

Shared Parental Leave Policy



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Introduction

Shared Parental Leave can give parents more flexibility in how they share the care of their child in the first year following birth or adoption.

Shared Parental Leave (ShPL) enables eligible mothers, fathers, partners and adopters to choose how to **share time off work** after their child is born or placed for adoption. This could involve returning to work for part of the time and then resuming leave at a later date.

Scope

This policy applies to eligible mothers, fathers, partners and adopters who meet the current minimum legislation criteria and are employed by the Council.

All eligible parents have a statutory right to take Shared Parental Leave (ShPL) if they or their partner chooses to end their maternity or adoption leave at any point after the initial 2 week compulsory maternity/adoption leave period, following the birth or adoption of a child. The remaining leave will be available as Shared Parental leave (ShPL).

Key Points

Eligible parents can share up to 50 weeks of leave and up to 37 weeks of pay and choose to take the leave and pay in a more flexible way, each parent can take up to 3 blocks of leave, interspersed with periods of work.

For example:

A mother takes 20 weeks` 'Maternity Leave' and receives 20 weeks` 'Maternity Pay':

- Leave: 50 weeks` less 20 weeks = **30 weeks of 'Shared Parental Leave' available**
- Pay: 39 weeks` less 20 weeks = **19 weeks of 'Shared Parental Pay' available**

Eligible parents can be off work together or alternatively, stagger their leave and pay so that one of them is always at home with their baby in the first year.

This policy should be read in conjunction with:

- Maternity Leave Policy
- Paternity Leave Policy
- Adoption Leave Policy
- Parental Leave Policy

- Annual Leave Policy
- Flexible Working Policy
- Agile Working Policy

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1. Who Can Apply for Shared Parental Leave (ShPL)

- 1.1 To qualify for ShPL an employee must, be a primary or secondary carer/adopter for the child.
- 1.2 Must have at least 26 weeks continuous employment with the Council by the end of the Qualifying Week or on the date of the adoption placement, and still be employed by the Council in the week before the leave is to be taken.
- 1.3 An employee's partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Expected Week of Childbirth (EWC) or the date of the adoption and have had average weekly earnings of at least £30 during 13 of those weeks.
- 1.4 You and your partner (the other parent) must give the necessary statutory notices and declarations as summarised below, including notice to end any 'Maternity Leave', 'Adoption Leave', 'Statutory Maternity Pay' (SMP) or 'Statutory Adoption Pay' (SAP) or 'Maternity Allowance' (MA) periods.

2. Amount of Shared Parental Leave (ShPL)

- 2.1 The minimum amount of SPL is one week; the maximum amount of SPL, as previously illustrated, is 50 weeks.
- 2.2 The first two weeks of 'Maternity Leave' or 'Adoption Leave' cannot be shared.
- 2.3 ShPL must be taken in whole complete weeks.
- 2.4 If you are the child's secondary carer, you should consider using your two weeks' 'Paternity Leave', if you are eligible, before taking ShPL.
- 2.5 Once you start ShPL you will lose any untaken 'Paternity Leave' entitlement.
- 2.6 ShPL entitlement is in addition to your 'Paternity Leave' entitlement.

3. Ending Maternity Leave or Adoption Leave and Opting into Shared Parental Leave

- 3.1 If you are the child's mother and are still on 'Maternity Leave' then you must give the Council at least eight weeks' written notice (a "curtailment notice") to end your 'Maternity Leave' before your partner can take ShPL.

You should do this by completing the Application for Shared Parental Leave Form and emailing to HR@pspsl.co.uk once complete.

- 3.2 The other parent, your partner, may commence ShPL from their employer before your 'Maternity Leave' ends, provided you have given the curtailment notice and submitted the Application for Shared Parental Leave.
- 3.3 The curtailment notice is binding and cannot be revoked except where 'Maternity Leave' has not yet ended and one of the following applies:
- You realise that neither you nor the other parent are in fact eligible for Shared Parental Leave or Shared Parental Pay; in these circumstance you can revoke the curtailment notice in writing up to eight weeks after it was submitted.
 - You gave the curtailment notice before giving birth, in these circumstance you can revoke it in writing up to eight weeks after it was given, or up to six weeks after the birth, whichever is later; or
 - If the other parent has died.
- 3.4 If you are the child's father or the mother's partner, you will only be able to take Shared Parental Leave once the mother has either:
- *technically* returned to work;
 - given her employer a curtailment notice to end her 'Maternity Leave';
 - given her employer a curtailment notice to end her 'Statutory Maternity Pay' (SMP) if she is entitled to SMP but not 'Maternity Leave'; or
 - given a curtailment notice to the benefits office to end her 'Maternity Allowance' if she is not entitled to 'Maternity Leave' or 'Statutory Maternity Pay'.

4. Evidence of Entitlement

- 4.1 You must provide:
- A copy of the birth certificate or documentary evidence ; and
 - A completed Application for Shared Parental Leave.

5. How to Apply for ShPL and Shared Parental Pay

- 5.1 Employees who are looking to apply for ShPL should discuss this with their People Manager. Having an early and informal discussion can provide an opportunity for both the employee and employer to talk about their preference regarding when ShPL is taken.
- 5.2 You must submit an Application for Shared Parental Leave via HR@pspsl.co.uk at least eight weeks before the start of your planned ShPL.
- 5.3 If your 'Period of Leave Notice' gives dates for a single continuous block of ShPL then you will be entitled to take the leave set out in the notice.

- 5.4 You can give up to three 'Period of Leave Notices'. This may enable you to take up to three separate blocks of ShPL.
- 5.5 Agreeing to one request for ShPL will not set a precedent or create the right for another employee to be granted a similar pattern of ShPL.

6. Split Periods of ShPL

- 6.1 In general, a 'Period of Leave Notice' should set out a single continuous block of leave.

The Council may, in some cases consider a 'Period of Leave Notice' where the ShPL is split into shorter periods (of at least a week) with periods of work in between.

Employees should discuss this with their People Manager and HR Team in advance of submitting any formal 'Period of Leave Notices'.

This will enable the Council time to consider the request and hopefully agree a pattern of leave.

- 6.2 Employees must submit a 'Period of Leave Notice' setting out the requested pattern of leave at least eight weeks before the requested start date.
- 6.3 In circumstance where the Council may be unable to agree the request straight away, then there will be a two-week discussion period.

At the end of that period, the Council will confirm any agreed arrangements in writing.

- 6.4 Agreeing to one request for ShPL will not set a precedent or create the right for another employee to be granted a similar pattern of ShPL.

7. Cancelling or Changing the Date of ShPL

- 7.1 An employee may cancel a 'Period of Leave' by notifying the Council in writing at least eight weeks before the start date in the 'Period of Leave Notice'.
- 7.2 An employee may change the date for a 'Period of Leave' by giving the Council at least eight weeks' notice before the original start date and the new start date.
- 7.3 Employees do not need to give eight weeks' notice if the change in dates of the ShPL is because your child has been born earlier than the Expected Week of Childbirth.
- 7.4 A notice to cancel or change a period of ShPL will count as one of the three 'Period of Leave' notices, unless:

- the variation is a result of your child being born earlier or later than the Expected Week of Childbirth;
- the variation is at the Council requests; or
- it is agreed otherwise.

8. Shared Parental Pay (ShPP)

8.1 ShPP is paid at a rate set by the government each year further details can be found on the [HMRC website](#).

9. Returning to Work

9.1 If an employee wishes to end a period of ShPL early, then they must give the Council eight weeks' prior notice of the return date.

9.2 If an employee would like to extend their ShPL then they must submit a new 'Period of Leave Notice' at least eight weeks before the date they are due to return to work.

This is assuming that the employee still has ShPL entitlement remaining and has not already submitted three 'Period of Leave' notices.

9.3 If an employee is unable to request additional ShPL then they may be able to request 'Annual Leave' or 'Unpaid Parental Leave' through the relevant policy.

9.4 An employee is normally entitled to return to work in the position they held prior to starting ShPL, and on the same terms of employment.

9.5 However, if it is not reasonably practicable for the Council to facilitate a return into the same position, then the Council may offer another suitable and appropriate role on terms and conditions that are not less favourable.

9.6 This may be applicable in the following circumstances:

- if the employee ShPL and any Maternity, Adoption, Paternity or Parental Leave taken adds up to more than 26 weeks in total, whether or not taken consecutively.

9.7 Should an employee wish to change their hours or other working arrangements on return from ShPL then a request should be made under the 'Flexible Working Policy'. It is helpful if such requests are made as early as possible and discussed with the People Manager.

9.8 If an employee decides not to return to work then they should give notice of resignation in accordance with their contract of employment.

9.9 If circumstances change and the employee is no longer responsible for caring for a child your entitlement will immediately cease and you must notify HR.

10. Shared Parental Leave in Touch Days (SPLIT)

- 10.1 Employees on ShPL can with the agreement of their People Manager work up to 20 days during their 'Statutory Shared Parental Leave' without bringing their ShPL to an end.
- 10.2 'SPLIT' days are designed to allow contact with the workplace and can include work, training or any other activity to assist the employee in 'Keeping in Touch'.
- 10.3 'SPLIT' days can be taken at any time during ShPL.
- 10.4 There is no obligation on either the Council or the employee to make use of these 'SPLIT' days and there is no obligation for an employee who is on ShPL to attend work.
- 10.5 'SPLIT' day's that are worked will not extend the total ShPL period that can be taken and do not affect an employee's entitlement to ShPL or pay.
- 10.6 Employees should make arrangements for 'SPLIT' days directly with their People Manager and will be paid at their normal daily rate for each day worked.
- 10.7 Employees who attend work for a 'SPLIT' day during ShPL will need to complete a 'Keeping in Touch Claim' which can be completed on the Employee Self Service System.
- 10.8 Employees will be paid for the number of hours worked during the 'SPLIT' day and attendance at work will be counted as the use of one 'SPLIT' day' even if only a few hours are worked.

11. Annual Leave Whilst on ShPL

- 11.1 An employee will continue to accrue 'Annual Leave' during ShPL during a period of paid or unpaid 'ShPL however this does not include Bank Holidays, which are not accrued.
- 11.2 Employees on ShPL who, are unable to take all of their 'Annual Leave' entitlement in a particular year are allowed to carry forward any untaken 'Annual Leave' to the following leave year.
- 11.3 Prior to starting ShPL it is recommended that the employee discuss arrangements for using 'Annual Leave' with their People Manager.
- 11.4 'Annual Leave' cannot be taken during a period of ShPL. It must be taken either prior to or following ShPL.

Flowchart- I want to take Shared Parental Leave (ShPL) – what do I need to do?



