmitting a leave notification will usually count as a new notification. To vary or cancel a notification you must submit Varying a Period of Leave Notice Form SPL6 confirming the start and end dates.
- 8.3 You should discuss any changes with your manager in the first instance.
- 8.4 In situations such as a premature birth, or when an adoption placement is disrupted, or when one of the parents ceases to meet the conditions, or when either one of the parents or the child dies before the end of the SPL period, the relevant provisions of the Shared Parental Leave Regulations 2014 will apply. Such situations will be handled with full consideration to the sensitivity of the circumstances.

9. Shared Parental Pay (ShPP)

- 9.1 ShPP is available for eligible parents to share between themselves.
- 9.2 A mother or adopter is entitled to statutory maternity pay or adoption pay for 39 weeks (subject to eligibility). The Constabularies currently provide enhanced occupational maternity and adoption pay (subject to eligibility) to officers and staff (see Maternity Leave and Adoption Leave policies for information). If you give notice to reduce your maternity/adoption statutory pay entitlement before you've received 39 weeks' pay, the remaining weeks' statutory pay (to a maximum of 37 weeks) becomes available for you and/or your partner to take (subject to eligibility – see 9.4 and 9.5 below).
- 9.3 Please note, ShPP will only be paid at the statutory amount or 90% of normal weekly earnings, whichever is lower. The Constabularies do not offer enhanced pay for Shared Parental Leave. Current statutory rates are available at www.gov.uk. (this is the same as statutory maternity and adoption pay rates).
- 9.4 ShPP will be paid if you meet the 'continuity of employment test' and your partner meets the 'employment and earnings test' (this is covered by paragraphs 4.1- 4.4) and this may be payable during some or all of the SPL.
- 9.5 In addition, you must have earned above the lower earnings limit in the eight weeks leading up to and including the 15th week before the child's expected due date/matching date and still employed by/an officer of the Constabularies at the start of the first period of ShPP.
- 9.6 If both you and your partner are entitled to ShPP, you must decide who'll receive it, and how it is divided between you.
- 9.7 Notification of your intention to claim ShPP (and if applicable, for what period) can be included in the Period of Leave Notice form, or otherwise should be made in writing, at least eight weeks before you want ShPP to start.

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10. Maintaining Contact During Shared Parental Leave

- 10.1 We will want to keep in contact with you during your SPL. Your line manager will discuss and agree contact arrangements with you before your leave starts so that they can ensure contact is relevant and reasonable.
- 10.2 Your manager will record the agreed contact arrangements with you. This should include frequency of contact and what sort of information you would like to be updated on. An email address will be obtained if you are willing to provide it to ensure that Force Orders and important Constabularies or department updates are provided. Frequency will depend on individual circumstances and how long you are on leave for, but as a minimum the line manager should ensure contact is made at least once a month.
- 10.3 If there is a change in your line management during your SPL your current line manager is obligated to inform your new line manager of the SPL and agreed contact arrangements, and the new manager will then contact you.
- 10.4 In some cases, an individual may prefer an alternative manager or senior colleague as their main contact. If you would like to request an alternative contact, please discuss this with your line manager so that any alternative arrangements can be considered and agreed, if appropriate.
- 10.5 IT user accounts are normally deactivated when an individual is on a period of extended leave. If you are taking a long continuous period of SPL and would like your account to be kept active if you would find this beneficial and will still have access to Constabularies' ICT equipment, then please speak with your line manager. This will be subject to meeting certain conditions and taking full responsibility for your account's security whilst it remains active.

11. Shared Parental Leave in Touch (SPLIT) Days

- 11.1 A SPLIT day is a day which you can attend work, in agreement with your line manager, without bringing your SPL to an end or affecting your ShPP.
- 11.2 You can take up to 20 SPLIT days during your SPL. The entitlement to SPLIT days is in addition to the 10 KIT days available during maternity/adoption leave.
- 11.3 You will receive payment for the actual hours worked on a SPLIT day at your normal pay rate, plus any ShPP you are due to receive.
- 11.4 SPLIT days can facilitate a smooth return back to work and can be useful in helping maintain relationships with colleagues and keeping up to date with any workplace changes. They can also be used if you wish to continue to work part of a week during a period of SPL. SPLIT days are optional and you are under no obligation to take them.
- 11.5 SPLIT days must be agreed between you and your line manager, and you should agree in advance what you will do on these days; they can be used

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for any work you would normally do in your day to day role or, for example, to attend team meetings, fitness testing, training etc.

- 11.6 SPLIT days can be taken as consecutive or single days. A SPLIT day will count as one day regardless of the length of time spent at work. For example, one SPLIT day will be used even if you only attend a one-hour meeting that day. If you work a shift that straddles midnight the total hours worked in that shift will count as one SPLIT Day. SPLIT days cannot be taken at the end of SPL to extend the period of SPL.
- 11.7 Your line manager is responsible for completing an APEX online form (a 'general request form') to confirm the hours/days of SPLIT days taken.

12. Court Attendance

Officers

- 12.1 If you are required to attend court whilst on SPL must attend, subject to an appropriate risk assessment being conducted, unless you are certified medically unfit to do so and/or the hearing is scheduled within two months of you having given birth.
- 12.2 Attendance at court is classified as duty time. This will be paid as time to be taken at the end of your SPL period and will not be bought out after three months, in order to prevent a break in your entitlement to ShPP. Alternatively, you may request that such attendance is treated as a SPLIT day, which will be paid in accordance with clause 11.

Staff

- 12.3 You could be asked to attend court whilst on SPL, if this is normally part of your role and subject to an appropriate risk assessment being conducted, but you will not be expected to attend if you are not well enough to do so and/or if the hearing is scheduled within two months of you having given birth.
- 12.4 Attendance at court during a period of SPL will be treated as a SPLIT day, which will be paid in accordance with clause 11. Alternatively, you may request that such attendance is exchanged for time off in lieu once you return to work.

Officers and Staff

- 12.5 Wherever possible the Witness Care team will endeavour to set a time and date for the court attendance to minimise the impact on you and the appropriate care for your child, in line with your personal circumstances and risk assessment.

13. Career Development

- 13.1 Whilst on SPL you will still have access to opportunities for career development.

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- 13.2 You can request People Customer Services to send Force Orders to your home address/email to enable you to apply for job vacancies or any other career development opportunities whilst on leave, if you wish to. This will be supplied to you by an encrypted email.
- 13.3 Officers are still eligible to sit boards and examinations whilst on SPL.
- 13.4 Special consideration will be given when arranging any interviews, assessments or board attendance whilst on SPL to minimise impact on you and any childcare arrangements you may need to put in place.
- 13.5 Your line manager will continue to review your career development aspirations with you as part of your PDR when you are back at work.

14. Terms and Conditions during Shared Parental Leave including Annual Leave

- 14.1 All contractual terms and conditions (staff) and conditions of service (officers), except for pay, will continue as usual during SPL. SPL is reckonable for incremental pay and annual leave increases and counts as continuous service.
- 14.2 Annual leave and public holiday entitlements will continue to accrue during SPL. Wherever possible annual leave should be taken in the applicable leave year. A maximum of 5 days (pro rata if part time) may be carried over into the next leave year.

15. Leave in the event of a Child Bereavement

- 15.1 If a child dies following birth and after the Notice of Entitlement and Period of Leave Notice forms have been submitted, the parents continue to be entitled to take the leave and pay that they booked before the death. Shared parental leave or pay is not available in the event of stillbirth.
- 15.2 Parental bereavement leave gives all officers and staff who suffer a stillbirth (after 24 weeks of pregnancy), or lose a child under the age of 18, the entitlement to 2 weeks bereavement leave. Parents in this context include those who are the birth parents as well as adoptive parents and the mother's partner.
- 15.3 The leave can be taken as either a single block of two weeks, or as two separate blocks of one week each taken at different times across the first 56 weeks after the loss.
- 15.4 Informal notification such as a phone call to the line manager is sufficient to take parental bereavement leave. Within 56 days of the loss of a child the leave can be taken straight away. If it is more than 56 days after the loss, one week's notice to take leave is required.
- 15.5 All parents will be entitled to receive their full normal pay for this leave (the statutory pay element for parental bereavement leave will be off set against this).

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15.6 The parental bereavement leave provision is in addition to any other leave provisions in relation to bereavement, that being time off for dependants, compassionate leave, maternity/adoption leave, shared parental leave as applicable (see 15.1 above).

16. Returning to work after Shared Parental Leave

16.1 We will assume that you will return to work at the end of your SPL. If you wish to return sooner, you must notify your line manager in writing as follows:

- *Staff* must provide at least 8 weeks' notice.
- *Officers* must provide at least 21 days' notice in respect of SPL which relates to maternity leave or 28 days' notice in respect of SPL which relates to adoption leave, as appropriate.

The notice periods are in relation to the date on which you wish to return.

16.2 You can give more advance notice of your return to work, if you want to know your shift pattern earlier, for example, to arrange childcare.

16.3 Should you decide not to return, you must give the appropriate written notice. Officers are required to give 28 days' notice; staff are required to give notice in accordance with their contract. Once you give notice, you cannot change your mind without our permission.

Right to return to previous role: Staff

16.4 You are entitled to return to the same role you were in prior to your SPL, on the same or no less favourable terms and conditions (unless a redundancy situation has arisen), provided that:

16.4.1 the period of SPL, plus any other period of 'relevant statutory leave' (including maternity leave, adoption leave, paternity leave, shared parental leave and parental bereavement leave), you have taken in relation to the same child, is 26 weeks or less; *and*

16.4.2 the period of SPL was not the last of two or more consecutive periods of relevant statutory leave which included a period of parental leave of more than four weeks, a period of additional maternity leave, or a period of additional adoption leave.

16.5 We will look for a suitable alternative role for you, on terms and conditions that are no less favourable than your original role, if:

16.5.1 the period of SPL:

16.5.1.1 plus any other period of relevant statutory leave you have taken in relation to the same child, is more than 26 weeks; *or*

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16.5.1.2 was the last of two or more consecutive periods of relevant statutory leave, which included a period of parental leave of more than four weeks, a period of additional maternity leave, or a period of additional adoption leave;

and

16.5.2 there is a genuine reason why it is not reasonably practicable for you to return to the same role, such as a reorganisation.

16.6 If there are any proposed changes affecting your job whilst you are on leave you will be contacted by your line manager as soon as practicable so that all options available can be discussed and explored with you.

Right to return to previous role: Officers

16.7 You are entitled to return to your same role following SPL except if there is a genuine reason why that is not reasonably practicable. If this situation arises you will be posted to an alternative role where terms and conditions are no less favourable.

17. Flexible Working

16.1 If you are considering applying for flexible working to change your hours or other working arrangements following SPL, you may wish to informally speak to your line manager before you start your leave to understand what options there might be.

16.2 It can be difficult to prepare a flexible working application whilst you are away from work, however you could use a SPLIT day to come into work to discuss options, proposed working patterns etc, with your line manager and complete a flexible working application. Officers and staff may also wish to consider approaching the Police Federation or UNISON for assistance and advice with this process.

16.3 If your partner works at one of the Constabularies and is also considering applying for flexible working, if you let your line managers know this then both applications can be considered simultaneously.

16.4. For further information please refer to the Police Staff Flexible Working Policy or Police Officer Flexible Working Policy, as applicable.

18. Career Break

18.1 If you would like to take a further formal break from work following your SPL, you may wish to consider a career break. Please refer to the Constabularies' Police Officer Career Break Policy or Police Staff Career Break Policy as applicable, for further information.

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19. Pension

- 19.1 **Police Officers** your pension contributions to the Police Pension Scheme will continue during periods of statutory paid SPL. Contributions will be based on the actual amount of pay you receive however, you will accrue full pension benefits as if you were on full pay.
- 19.2 No contributions will be made during periods of unpaid SPL however, you can elect to make back-payments of any contributions lost once you have returned to work.
- 19.3 Payroll will contact you at the end of your SPL to advise you of the implications of any unpaid SPL on your pension and provide full details on how you can arrange to make back payments. You will have six months to make these back-payment contributions. Where contributions are not paid back you will not accrue pensionable service for that period.
- 19.4 **Police Staff** if you are a member of the Local Government Pension Scheme contributions will continue during periods of statutory paid SPL. Contributions will be based on the actual amount of pay you receive however you will accrue full pension benefits as if you were on full pay.
- 19.5 No contributions will be made during periods of unpaid SPL however, you can elect to make back-payments of the contributions lost once you have returned to work. The back-payment contributions can be made in either a lump sum or instalments. There is no minimum period in which you are required to make the back-payments.
- 19.6 Payroll department will contact you at the end of your SPL to advise you of the implications of any periods of unpaid SPL and will provide you with full details on how you can arrange to make back-payments. Where contributions are not paid back you will not accrue pensionable service for that period.

20. Other voluntary contributions/subscriptions

- 20.1 Before going on SPL, you should consider any other contributions you make direct from your salary. Deductions will continue where pay is available, but it is your responsibility to make alternative arrangements if you will not have sufficient pay each month to cover them.
- 20.2 For further information regarding deductions from your pay please contact Payroll or the relevant provider/association to make alternative arrangements where necessary.
- 20.3 Police Federation membership subscriptions will continue to be deducted from salary however, for any period of unpaid SPL you can contact your Federation branch and they will arrange for your membership to continue at no cost to you during this time.
- 20.4 UNISON membership subscriptions will continue to be deducted from salary (if you are a member) however, for any period of unpaid SPL you

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can contact your UNISON branch and they will arrange for your membership to continue at no cost to you during this time.

21. Support

- 21.1 There is information, support services and guidance on supporting you as a new parent on the Wellbeing intranet page, or by contacting Wellbeing for access if away from work.
- 21.2 The Constabularies have a number of peer support groups for family matters, including new parents. Contact details for these groups can also be found on the Wellbeing intranet page.