

Shared parental leave policy

This policy forms part of your contract of employment. The councils are entitled to introduce minor and non-fundamental changes to this policy by notifying you of these changes in writing and will consult all employees on any significant changes.

Introduction

1. This policy sets out your rights with regard to shared parental leave and pay. Shared parental leave is a type of leave that is available to parents with babies due on or after 5 April 2015.

This policy covers the following

- What is Shared Parental Leave?
- Who is eligible for Shared Parental Leave?
- The Shared Parental Leave entitlement
- Notifying the councils of an entitlement to Shared Parental Leave
- Requesting evidence of eligibility
- Fraudulent claims
- Discussions regarding Shared Parental Leave
- Booking Shared Parental Leave
- Responding to a Shared Parental Leave notification
- Variations to arranged Shared Parental Leave
- Shared Parental Pay
- Terms and Conditions during Shared Parental Leave
- Annual Leave
- Contact during Shared Parental Leave
- Shared Parental Leave in Touch (SPLIT) days during Shared Parental Leave
- Returning to work after Shared Parental Leave
- Special circumstances and further information

Other policies or documents related to this policy

- Maternity, paternity and adoption policy
- Annual leave policy
- ACAS guide to shared parental leave
- <https://www.gov.uk/pay-leave-for-parents> - link to enable parents to confirm eligibility for shared parental leave (SPL) and shared parental pay (ShPP)

What is shared parental leave?

2. Shared Parental Leave enables you, if you are an eligible parent, to choose how to share the care of your child during the first year of birth or adoption. Its purpose is to give you as parents more flexibility in considering how to best to care for your child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).
3. The councils recognise that, from time to time, you may have questions or concerns relating to your shared parental rights. It is our policy to encourage open discussion to ensure that questions and problems can be resolved as quickly as possible. You should clarify the relevant procedures with HR to ensure that they are followed.

Am I eligible for shared parental leave?

4. SPL can only be used by two people:

The mother/adopter and one of the following:

- the father of the child (in the case of birth) or
- the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

5. Additionally if you are seeking to take SPL, you must satisfy each of the following criteria:
 - the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
 - you must still be working for the councils at the start of each period of SPL;
 - you must pass the 'continuity test' requiring you to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
 - your partner must meet the 'employment and earnings test', requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks;
 - you must correctly notify the councils of your entitlement and provide evidence as required.
 - Visit <https://www.gov.uk/pay-leave-for-parents> - link to enable parents to confirm eligibility for shared parental leave (SPL) and shared parental pay (ShPP)

Shared parental leave entitlement

6. If you are eligible, you may be entitled to take up to 50 weeks SPL during the child's first year. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows you to take up to 52 weeks' leave. If you reduce your maternity/adoption leave entitlement then you and/or your partner may opt-in to the SPL system and take any remaining weeks as SPL.
7. If you are a mother/adopter you may reduce your entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or you may give notice to curtail your leave at a specified future date.
8. If you are the mother/adopter and are not entitled to maternity/adoption leave but are entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), you may reduce your entitlement to less than the 39 weeks. If you do this, your partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
 - The adopter can take SPL after taking at least two weeks of adoption leave
 - The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to use their paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).
9. Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
 10. SPL will generally commence on your chosen start date specified in your leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).
 11. If you are eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).
 12. SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

Notifying us of your entitlement to shared parental leave

13. If you are entitled and intending to take SPL you must give your line manager notification of your entitlement and intention to take to SPL, at least eight weeks before you can take any period of SPL.
14. Part of the eligibility criteria requires you to provide the councils with correct notification. Notification must be in writing (Appendix 1) and requires each of the following:
 - your name;
 - the name of the other parent;
 - the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
 - the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
 - the amount of SPL you and your partner each intend to take
 - a non-binding indication of when you expect to take the leave.
15. You must provide the councils with a signed declaration stating:
 - that you meet, or will meet, the eligibility conditions and are entitled to take SPL;
 - that the information you have given is accurate;
 - if you are not the mother/adopter you must confirm that you are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
 - that should you cease to be eligible you will immediately inform the councils.

To check your eligibility for shared parental leave and shared parental pay, go online to <https://www.gov.uk/pay-leave-for-parents> and enter all your details. The councils will accept the gov.uk confirmation of your entitlement, so it's important to enter the details correctly.

16. You must provide the councils with a signed declaration from your partner (Appendix 2) confirming:
 - their name, address and national insurance number (or a declaration that they do not have a national insurance number);
 - that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
 - that they satisfy the 'employment and earnings test' (see "Who is eligible for Shared Parental Leave?" above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
 - that they consent to the amount of SPL that the employee intends to take;
 - that they consent to the councils processing the information contained in the declaration form; and
 - (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Requesting further evidence of eligibility

17. The councils may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of your partner's employer (where your partner is no longer employed or is self employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

18. In order to be entitled to SPL, you must produce this information within 14 days of the councils' request.

Fraudulent claims

19. Where there is a suspicion that fraudulent information may have been provided or the councils have been informed by the HMRC that a fraudulent claim was made, the councils will investigate the matter further in accordance with the usual disciplinary procedures.

Discussions about parental leave

20. If you are considering taking SPL you are encouraged to contact HR to arrange an informal discussion as early as possible regarding your potential entitlement and to talk about your plans.

21. On receiving a notification of entitlement to take SPL, HR may seek to arrange an informal discussion with you to talk about your intentions and how you expect to use your SPL entitlement.

22. On receiving a leave booking notice, HR will usually arrange a meeting to discuss it. Where the notification requirements have been met and the line manager has agreed a single period of continuous leave, a meeting may not be necessary.

23. The purpose of the meeting is to discuss in detail the leave proposed and what will happen while you are away from work. The SPL regulations allow for you to apply for periods of discontinuous leave but an employer is not compelled to agree.

24. After consideration of the requirements of the business, the councils confirm that requests for discontinuous periods of leave will not be agreed.

Booking shared parental leave

25. In addition to notifying the councils of your entitlement to SPL/ShPP, you must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.
26. You have the right to submit three notifications specifying leave periods you are intending to take. Each notification may contain a single period of weeks of leave.
27. SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday.
28. You must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.
29. You have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available (specified in the notice of entitlement) and the councils have been given at least eight weeks' notice.

Responding to a Shared Parental Leave notification

30. Once HR receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.
31. All notices for continuous leave will be confirmed by email.
32. You will be informed by email of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the councils may propose a modified version of the request.

Variations to arranged Shared Parental Leave

33. You are permitted to vary or cancel an agreed and booked period of SPL, provided you advise the councils in writing (email is fine) at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

34. Any variation or cancellation notification you give, including notice to return to work early, will usually count as a new notification reducing your 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 councils requesting it be changed, and you being agreeable to the change, will not count as further notification. Any variation will be confirmed by email by the councils.

Statutory Shared Parental Pay (ShPP)

35. If you are eligible, you may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period. For eligibility check <https://www.gov.uk/pay-leave-for-parents>

36. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

37. In addition to meeting the eligibility requirements for SPL, if you are seeking to claim ShPP you must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- you must intend to care for the child during the week in which ShPP is payable;
- you must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- you must remain in continuous employment until the first week of ShPP has begun;
- you must give proper notification in accordance with the rules set out below.

38. Where you are entitled to receive ShPP you must, at least eight weeks before receiving any ShPP, give your line manager written notice advising of your entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

39. In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP you and your partner each intend to claim, and a non-binding indication of when you expect to claim ShPP;
- a signed declaration from you confirming that the information you have given is correct, that you meet, or will meet, the criteria for ShPP and that you will immediately inform the councils should they cease to be eligible.

40. It must be accompanied by a signed declaration from your partner confirming:

- their agreement to you claiming ShPP and for the councils to process any ShPP payments to you;

- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform you should they cease to satisfy the eligibility conditions.

41. Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

Terms and conditions during Shared Parental Leave

42. During the period of SPL, your contract of employment continues and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind (such as a lease car, laptop, mobile phone and childcare vouchers) will continue and contractual annual leave entitlement will continue to accrue.
43. Pension contributions will continue to be made during any period when you are receiving ShPP but not during any period of unpaid SPL. Your contributions will be based on actual pay, while the councils contributions will be based on the salary that you would have received had they not been taking SPL.

Annual Leave

44. SPL is granted in addition to your normal annual holiday entitlement. You are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years you should consider how your annual leave entitlement can be used to ensure that it is not untaken at the end of your holiday year. Please talk to HR if you would like further information about using and carrying forward annual leave and annualised hours.

Contact during Shared Parental Leave

45. Before your SPL begins, the councils will discuss the arrangements for you to keep in touch during your leave. The councils reserve the right in any event to maintain reasonable contact with you from time to time during SPL. This may be to discuss your plans to return to work, to ensure you are aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Shared Parental Leave in Touch days

46. You can agree to work for the councils (or attend training) for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to claim ShPP 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.

47. The councils have no right to require you to carry out any work, and are under no obligation to offer you any work, during your SPL. Any work undertaken is a matter for agreement between the councils and you. If you are taking a SPLIT day you will receive full pay for any day worked. If a SPLIT day occurs during a week when you are receiving ShPP, this will be effectively 'topped up' so that you receive full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
48. With the agreement of the councils, you may use SPLIT days to work part of a week during SPL. SPLIT days may be used, subject to agreement with both parties, to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.

Returning to work after Shared Parental Leave

49. You will have been formally advised by the councils of the end date of any period of SPL. You are expected to return on the next working day after this date, unless you notify the councils otherwise. If you are unable to attend work due to sickness or injury, the councils' normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
50. If you wish to return to work earlier than the expected return date, you may provide a written notice (email is fine) to vary the leave and must give the councils at least eight weeks notice of your date of early return. This will count as one of your notifications. If you have already used your three notifications to book and/or vary leave then the councils do not have to accept the notice to return early but may do if it is considered to be reasonably practicable.
51. On returning to work after SPL, you are entitled to return to the same job if your aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one you occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if you had not been absent.
52. If your maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, you are entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
53. If you also take a period of unpaid parental leave (not shared parental leave – please see the leave policy) of 4 weeks or less this will have no effect on your right to return and the employee will still be entitled to return to the same job as you occupied before

taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

54. If you take a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, you will be entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

Special Circumstances and further information

55. In certain situations your rights and requirements regarding SPL and ShPP may change. In these circumstances the councils will abide by any statutory obligations and an employee should refer to the documents listed below and/or clarify any issues or queries with HR.

Law relating to this document:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

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APPENDIX 1 – SHARED PARENTAL LEAVE NOTIFICATION FORM

EMPLOYEE

Your name	
Are you the mother or partner? (delete as appropriate)	Mother Partner
Your partner's name	
Start date of any statutory maternity/adoption leave	
End date of any statutory maternity/adoption leave	
Total amount of shared parental leave (SPL) available*	
Child's expected week of birth, actual week of birth or placement date	
How much SPL you intend to take	
How much SPL your partner intends to take	
When do you intend to take SPL?	

I declare that

- I will be sharing responsibility for the care of the child and that:
- the mother has given notice to end her maternity entitlement
- *we meet the continuity of employment test
- *the information we have given is accurate
- should we/I cease to be eligible I will immediately inform the councils HR team

Signed (employee) _____ Date _____

*Go to the government website <https://www.gov.uk/pay-leave-for-parents> to find details of your eligibility and entitlements.

APPENDIX 2 – SHARED PARENTAL LEAVE DECLARATION FORM

PARTNER

This form must be completed by the employee's partner

Council employee's name	
Your name	
Your address	
Your national insurance number	

I declare that

- I am the father, mother of the child or partner of the mother of the child
- I meet the criteria for the employment and earnings test*
- (if the mother) I am entitled to statutory maternity leave, statutory maternity pay or maternity allowance and that they have given notice to end that leave and pay/allowance
- That at the time of the birth or placement I am sharing the responsibility for the care of the child with the employee seeking to take SPL
- I consent to the amount of leave and pay that the employee is seeking to take
- I consent to the employer receiving this declaration to process the information contained within it
- (in the case of the mother) that I will immediately inform my partner should I cease to satisfy the eligibility conditions.*

Signed (employee's partner) _____ Date _____

*Go to the government website <https://www.gov.uk/pay-leave-for-parents> to find details of your eligibility and entitlements.

APPENDIX 3 – SHARED PARENTAL LEAVE CHECKLIST

ACTION	DATES/NOTES
Does the employee know what the councils policy is on SPL?	
Has maternity/adoption leave/pay ended or has a date been confirmed when it will end?	
Has the employee correctly completed a notice of entitlement to take SPL?	
How much SPL does the employee have available for them to take?	
Has a meeting been arranged to discuss possible leave?	
Has a notice to book leave been made?	
Has a meeting to discuss the notice to book SPL been arranged?	
Has contact during SPL been discussed?	
Has a response to the notice to book SPL been given within 14 calendar days?	
What leave period has been arranged?	
How many notices to book leave are remaining?	
How much SPL does the employee still have available for them to take?	