

1. Introduction

- 1.1 Shared Parental Leave is designed to give parents more flexibility in how they share the care of their child in the first year following birth or adoption. Only one period of Shared Parental Leave can be taken in the case of multiple births. All eligible employees have a statutory right to take Shared Parental Leave.
- 1.2 Shared Parental Leave and Pay can be taken in up to three blocks separated by periods of work for eligible employees.
- 1.3 This is a separate right to unpaid parental leave and will not replace the current Maternity and Adoption leave and pay arrangements. Employees may be able to choose to end these early and exchange for Shared Parental Leave and Pay.
- 1.3 Two weeks Paternity Leave continues to be available to qualifying fathers and the partner of a mother or adopter – Paternity Leave and Pay guide.

2. Compulsory Leave

- 2.1 A mother can't return to work before the end of the compulsory 2 weeks of maternity leave following the birth. If you're adopting, the person claiming adoption pay must take at least 2 weeks of adoption leave.
- 2.2 On this basis eligible employees can take up to 50 weeks Shared Parental leave and 37 weeks Shared Parental Pay.

3. Eligibility for Shared Parental Leave (SPL)

- 3.1 If a mother/primary adopter decides not to take all of their maternity/adoption leave entitlement, they can opt-in to SPL with the other parent (father, spouse, partner or co-adopter); it can only be shared with one person.
- 3.2 For a parent to be able to take SPL, they must satisfy the eligibility criteria set out below. The right of one parent to take leave is not only dependant on them meeting eligibility criteria, but also the other parent satisfying certain conditions. However, sometimes only one parent in a couple is eligible to get shared parental leave, but the parent who qualifies is still able to take SPL if they wish to.

4. SPL – Eligibility Criteria:

- At the time of the child's birth/placement for adoption, you share the main responsibility for the care of the child with the other parent.
- You have at least 26 weeks' continuous service by the end of the 15th week before the expected week of confinement or by the end of the week that you are notified that you have been matched with a child for adoption purposes (the relevant week).
- You will remain in continuous employment up to the week before any SPL is taken.
- You or the other parent is/was entitled to statutory maternity/adoption leave and you/they have ended their entitlement to statutory maternity/adoption leave by curtailing their leave or returning to work.
In addition, the other parent must:
 - Have been employed or a self-employed earner in at least 26 of the 66 weeks immediately preceding the relevant week;
 - Have average weekly earnings or at least the maternity allowance threshold for any 13 of those 66 weeks.

5. Amount of Leave

- 5.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family, providing the mother/primary adopter reduces their entitlement to maternity/adoption leave.
- 5.2 You can share with your partner the rest of the 50 weeks of maternity or adoption leave. This can be taken as up to three separate blocks of SPL. If your partner is also eligible for SPL you can take up to 3 blocks of leave each. You can take leave at different times or both at the same time.
- 5.3 The number of weeks available is calculated using the mother/primary adopter's entitlement to maternity/adoption leave: 52 weeks' entitlement minus the number of weeks taken as maternity/adoption leave (minus first 2 weeks compulsory leave – see section 2). The remainder can be taken as SPL.
- 5.4 SPL must be taken between the child's birth and first birthday or within a year of the placement for adoption (up to the day before the first anniversary of the placement), but cannot begin earlier than two weeks following the birth/placement and is subject to the following requirements:
- Leave must be taken in complete weeks with the minimum period of one week;
 - The leave can commence on any day of the week;
 - The leave may be taken as one continuous period or up to three separate blocks.
- 5.5 Both parents can be on leave at the same time e.g. if maternity/adoption leave has been curtailed from a future date, the other parent could be taking SPL.

6. Starting Shared Parental Leave (SPL)

- 6.1 SPL can only start once the child has been born or placed for adoption and the mother/primary adopter must have done one of the following:
- Ended their maternity/adoption leave by returning to work;
 - Provided a 'binding notice' of the date when they will end their maternity/adoption leave and commence SPL;
 - Ended maternity/adoption pay or maternity allowance.
- 6.2 The mother/primary adopter can take SPL after taking the required first two weeks of maternity/adoption leave;
- 6.3 The other parent can take SPL from two weeks after the birth/placement of the child or after paternity leave entitlement has been taken.
- 6.4 The other parent can commence SPL whilst the mother/primary adopter is still on maternity/adoption leave, providing the mother/primary adopter has given a binding notice to end their leave or pay.
- 6.5 Parents can opt-in to SPL at any time, so long as there is some untaken maternity/adoption leave to share.

7. Notification

- 7.1 You should inform the Clerk (or the Staffing Committee in the case of the Clerk) that you intend to take SPL at the earliest possible date.
- 7.2 Various different notices need to be given by both parents no later than eight weeks before the first period of SPL you intend to take:
- Maternity/Adoption Leave Curtailment Notice from the mother/primary adopter;
 - Notice of Entitlement and Intention to take SPL from the employee;
 - Period of Leave Notice from the employee.

7.3 The Application Form for Shared Parental Leave and Pay covers all of these notices and must be signed by the Council.

7.4 If your child is born more than eight weeks early, these notice periods can be shortened.

8. Agreeing Shared Parental Leave (SPL)

8.1 Continuous periods of Shared Parental Leave

If you request one continuous period of SPL, it will automatically be authorised; the Council cannot refuse this request, provided the eligibility criteria have been met and it does not exceed the total number of weeks of SPL available to them. Continuous periods of SPL will be confirmed in writing to you by the Council within 14 days of the request being made.

8.2 Discontinuous periods of Shared Parental Leave (SPL)

If you request two or three periods of SPL separated by periods of work, the council will need to consider the leave request.

- The council, within two weeks of the date the request was made, will write to you to either agree the periods of leave requested; OR propose alternative dates; OR refuse the leave.
- If you and the council agree the leave dates within the two week period, you are then entitled to take the leave on the agreed dates.
- If agreement cannot be reached within this two week period, you can either withdraw your request or take the total amount of leave requested as one continuous period of leave.
- A single notification can contain a request for two or three discontinuous periods of leave.

9. Shared Parental Pay (ShPP)

9.1 Statutory Shared Parental Pay (ShPP) is available for eligible employees to share between them whilst on shared parental leave.

9.2 For employees to be eligible, both parents must meet the following eligibility requirements:

- You must both meet the criteria for SPL as listed above in section 4 above and
- You will be absent from work caring for the child during each week in which you receive statutory ShPP and
- You or the other parent was/is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

9.3 Where eligible, up to 37 weeks of ShPP will be available to be shared between the mother/primary adopter and the other parent. The amount of weeks available will depend on the amount by which the mother/primary adopter reduces their maternity/adoption pay period.

9.4 ShPP is paid at the lower of the statutory prescribed rate (as per statutory maternity and paternity pay) or 90% of the relevant party's normal weekly earnings (subject to the lower earnings limit).

10. Variations

- 10.1 Once periods of SPL and ShPP have been agreed, you need to write to the Council to request any changes – giving at least 8 weeks' notice before the date to be varied and complete the Notice of Variation – SPL Form.
- 10.2 Only three Notifications for SPL and/or variation requests can be made in total.
- 10.3 You can withdraw your notification on or before the 15th day after the notification was originally made if a discontinuous leave notification is refused and it will not count as one of your three notifications.
- 10.4 Variations will be confirmed in writing by the Council.

11. Shared Parental Leave in Touch Days (SPLIT)

- 11.1 During SPL, you and the Council are encouraged to stay in contact. The Council may make reasonable contact with you during this time to discuss such issues as return to work, workplace developments, training opportunities, etc.
- 11.2 In addition, each employee taking SPL will be entitled to work up to 20 paid SPLIT days without bringing SPL to an end, if they wish, at a time agreed with the council i.e. to attend a training course, meeting.
- 11.3 SPLIT days are options; both you and the Council must agree to them in advance.
- 11.4 An employee using a SPLIT day 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 work for a day or part of a day will count as **one day** for this purpose.
- 11.5 These days are in addition to keeping in touch (KIT) days already available for maternity/ adoption leave.

12. Protection Whilst on Shared Parental Leave (SPL)

- 12.1 Employees who take SPL are entitled to the benefit of all terms and conditions of employment, except remuneration, which would have applied had they not been absent.
- 12.2 You are entitled to return to the same job if you have taken leave of 26 weeks or less, regardless of how many periods of leave you have taken. If you take more than 26 weeks' leave, you have the right to return to either the same job or a similar job if it is not reasonably practicable to return to the same position.
- 12.3 Employees are also protected against dismissal or detriment for taking or proposing to take SPL.

13. Annual Leave

- 13.1 You will continue to accrue annual leave during SPL.
- 13.2 The Council will discuss appropriate arrangements for taking holiday entitlement with you before SPL starts.

14. Pension

- 14.1 Shared Parental Leave will have no effect on your Pension, however Shared Parental Pay will as explained below.
- 14.2 You will pay pension contributions on the actual pay you receive during Shared Parental Leave. The employer's pension contributions will be based on your notional full pay.

15. Returning to Work

- 15.1 An SPL end date will be agreed between you and the Council prior to SPL commencing.
- 15.2 If you are unable to return to work on that date due to sickness, normal sickness reporting processes apply.
- 15.3 If you wish to return early from SPL, you must provide written notice to the Council in order to vary this leave, at least 8 weeks before the proposed return date of return. This will count as one of the three notifications but the Council could decide to consider the early return three notifications have already been used.