

## Overview of Shared Parental Leave

Shared parental leave enables mothers to:

- Commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner, or
- To return to work early from maternity leave and opt-in to shared parental leave and pay at a later date.

Shared parental leave is designed to allow couples greater freedom to decide how to take their family-friendly leave. Shared parental leave is also available to **adoptive parents**.

If you or your partner are expecting a child on or after the 5<sup>th</sup> April 2015, or you are adopting a child and your match date is on or after the 5<sup>th</sup> April 2015, you may qualify for statutory rights to Shared Parental leave (SPL) and Statutory Shared Parental Pay (ShPP). In order to take either of these you will have to meet eligibility criteria.

The attached procedure has been provided to support you with the process for determining eligibility and to provide you with an understanding of how this works in practice. In addition to this procedure, the HR team are also available to offer you individual support and guidance.

You and your partner must determine your own eligibility to this provision. You can do this by visiting <https://www.gov.uk/pay-leave-for-parents>. This is an online tool to assist you and your partner determine eligibility. It will also calculate your entitlements. If after using this tool, you determine that you qualify for SPL/ShPP and wish to take it you must notify the Council of your intention and you must also ensure that the Council receives a signed declaration from your partner. (Please refer to the forms at the end of this procedure which have been developed to help you with the notification process).

The eligibility criteria and the notification requirements for SPL are complex. If you are considering taking SPL you are encouraged to talk to your line manager or a member of the HR team about the sort of arrangements you might like. Early discussion may mean you can reach early agreement and formalise the arrangement through the notification process.

## Shared Parental Leave Procedure

## **1 PURPOSE**

- 1.1 (Insert name of Council) The procedure aims to ensure that all requests are dealt with in a reasonable manner and with sufficient information to ensure the Council can respond.
- 1.2 If your baby is due, or you are adopting a child on or after 5 April 2015, you may be entitled to Shared Parental Leave (SPL) and Shared Parental Pay (ShPP). SPL and ShPP allows parents the opportunity to share an entitlement to time off and pay during the first year of a child's life, or the first year following adoption.
- 1.3 The right to maternity or adoption leave and pay remains in place but if you choose to bring your maternity or adoption leave and pay to an end early then eligible working parents are able to share the balance of the remaining leave and pay as SPL and ShPP. Partners of the mother or primary adopter maintain their entitlement to up to two weeks paternity leave and pay, but this will be deducted from any available SPL and ShPP. Depending on your eligibility, SPL and/or ShPP may be available to one or both parents.

## **2 SCOPE**

- 2.1 This procedure applies to all employees who meet the eligibility criteria regardless of gender, gender reassignment, pregnancy, maternity and paternity, race, religion or belief, disability, sexual orientation, age, part-time, fixed term, trade union or public interest disclosure status.

## **3 ELIGIBILITY**

### **3.1 Shared Parental Leave**

To be eligible for SPL, the child's mother or the adoptive parent must be eligible for maternity leave or pay, maternity allowance or adoption leave or pay.

If you wish to take SPL you must:

- have at least 26 weeks continuous service by the end of the 15th week before the due date (or by the date you are notified of a match for adoption),
- still be employed by the council when you take SPL,
- have (or are expected to have) parental responsibility for the child, and
- give the correct notice, including a declaration that your partner meets the employment and income requirements for SPL. Please request a notification form from the HR team.

### **3.2 Shared Parental Pay (ShPP)**

You may be eligible for ShPP during a period of SPL if:

- you qualify for Statutory Maternity Pay, or Statutory Adoption Pay, or
- you qualify for Statutory Paternity Pay and your partner qualifies for Statutory

## Maternity Pay, or Statutory Adoption Pay

### 4 ENTITLEMENT

- 4.1 If you are eligible and you or your partner bring your maternity or adoption leave and pay to an end early, then you may:
- take the remaining balance of the 52 weeks' leave as SPL
  - be paid the current rate of ShPP in line with other statutory rates for the balance of the 39 weeks' pay period.
- 4.2 The mother must take a minimum of 2 weeks' maternity leave following the birth, therefore the maximum leave that can be shared is 50 weeks and the maximum pay to be shared is 37 weeks.
- 4.3 If your partner is eligible for SPL you can take the leave together or at different times. You may request SPL in continuous or discontinuous periods. A continuous period would be where you take your SPL in a fixed block of, for example, one month. A discontinuous period would be where you ask to take your leave in shorter blocks, so for example you might ask to take every other week off over a period of eight weeks.

### 5 STARTING AND TAKING SPL

- 5.1 For SPL to begin, the mother or adopter must do one of the following:
- end their maternity or adoption leave by returning to work
  - give their employer binding notice of the date when they'll end their maternity or adoption leave (at least 8 weeks beforehand)
  - end adoption pay, maternity pay or Maternity Allowance (if they are not entitled to maternity leave).
- 5.2 SPL can start for the partner whilst the 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).

### 6 NOTIFICATION REQUIREMENTS

#### 6.1 Written notice of entitlement

If you wish to take SPL you must provide written notice of your entitlement to SPL and ShPP. This notice must include the following information:

- your partner's name
- the start and end dates of maternity or adoption leave
- the total amount of SPL and ShPP available and how much you and your partner intend to take
- confirmation that you are sharing childcare responsibility with your partner.

You must also provide a signed declaration from your partner, stating the following:

- their name, address and national insurance number
- confirmation that they satisfy the qualifying requirements for SPL

- that they agree to you taking SPL and ShPP.

If we ask you for a copy of the child's birth certificate and the name and address of your partner's employer you must provide this to the Council within '14' days.

## 6.2 Total number of notices

You may only give a maximum of three notices to take SPL. The following do not count towards this maximum:

- any notices withdrawn by the Council because the request is for discontinuous leave
- any notice that varies an earlier notice because the child is born earlier or later than expected
- any notice where you change your mind providing you have given at least 8 weeks' notice before the original start date.

## 6.3 Notice to take SPL

In addition to providing the notice of entitlement set out above, you must provide notice of each particular period of SPL you wish to take. The notice must be given at least 8 weeks before the start date of the first period of leave you are requesting.

### Notice for SPL at the time of the birth or adoption

If you are giving notice for a period of SPL just after the expected birth or adoption then the notice must contain a start date that is on the birth/adoption of the child or that is expressed as a number of days following the birth or adoption, and an end date expressed as a number of days following the birth or adoption.

## 6.4 Notice of a continuous period of leave

If you provide notice of a continuous period of SPL (e.g. to take one month of SPL in one go) you will be entitled to take that leave.

## 6.5 Notice of a discontinuous period of leave

If you request discontinuous periods of SPL (e.g. you ask to take off every other week over a period of eight weeks), then we will consider your request and give you a decision within two weeks of receiving it. We may:

- agree to the leave
- propose alternative dates to you or
- refuse the request.

Requests will be considered against business need. We will usually want to meet with you to discuss your request if we don't think we can agree to it.

If we agree to the requested SPL dates or we agree alternative dates with you within

the two week period, then the agreement will be binding and you are entitled to take that leave.

If we cannot reach agreement within the two week period, then you may choose to take the total amount of SPL requested in one continuous block. Where this is the case you must choose a start date for SPL which cannot be sooner than eight weeks after your original notice was given. You must give us your new start dates within five days of the end of the two-week period. If you don't provide a new date then your leave will start on the date given in your original notice.

You may, if you wish, decide to withdraw a request for discontinuous SPL. This request will not count towards the 3 blocks of leave that you can request provided you do so before we have agreed a period of leave with you, and within 14 days of providing notice of your request.

## 6.6 Requesting a variation to leave

Any dates indicated in your notice of entitlement are not binding. If you wish to request a variation to either a period of continuous or discontinuous leave you must set out your request in writing. Any variation notice must also be signed by your partner. Your request should set out the SPL periods you are entitled to (i.e. what has already been agreed) and then you may:

- vary the start or end of any period of SPL (provided you give at least 8 weeks' notice)
- ask for a single period of leave to become discontinuous or vice versa
- cancel completely or vary the amount of leave requested (provided you give at least 8 weeks' notice)

## 6.7 Cancelling the decision to end maternity or adoption leave

In certain circumstances the mother or adopter may be able to change the decision to end maternity or adoption leave early provided the planned end date has not already passed and she has not already returned to work.

These circumstances are where:

- you find out during the 8 week notice period that neither partner is eligible for SPL or ShPP
- the mother or adopter's partner has died, or
- the mother gave notice before the birth and then tells her employer less than 6 weeks after the birth.

## 7 SHARED PARENTAL LEAVE IN TOUCH DAYS (SPLIT)

7.1 You and your partner can work for up to 20 days each during SPL. These days are known as SPLIT days and may be taken in addition to the 10 Keeping in Touch days already available if you are taking maternity or adoption leave.

7.2 There is no obligation for you to work, or for us to offer you any SPLIT days but where such days are agreed, payment will be agreed in advance and provided you do not work more than the maximum, your entitlement to ShPP will be unaffected.

## **8 Related Procedures**

- Maternity Procedures
- Adoption Leave
- Paternity Leave
- Time off for Dependents
- Parental Leave

DRAFT