

### **What is Shared Parental Leave (SPL)?**

This is a way for parents to share statutory leave and statutory pay after the birth or adoption of a child. SPL is applicable for a baby born on or after 5<sup>th</sup> April 2015 or for a child adopted on or after this date. The intention is that SPL will give families more choice over how they look after their children for the first 12 months. Shared Parental Leave also applies to parents in a surrogacy arrangement and to same sex partnerships.

This new right allows mothers, after their compulsory two-week break immediately following the birth, to end their maternity leave at any point and to split the remaining 50 weeks between herself and her partner.

The statutory right to maternity pay will also be split (a potential 37 weeks out of 39 weeks depending on how the time is shared). Both parents can take leave at the same time or separately.

SPL does not replace maternity leave and pay but does replace additional paternity leave and pay. Statutory Paternity Leave remains the same.

It is advisable to have an informal discussion with your manager prior to giving formal notice of intention to take SPL so that statutory entitlements can be discussed and to ensure that any discontinuous periods of leave can be considered as early as possible. The HR team are able to provide further advice and support for you and your manager.

### **Entitlement to SPL**

To be entitled to SPL you must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- remain in continuous employment until the week before any SPL is taken.

In addition, the other parent must:

- have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week (15<sup>th</sup> week before EWC)
- have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week.

You must also follow the statutory notification and information requirements.

### **When can SPL be taken?**

Within 12 months of the child's birth but not within the first two weeks after the birth.

### **How can SPL be taken?**

SPL must be taken in multiples of complete weeks with a minimum period of one week. It can be taken as one continuous period or as a number of discontinuous periods. The total number of weeks taken by both parents must not exceed 52, including the initial two weeks after birth.

The partner can begin a period of SPL before the mother returns to work provided the mother has given notice that she intends to curtail her entitlement to maternity leave.

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

You are entitled to ShPP if you qualify for Statutory Maternity/Adoption Pay or Statutory Paternity Pay and your partner qualifies for Statutory Maternity Pay/Allowance or Statutory Adoption Pay.

A maximum of 39 weeks' ShPP is payable (2 weeks of this goes to the mother immediately following the birth).

ShPP is a standard weekly rate (or 90 per cent of the employee's normal weekly earnings if this is lower) which is set by government each tax year, information can be found on the [government website](#).

### **Notification Process for SPL**

#### **Notice of Entitlement and Intention to take SPL and Shared Parental Pay**

You must submit a Notice of Entitlement form at least **8 weeks** before the start of your first period of SPL.

#### **Notice to end Maternity Leave**

At the same time as providing the Notice of Entitlement and Intention, the mother must provide 8 weeks notice to end her maternity leave and pay. This can be given before or after the birth but if it is given after the birth, it is binding. If given before the birth, it can be revoked up to 6 weeks after the birth.

#### **Period of Leave Notice or Booking Notice**

The Notice of Entitlement and Intention provides information about your initial period of SPL so the Period of Leave Notice should be used for any further periods of leave. After your initial request, you may submit a further two. You must give the start and end dates of your SPL.

- The notice must be given not less than eight weeks prior to the requested start date.
- The notice can be given at the same time as the notice of entitlement referred to above or can be given later.
- The notice can request one or more periods of leave.
- If the notice has been given before the child is born then the start date may be expressed as a number of days from the date the child is born.

Only three periods of leave notices in total can be given by each parent, including requests to vary a period of leave that has already been arranged.

### **Confirmation of SPL**

Up to three periods of SPL (provided that the eligibility criterion has been met) will be agreed.

However, if you have requested numerous (more than three) discontinuous periods of leave, your manager will consider your request but agreement cannot be guaranteed. If after a discussion with you, your requests cannot be accommodated, there may be an alternative pattern of leave which can be agreed, or the request may be refused. Your manager's decision will be confirmed in writing within 14 days of your request and you have the right to appeal against the decision (please see the Council's [Appeal Policy](#)).

### **Varying the period of leave**

You are entitled to submit a request to vary a period of leave in the following ways:

- to vary the start or end date as long as the variation is requested at least eight weeks before the original start date and the new start date
- to vary or cancel the amount of leave requested at least eight weeks before the original start date
- to request that a single period of leave become a discontinuous period of leave, or vice versa.

A variation will count as one of your three "Period of Leave Notices" unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth
- your manager requested the variation
- your manager (with advice from HR) has agreed to accept more than three period of leave notices.

### **Variation due to early birth**

The usual eight-week notice requirement may be changed if your child is born early. Notice to vary the start date in this situation, should be given as soon as reasonably practicable after the birth of the child.

### **Contact during Shared Parental Leave**

During SPL, we may make reasonable contact with you to advise you of developments or changes within your work area that you need to be aware of or to organise SPLIT days (see below).

### **SPLIT days (Keep in Touch Days)**

Each parent is entitled to 20 days. This is in addition to the 10 KIT days already available for those on maternity/adoption leave. These days can be used for any activity which would ordinarily be deemed as work but may be particularly useful for attending training, team meetings, or to ease your return to work.

If you do work an SPLIT day, you will be paid your normal salary for that day. Any work done on any day during a Shared Parental Leave period will count as a whole SPLIT day. In other words, if you come in for a one hour training session, you will have used one of your SPLIT days.

You will need to agree to take SPLIT days with your manager who will wish to ensure the best use of these days. There is no obligation on you to do any SPLIT days neither is your manager obliged to provide you with the opportunity to do them.

### **Protection for Employees taking SPL**

You will continue to receive your usual contractual benefits during your SPL period (apart from remuneration)

Employees will have protection against dismissal or detriment for making or proposing to make use of the new shared parental leave system.

### **Childcare Vouchers and Lease Cars**

Please see the section on Maternity Leave for further information.

### **Pensions and Unpaid Shared Parental Leave**

Any **Unpaid Shared Parental Leave** after the first 39 weeks will not automatically count as LGPS membership. However, you may elect to pay optional contributions so that any unpaid period may also count as membership. Please see Maternity Leave section for further information.

### **Returning from SPL**

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.

### **Adoption and Surrogacy**

Shared parental leave will apply to parents who are adopting a child due to be placed on or after 5 April 2015 via an adoption agency. In order for adoptive parents to take shared parental leave they must meet similar entitlement criteria (outlined above) in addition to being entitled to statutory adoption leave.

### **Notice of Entitlement to SPL for Adoptive Parents**

You must provide a Notice of Entitlement and Intention. However, the notice must also confirm:

- the date you were notified as having been matched with the child
- the date the child is expected to be placed with you
- a declaration which includes your national insurance numbers and consent to the amount of time the other parent intends to take.

The other requirements for giving notice, timeframes and periods of continuous or discontinuous parental leave follow the same process as outlined above.

For surrogacy arrangements, if the intended parents have applied, or intend to apply, for a 'parental order' then, subject to meeting qualifying conditions, the nominated

'primary' adopter will be entitled to take adoption leave and pay and to end their adoption leave early and move onto shared parental leave.