

# SHARED PARENTAL LEAVE POLICY

This document applies to all Council employees.

**Notes:**

- This policy is advisory only for all school based employees.
- This policy should be read in conjunction with the relevant Service Order for fire employees on Grey & Gold Book Terms & Conditions

*This document may not be applicable to employees who transferred into LCC under TUPE legislation and remain on the terms and conditions of their previous organisation.*

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## **INTRODUCTION**

This document describes Shared Parental Leave entitlements and pay and the conditions attached.

This policy applies in relation to employees of the Council, whether they are the mother, adopter or the partner. If it is the mother / adopter who is employed by the Council, their partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their own employer, which may have its own shared parental leave policy in place, if they wish to take a period of shared parental leave.

Similarly, if it is the partner who is employed by the Council, the mother /adopter must (where relevant) submit any notifications to take shared parental leave to their own employer.

The mother / adopter and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

## **MINIMUM STANDARDS**

Costs arising from the operation of this scheme will be met in the normal way through Director Area budgets.

## **RESPONSIBILITIES**

### **DIRECTORS AND SENIOR MANAGERS**

Implementing the policy and ensuring that employees have the necessary information.

### **SERVICE MANAGER - PEOPLE**

Review and revision of the policy as necessary.

## **DEFINITIONS**

The guidance uses the following key terms and abbreviations:

- **Mother:** the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).
- **Partner:** the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child. It is not the mother's child, parent (including adoptive or former adoptive parents), grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece or nephew.
- **SPL:** Shared Parental Leave.
- **ShPP:** Statutory Shared Parental Pay.

- **Continuous leave:** a period of leave that is taken in one block e.g. four weeks leave.
- **Discontinuous Leave:** a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months.
- **SPLIT day:** Shared Parental Leave in Touch Day
- **Unpaid Parental Leave:** separate to SPL, entitles employees to take up to 18 weeks off work to look after a child's welfare, this leave is normally unpaid.
- **Match:** when an adopter is approved to adopt a named child or children.
- **Curtail:** where an eligible mother brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early. This is sometimes referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or Maternity Allowance period

## PROCEDURE

### WHAT IS SHARED PARENTAL LEAVE?

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their 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).

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks unpaid leave.

### WHO IS ELIGIBLE FOR SHARED PARENTAL LEAVE?

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.
 It is not the mother's child, parent (including adoptive or former adoptive parents), grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece or nephew.

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

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

## **Mother / adopter's eligibility for shared parental leave**

The mother / adopter is eligible for shared parental leave if they:

- have been continuously employed by Lincolnshire County Council for at least 26 weeks by the end of the 15th week before the expected week of childbirth / placement and remains in continuous employment with the Council until the week before any period of shared parental leave that they take;
- have, at the date of the child's birth / placement, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave / adoption leave in respect of the child; and
- complies with the relevant maternity / adoption leave curtailment requirements (or has returned to work before the end of statutory maternity / adoption leave), and shared parental leave notice and evidence requirements.

In addition, for the mother / adopter to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth / placement;
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks; and
- have, at the date of the child's birth / placement, the main responsibility, apart from the mother, for the care of the child.

## **Partner's eligibility for shared parental leave**

The partner is eligible for shared parental leave if they:

- have been continuously employed by Lincolnshire County Council for at least 26 weeks by the end of the 15th week before the expected week of childbirth / placement and remains in continuous employment with the Council until the week before any period of shared parental leave that they take;
- has, at the date of the child's birth / placement, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother / adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth / placement;
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks;
- have, at the date of the child's birth / placement, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity / adoption leave, statutory maternity / adoption pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

## **THE AMOUNT OF SHARED PARENTAL LEAVE AVAILABLE**

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's / adopter's entitlement to maternity / adoption leave, which allows them to take up to 52 weeks leave. If they reduce their maternity / adoption leave entitlement then they and / or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother / adopter may reduce their entitlement to maternity / adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother / adopter is not entitled to maternity / adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their 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 exhaust any paternity leave entitlements (as the father / partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

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.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice.

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period.

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.

## **NOTICE REQUIREMENTS FOR SHARED PARENTAL LEAVE**

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

1. a "maternity / adoption leave curtailment notice" from the mother / adopter setting out when she proposes to end her maternity / adoption leave (unless the mother / adopter has already returned to work from maternity / adoption leave);

2. a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting;
3. a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide their notice of entitlement and intention and period of leave notice at the same time.

## **1. CURTAILMENT OF MATERNITY / ADOPTION LEAVE**

Before the mother / adopter or partner can take shared parental leave, the mother / adopter must either return to work before the end of her maternity / adoption leave or provide her / his employer with a maternity / adoption leave curtailment notice on [Form SPL1](#). The form will ask the date on which the maternity / adoption leave is to end, that date must be:

- after the compulsory maternity / adoption leave period, which is the two weeks after birth / placement;
- at least eight weeks after the date on which the mother gave the maternity / adoption leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity / adoption leave period.

## **REVOCAION OF MATERNITY / ADOPTION LEAVE CURTAILMENT NOTICE**

The mother / adopter can withdraw their notice curtailing her maternity / adoption leave in limited circumstances. The withdrawal of a maternity / adoption leave curtailment notice must be in writing and can be given only if the mother / adopter has not returned to work. The mother / adopter can withdraw her maternity / adoption leave curtailment notice if:

- it is discovered that neither the mother / adopter nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother / adopter withdraws her maternity / adoption leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died.

## **2. EMPLOYEE'S NOTICE OF ENTITLEMENT AND INTENTION**

The employee, whether the mother / adopter or the partner, must provide the Council with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing (on either [Form SPL 2 \(mother / adopter\)](#) or [SPL3 \(partner\)](#)) and provided at least eight weeks before the

start date of the first period of shared parental leave to be taken by the employee, must set out the following information.

**If the employee is the mother / adopter**, the notice of entitlement and intention must set out: ([Form SPL2](#)):

- the mother's / adopter's name;
- the partner's name;
- the start and end dates of any statutory maternity / adoption leave taken or to be taken by the mother / adopter;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother / adopter) or expected placement date;
- how much shared parental leave the mother / adopter and partner each intend to take; and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

The mother / adopter's notice of entitlement and intention must include a declaration signed by them that:

- they satisfy, or will satisfy, the eligibility requirements to take shared parental leave;
- the information they give in the notice of entitlement and intention is accurate; and
- they will immediately inform the Council if they cease to care for the child.

In addition, the mother / adopter's notice of entitlement and intention must include a declaration signed by their partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- declaring that the partner satisfies, or will satisfy, the conditions set out above (see mother / adopter's eligibility for shared parental leave);
- declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother / adopter;
- declaring that the partner consents to the amount of leave that the mother / adopter intends to take; and
- declaring that the partner consents to the mother / adopter's employer processing the information in the partner's declaration.

**If the employee is the partner**, the partner's notice of entitlement and intention must set out: ([Form SPL3](#))

- the partner's name;
- the mother / adopter's name;

- the start and end dates of any periods of statutory maternity / adoption leave, statutory maternity pay or maternity allowance taken or to be taken by the mother / adopter;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the partner) or the expected placement date;
- how much shared parental leave the partner and mother / adopter each intend to take; and
- a non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).

The partner's notice of entitlement and intention must include a declaration signed by the partner that:

- they satisfy, or will satisfy, the eligibility requirements to take shared parental leave;
- the information given by the partner in the notice of entitlement and intention is accurate; and
- they will immediately inform the Council if they cease to care for the child or if the mother informs them that she no longer meets the requirement to have curtailed her maternity leave or pay period.

In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother / adopter:

- specifying the mother / adopter's name, address, and national insurance number (or declaring that the mother does not have a national insurance number);
- declaring that the mother / adopter satisfies, or will satisfy, the conditions set out above (see Partner's eligibility for shared parental leave) and they will notify the partner if they no longer qualify for maternity leave, statutory maternity pay, maternity allowance or adoption leave;
- declaring that the mother / adopter consents to the amount of leave that the partner intends to take;
- declaring that they will immediately inform the employee if they no longer meet the requirement to have curtailed their maternity / adoption leave or pay period; and
- declaring that the mother / adopter consents to the partner's employer processing the information in the mother / adopter's declaration.

## **REQUESTING FURTHER EVIDENCE OF ELIGIBILITY**

The Council may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's 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

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

## **FRAUDULENT CLAIMS**

The Council can, where there is a suspicion that fraudulent information may have been provided or where the Council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the disciplinary policy, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

### **3. BOOKING SHARED PARENTAL LEAVE**

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave ([Form SPL4](#)). In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

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. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee 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.

#### **Continuous leave notifications**

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has 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 to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

The employee will receive a letter to confirm the period / periods of leave.

### **Discontinuous leave notifications**

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the Council or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Council (see “Discussions regarding Shared Parental Leave” below).

The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block. (See responding to a shared parental leave notification below.)

### **DISCUSSIONS REGARDING SHARED PARENTAL LEAVE**

An employee considering/taking SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Council to support the individual.

The line manager may upon receiving a **notification of entitlement** to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.

Upon receiving a **leave booking notice** the line manager may arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone. See [template letter Invitation to a Meeting to Discuss a Request for Discontinuous Leave](#).

At the meeting the employee may, if they wish, be accompanied by a Council work colleague, recognised trade union officer or recognised trade union representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Council, and what the outcome may be if no agreement is reached.

### **RESPONDING TO A SHARED PARENTAL LEAVE NOTIFICATION**

Once the line manager 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.

All notices for continuous leave will be confirmed in writing by HR Admin.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Council against any adverse impact to the business.

Each request for discontinuous leave will be considered on a case-by-case basis. It is advised that the manager considering the request contact their HR adviser if they are considering rejecting the application. 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 the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Council may propose a modified version of the request, or the request may be refused.

If the request for discontinuous leave is approved the employee will be notified of the details in writing by people services. If the request for discontinuous leave is to be refused the employee's line manager will write to them confirming the reasons for the rejection. [See template letter Discontinuous Leave Rejection.](#)

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

## **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 Council in writing 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.

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 Council 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 Council.

## **STATUTORY SHARED PARENTAL PAY (SHPP)**

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity / adoption pay

or maternity allowance the mother has been paid when her maternity / adoption leave or pay period ends.

A total of 39 weeks statutory maternity / adoption pay or maternity allowance is available to the mother. As there is a compulsory maternity /adoption leave period of two weeks this means that a mother who ends her maternity / adoption leave at the earliest opportunity could share up to 37 weeks statutory shared parental pay with her partner (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

## **ELIGIBILITY FOR STATUTORY SHARED PARENTAL PAY (SHPP)**

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

### **Mother / Adopter's eligibility for statutory shared parental pay**

The mother / adopter is eligible for statutory shared parental pay if they:

- have at least 26 weeks continuous employment ending with the 15th week before the expected week of childbirth / placement and remains in continuous employment with their employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth / placement of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which they receive statutory shared parental pay; and
- is entitled to statutory maternity / adoption pay in respect of the child, but the maternity / adoption pay period has been reduced.

In addition, for the mother / adopter to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks.

## **Partner's eligibility for statutory shared parental pay**

The partner is eligible for statutory shared parental pay if they:

- have at least 26 weeks continuous employment ending with the 15th week before the expected week of childbirth / placement and remains in continuous employment with their employer until the week before any period of shared parental pay that they get;
- has normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth / placement of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth, the main responsibility, apart from the mother / adopter, for the care of the child; and
- is absent from work and intends to care for the child during each week in which they receive statutory shared parental pay.

In addition, for the partner to be eligible, the mother / adopter must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks;
- have, at the date of the child's birth / placement, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity / adoption pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

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**

During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a company car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the Council's contributions will be based on the salary that the employee would have received had they not been taking SPL.

## **ANNUAL LEAVE**

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**

Before an employee's SPL begins, their manager will discuss the arrangements for them to keep in touch during their leave. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

## **SHARED PARENTAL LEAVE IN TOUCH DAYS**

An employee can agree to work for the Council (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 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.

The Council has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the Council and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the Council, may use SPLIT days to work part of a week during SPL. The Council and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

## **RETURNING TO WORK AFTER SHARED PARENTAL LEAVE**

The employee will have been formally advised in writing by the Council of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise. If they are unable to attend work due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Council at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity / paternity / adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they 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 they had not been absent.

If their maternity / paternity / adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they 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.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity / paternity / adoption and SPL do not exceed 26 weeks.

If a parent takes 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, the employee will be entitled to return to the same job they 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**

In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the Council will abide by any statutory obligations and an employee should clarify any issues or queries with their line manager.

**THE SHARED PARENTAL LEAVE PROCESS AT A GLANCE**

<p><b>Step 1</b></p> <p>Becoming aware of a pregnancy or match</p>	<p><b>Employee</b></p> <ul style="list-style-type: none"> <li>• Is SPL suitable?</li> <li>• Consider what leave arrangements will work best.</li> </ul>	<p><b>Employer (if aware)</b></p> <ul style="list-style-type: none"> <li>• Discuss intentions and other leave options.</li> </ul>
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<p><b>Step 2</b></p> <p>Choosing SPL and notification of entitlement</p>	<p><b>Employee</b></p> <ul style="list-style-type: none"> <li>• Notify employer of eligibility.</li> </ul>	<p><b>Employer</b></p> <ul style="list-style-type: none"> <li>• Discuss early intentions</li> <li>• Making early preparations and plans</li> </ul>
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<p><b>Step 3</b></p> <p>Notification of leave booking</p>	<p><b>Employee</b></p> <ul style="list-style-type: none"> <li>• Notifying the employer of a leave booking.</li> </ul>	<p><b>Employer</b></p> <ul style="list-style-type: none"> <li>• Consider the impact of a leave booking</li> <li>• Discuss a leave booking</li> </ul>
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<p><b>Step 4</b></p> <p>Outcome</p>	<p><b>Employee</b></p> <ul style="list-style-type: none"> <li>• Leave begins or the request is withdrawn</li> </ul>	<p><b>Employer</b></p> <ul style="list-style-type: none"> <li>• Confirm and communicate outcome</li> </ul>
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