Shared Parental Leave (SPL) is a new legislative entitlement that has come into practice in the UK, replacing the previous entitlement of Additional Parental Leave (APL). Effective from April 2015 it is available to both male and female employees.

It is important to note that any female Adobe employee availing of SPL is automatically considered to be opting out of the Company enhanced Maternity leave/pay policy entitlement.

Eligibility for Shared Parental Leave

1.1 To qualify for Shared Parental Leave (SPL), the mother (whether an Adobe employee or not) must first qualify for maternity leave and have given notice to either end or curtail same maternity leave.

1.2 The partner must also meet the eligibility requirements i.e. have worked for their employer (whether Adobe or another company), continuously for at least 26 weeks up to the ‘qualifying week’ - the 15th week before the expected week of childbirth and remain in employment until the week before any period of shared parental leave is taken.

1.3 The first two weeks of maternity leave must always be taken by the biological mother immediately following the birth. The remaining 50 weeks can be shared by both eligible parents in the form of SPL following the birth of a child.

1.4 If both parents are eligible, SPL may be taken at same or different times, as long as the total leave taken does not exceed what is jointly available.

1.5 SPL can be taken in (up to) 3 separate blocks, but must be taken within the first year of the child’s birth. If taken in one whole block, the employee has the overall right to dictate the timings of the leave. If taken in separate blocks, the timings of the leave must be agreed with the manager.

1.6 If only one parent is eligible for SPL, they can’t share the leave, but the eligible employee may still use SPL to book leave in separate blocks, rather than have a continuous period off, provided the other parent meets certain criteria (same test as for maternity allowance).

Notification Requirements

1.7 The employee must:

1.7.1 Give written notice to their manager, copying the Employee Resource Centre on erc@adobe.com, at least eight weeks before the commencement of the leave, of their entitlement to and their intention to take SPL

1.7.2 Provide appropriate evidence i.e. a copy of the MAT B1 form

1.7.3 Provide the name and address of the mother or partner’s current employer
1.7.4 Outline clearly the required period of leave requested including whether in one continuous block or split into up to three separate blocks.

1.8 The mother’s partner may commence SPL whilst the mother is on maternity leave, provided the mother has given notice to end the maternity leave.

Shared Parental Leave Pay and Benefits Entitlement

1.9 Payment during Shared Parental Leave is based on the Statutory Entitlement (aligned with the statutory maternity pay) of £138.58 per week (or 90% of your average weekly earnings if lower) (correct as at April 2015).

1.10 Eligibility for Shared Parental Leave Pay is for a maximum of 37 weeks. The exact number of week’s entitlement is dependent on the amount by which the mother reduces her maternity pay period or maternity allowance period.

1.11 All employee benefits (excluding salary or bonus entitlements) continue unchanged during any period of SPL. Any bonus payments will be pro-rated for the period of SPL.

1.12 SPL is granted in addition to an employee’s normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee’s holiday year.

Contact during Shared Parental Leave

1.13 Before an employee's SPL begins, both the manager and employee will discuss the arrangements to keep in touch during the period of leave. Adobe reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL.

Keeping in Touch Days

The employee can agree to work (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim SPL payment for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day’s work for these purposes.

Company Response to a Shared Parental Leave Notification or Request

Once the manager and ERC receive the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than two weeks after the leave request was made.
All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave (up to three separate blocks) will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the business.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than two weeks after receipt of the formal leave notification. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request.

Variations to arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the organisation in writing at least eight weeks before the date of any variation. Ideally any new start date should not be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee’s right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

Applying for Shared Parental Leave

Employees wishing to apply for Shared Parental Leave should complete the form below and forward it to the Employee Resource Centre on erc@adobe.com. Please ensure you copy your manager on the request.
Shared Parental Leave & Pay Form

To check your eligibility for and apply for Shared Parental Leave, please complete this form and return it to erc@adobe.com. It is advisable to copy your manager on your request. A copy should also be given to your partners employers as appropriate.

Legends: SPL = Shared Parental Leave, ShPP = Shared Parental Pay, SMP = Statutory Maternity Pay, MA = Maternity Allowance

Please aim to give at least 8 weeks notice of any request for SPL or ShPP

PLEASE COMPLETE THE FOLLOWING INFORMATION:

Mother’s entitlement to SPL and ShPP:

Mother’s name ___________________ Mother’s National Insurance number ____________

Expected due date of child:

Child’s actual birth date (if the birth has already taken place):

Date maternity leave started:

Date SMP or MA started:

Either:

• Date you have given notice to end your maternity leave and pay

OR Date you returned to work

• Date SMP or MA ended (if you have returned to work without notifying SPL/ShPP, you will need to notify your employer or Job Centre Plus before the 38th week after you started claiming SMP or Maternity Allowance that you wish to end your Maternity pay period or maternity allowance period)

How many weeks of maternity leave did you take/will you have taken?

Have you or your partner previously taken any weeks of SPL with respect to this child?

How many weeks of SPL are available?
How many weeks of SMP or MA were paid to you at the point you returned to work or ended your pay period?

Have you or your partner previously taken any weeks of ShPP with respect to this child?

**How many weeks of ShPP are available?**

**Sharing the leave and pay:**

How many weeks of SPL do you intend to take?

How many weeks of SPL does your partner intend to take?

How many weeks of ShPP do you intend to take?

How many weeks of ShPP does your partner intend to take?

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**Declaration by the mother:**

I declare:

(i) that the information I have given is correct:

(ii) that I intend to care for the child during each week that I am on shared parental leave and/or statutory shared parental pay is paid to me

(iii) that I meet the duration of employment test,

(iv) that I am, or will be, entitled to:

- SMP; or
- Maternity Allowance; or
- I am not entitled to SMP or MA in respect of the birth of the child (delete as applicable)

(v) that I have notified the end of the maternity pay or allowance period before the 38th week of first receiving it

(vi) that I will be absent from work in each week that ShPP is paid to me

(vii) that I am entitled to SPL and I will be absent from work on SPL for each week in which ShPP is paid to me; or

(viii) that I have no entitlement to SPL

I confirm the information I have given is accurate

**Signature of mother:**

**Date:**
Declaration by the Partner:

Name:
Address:
NI number:

I am the child’s father/mother’s husband/mother’s civil partner/mother’s partner living in an enduring relationship with the child’s mother and the child.

I confirm that in the 66 weeks leading up to the [child’s EWC] I have worked for 26 weeks in Great Britain and I have worked as an employed or self-employed earner in 13 of those weeks and have earned an average of £30 a week and paid national insurance contributions (or I hold an exemption certificate for those weeks).

I confirm that I consent to the mother’s claim for ShPP.

I confirm that I will immediately inform the mother if I cease to have responsibility for the child or I discover I do not meet the employment and earnings test.

I consent to the processing of the information I give by the mother’s employer in connection with the payment of ShPP to the mother.

I confirm the information I have given is accurate.

Signature of child’s father or mother’s partner:

Date:
Additional Employer information

Other documents that will need to be provided by your employee to you as well as the Entitlement Notice:

Where the Mother/Primary Adopter is in your employment:

- A Curtailment Notice – this is a notice that gives a future date on which they intend to cease receipt of SMP/SAP/Maternity allowance
- A Booking notice – this gives notice of the periods she intends to take time off work on Shared Parental leave & Pay

Where the Father/Partner/Secondary Adopter is in your employment:

- Booking notice - this gives notice of the periods he/she intends to take off work on Shared Parental leave & Pay

No suggested pro-forma has been provided by HMRC at this stage for the above documents.

NB. As a result of this new Legislation, you may wish to consider the effect this may have on any other ‘family friendly’ policies, or it could be included within a wider maternity and paternity policy that you currently run for your workforce such as Occupational Maternity scheme. If you run such a scheme then please advise your Payroll Team if this should apply to Shared Parental Pay as well?

The normal legislative rules which currently exist for SMP/SAP concerning Employers pension contributions, Salary Sacrifice, Holiday accrual, benefits etc., will still apply to Shared Parental Pay