

Name of Policy	Shared Parental Leave Policy
Person/Posts responsible	HR Business Partner (LGSS)
Date approved / adopted	17 th June 2015
Approved by	CMT 7 th April 2015 Employment Panel 17 th June 2015

Shared Parental Leave Policy

1.0 Introduction

- 1.1 This policy sets out the rights of employees to shared parental leave and pay. Shared parental leave (SPL) is a type of leave that is available to parents with babies due on or after 5 April 2015. In the case of adoption SPL is available to parents of children placed for adoption on or after 5 April 2015.
- 1.2 The intention of SPL is to allow both parents to take it turns to have periods of leave to care for a child or to take leave at the same time in the year following a child's birth/placement.
- 1.3 To do this the mother/primary adopter ends their maternity/adoption leave/pay and shares the remaining leave/pay with their partner as SPL. Alternatively the mother/primary adopter may return to work early from maternity/adoption leave and opt to take SPL at a later date.
- 1.4 SPL is not the same as ordinary parental leave which remains unchanged – the Council's ordinary parental leave policy gives further information.

2.0 Terminology

- 2.1 This policy uses the following terms:
 - Mother/expected mother.
 - Primary adopter.
 - Partner – the father of the child, or the partner, spouse or civil partner of the mother/primary adopter.
 - Expected week of childbirth (EWC) – The week (starting with the Sunday) in which it is expected that the child will be born.
 - Expected week of placement (EWP) - The week (starting with the Sunday) in which it is expected that the child will be placed for adoption.

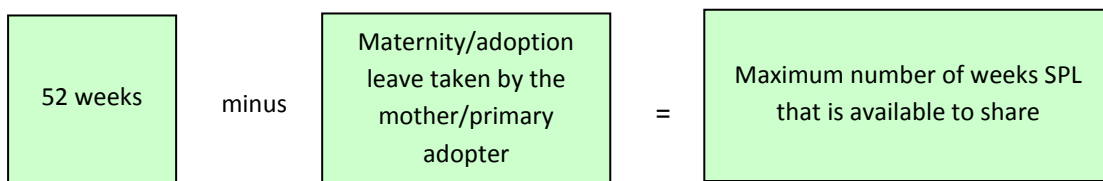
3.0 Scope

- 3.1 This policy applies to employees of the Council, whether they are the mother/primary adopter or the partner.
- 3.2 If it is the mother/primary adopter who is employed by the Council, his/her partner must submit any notifications to take SPL to their own employer if they want to take a period of SPL.

3.3 Similarly, if it is the partner who is employed by the Council, the mother/primary adopter must submit any notifications to take SPL to their own employer. The mother/primary adopter and the partner should each liaise with their own employer to ensure that requests for SPL are handled appropriately.

4.0 Amount of SPL Available

- 4.1 The amount of SPL available depends on how much maternity/adoption leave the mother/primary adopter chooses to take before bringing their maternity/adoption leave to an end.
- 4.2 The maximum amount of SPL available to be shared between the mother/primary adopter and their partner is as follows:



- 4.3 The minimum period of maternity leave that a mother must legally is 2 weeks following the birth of the child. If a mother chooses to take only 2 weeks maternity leave then the remaining 50 weeks can be taken as SPL.
- 4.4 The earliest that SPL can commence is 2 weeks after the date on which the child is born or 2 weeks after the date of placement of adoption and it must end no later than 12 months after that date.
- 4.5 Employees are only entitled to a maximum of 50 weeks SPL regardless of the number of children born as a result of the pregnancy or the number of children placed under the same adoption arrangement.

5.0 Eligibility for SPL

5.1 For employees to be eligible to take SPL, both parents must meet certain eligibility criteria:

Mothers/primary adopter’s eligibility for SPL (all of the following criteria must be met)	
<p>The mother/primary adopter is eligible for SPL if s/he:</p> <ul style="list-style-type: none"> • Has at least 26 weeks service with the Council at the 15th week before the EWC/EWP and remain in employment with the Council until the week before taking SPL. • Share main responsibility with the partner for the care of the child. • Is entitled to statutory 	<p>In addition the partner must:</p> <ul style="list-style-type: none"> • have been employed/been a self-employed earner in at least 26 of the 66 weeks immediately preceding the EWC. • have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks. • share main responsibility with the

<p>maternity/adoption leave in respect of the child.</p> <ul style="list-style-type: none"> Complies with the notification requirements. 	<p>mother/primary adopter for the care of the child.</p>
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Partners eligibility for SPL (all of the following criteria must be met)	
<p>The partner is eligible for SPL if s/he:</p> <ul style="list-style-type: none"> Has at least 26 weeks service with the Council at the 15th week before the EWC and remain in employment with the Council until the week before taking SPL. share main responsibility with the mother/primary adopter for the care of the child. Complies with the notification requirements. 	<p>In addition the mother/primary adopter must:</p> <ul style="list-style-type: none"> have been employed/been a self-employed earner during at least 26 of the 66 weeks immediately preceding the EWC. have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks. share main responsibility with the partner for the child. be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity/adoption allowance in respect of the child; and comply with the relevant notification requirements.

6.0 Notification Requirements

6.1 The notification requirements that must be followed by the mother/primary adopter and the partner are made up of 3 elements:

- a. **A curtailment notice** - from the mother/primary adopter stating when she proposes to end her maternity/adoption leave (this is not required if the mother/primary adopter has already returned to work).
- b. **A notice of entitlement and intention** giving an initial, non-binding indication of each period of SPL the employee is requesting; and
- c. **A period of leave notice** setting out the start and end dates of each period of shared parental leave the employee is requesting.

Requests for a single continuous block of a number of complete weeks will be granted.

6.2 An employee taking SPL can split their leave into up to 3 separate blocks instead of taking it all in one go, even if they are not sharing the leave with their partner, Requests for (up to 3) discontinuous blocks will be considered but may not be

granted, as this decision will be made by taking into account the exigencies of the service.

- 6.3 SPL must be taken in blocks of a week or more. A minimum of 8 weeks notice must be given before each block of leave begins.
- 6.4 If both parents are taking SPL then they can take their leave at the same time as each other, or at different times. However the combined time off can only reach a maximum of 50 weeks leave and 37 weeks Shared Parental Pay ShPP.
- 6.5 SPL can start for the partner whilst the mother/primary adopter is still on maternity or adoption leave as long as the mother/primary adopter has given binding notice to end their leave.
- 6.6 **Discontinuous Leave**

If the employee requests discontinuous periods of leave the Council has two weeks (from the date of the period of leave notice) to:

- Agree to the pattern of leave requested
- Propose an alternative pattern of leave
- Refuse the pattern of leave requested.

If no agreement has been reached within the two week discussion period, the employee is entitled to take the leave as one continuous period of leave – starting on a date chosen by the employee that is at least 8 weeks after the date the period of leave notice was submitted.

The employee must specify this date within five days of the end of the two-week discussion period. If the employee does not choose a start date within this timeframe the period of continuous SPL will start on the date of the first period of leave originally requested.

Alternatively, if no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice (this can be done up to the 15th day after the notice was submitted). A notice that has been withdrawn does not count towards the total number of requests for leave an employee can make.

7.0 Shared Parental Pay

- 7.1 Statutory shared parental pay (ShPP) is available for eligible parents to share between them while on SPL. The number of weeks' ShPP available to the parents will depend on how much statutory maternity/adoption pay or maternity/adoption allowance the mother/primary adopter has been paid when her maternity/adoption leave or pay period ends.
- 7.2 A total of 39 weeks' statutory maternity/adoption pay or maternity/adoption allowance is available to the mother/primary adopter. The amount of ShPP will be:

39 weeks	minus	Statutory maternity/adoption pay received by the mother/primary adopter	=	Maximum amount of statutory shared parental pay available to be shared.
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7.3 ShPP is paid at a rate set by the Government or at 90% of the employee's average weekly earnings (whichever is lower).

7.4 It is up to the parents as to who is paid the ShPP and how it is apportioned between them.

8.0 Eligibility for Shared Parental Pay

8.1 For employees to be eligible for ShPP both parents must meet certain eligibility requirements as set out below:

Mothers/primary adopter's eligibility for ShPP (all of the following criteria must be met)	
<p>The mother/primary adopter is eligible for ShPP if s/he:</p> <ul style="list-style-type: none"> • has at least 26 weeks' continuous employment with the Council at the 15th week before the EWC/EWP and is still employed by the council until the week before taking SPL; • has normal weekly earnings above the lower national insurance threshold in the 8 weeks ending with the 15th week before the EWC/EWP. • shares main responsibility with the partner for the child. • intends to care for the child during SPL; and • is entitled to statutory maternity/adoption pay but the maternity/adoption pay period has been reduced. 	<p>In addition the partner must:</p> <ul style="list-style-type: none"> • have been employed/been a self-employed earner in at least 26 of the 66 weeks immediately preceding the EWC. • have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks. • share main responsibility with the mother/primary adopter for the care of the child.

Partners eligibility for ShPP (all of the following criteria must be met)	
<p>The partner is eligible for ShPP if s/he:</p> <ul style="list-style-type: none"> • has at least 26 weeks' continuous employment with the Council at the 15th week before the EWC/EWP and is still employed by the council until the week before taking SPL; • has normal weekly earnings above the lower national insurance threshold in the 8 weeks ending with the 15th week before the EWC/EWP. • shares main responsibility with the 	<p>In addition the mother/primary adopter must:</p> <ul style="list-style-type: none"> • have been employed/been a self-employed earner in at least 26 of the 66 weeks immediately preceding the EWC. • have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks. • share main responsibility with the

<p>mother/primary adopter for the child.</p> <ul style="list-style-type: none"> intends to care for the child during SPL. 	<p>partner for the care of the child; and</p> <ul style="list-style-type: none"> be entitled to statutory maternity/adoption pay or maternity/adoption allowance but maternity/adoption pay period has been reduced.
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9.0 Contact During Shared Parental Leave

- 9.1 The Council will maintain reasonable contact with employees on SPL to discuss return to work arrangements and to keep them informed of any significant changes in the team or the organisation.
- 9.2 An employee can agree to work for the Council (or to attend training) for up to 20 days during shared parental leave. These are known as "shared-parental-leave-in-touch" (SPLIT) days. Both parents taking SPL have 20 SPLIT days each. The Council cannot require employees to undertake SPLIT days and is not obliged to agree to an employees request for SPLIT days.
- 9.3 Employees will be paid the hours undertaken during a SPLIT day at their normal hourly rate of pay. A SPLIT day claim form must be completed for each full or half day worked. Employees will receive payment for the SPLIT day in addition to any ShPP they are entitled to.

10.0 Employee Rights During SPL

- 10.1 During SPL, all terms and conditions of the employee's contract except normal pay will continue. This means that, all other benefits will remain in place e.g. holiday entitlement will continue to accrue.

10.2 Local Government Pension Scheme Members

If the employee is a member of the local Government Pension Scheme, they will continue to pay contributions during the period of **paid** shared parental leave. These contributions will be based on any pensionable pay actually received but will allow service to be treated as working normally.

For periods of **unpaid** shared parental leave, employees will have the opportunity to buy back any or all of the "lost" pension by paying an age-related Additional Pension Contribution (APC). Provided the employee makes an application to make the arrangements within 30 days of the day they return to work, the employee shall pay 1/3rd of the cost and the council 2/3rd of the cost. The amount of lost pension will be calculated as 1/49th of the assumed pensionable pay for employees in the main LGPS scheme and as 1/98th for employees in the 50/50 section. If an employee is in the 50/50 section of the scheme, they can still commence an APC.

11.0 Return to Work Following SPL

- 11.1 The employee has the right to return to the same job when returning to work from shared parental leave if the period of leave (when added to any other period of shared parental leave, statutory maternity/adoption or paternity leave) is 26 weeks or less.
- 11.2 If the employee is returning from a total period of leave that is more than 26 weeks s/he has the right to return to the same job unless this is not reasonably practicable. In these circumstances the employee will then have the right to return to another job that is suitable and appropriate.
- 11.3 Where an employee intends to return to work earlier than the end of their SPL period they must provide the Council with at least eight weeks' notice of the date on which they intend to return.

Employee notifies manager of intention to take shared parental leave.

Employee completes Shared Parental Leave form

Employee specifies the date that s/he wants to end maternity/adoption leave (or that their partner will bring their maternity/adoption leave to an end).

Employee Indicate dates that s/he wants to take as SPL.

Employee indicates how s/he would like the shared parental pay available to be split between the mother/primary adopter and his/her partner (if relevant).

Employee completes a declaration to specify that he/she meets the eligibility criteria for SPL (this details the conditions that need to be met by the mother/primary adopter and his/her partner.)

If employee wants to take shared parental leave in one block request will be granted (no provision to turn down these requests).

Employee starts SPL on the date requested and returns following the end of SPL.

Employee requests to split SPL into separate blocks instead of taking it in one block (employee can request up to 3 separate blocks of SPL returning to work between each block).

Manager considers the employees request for blocks of SPL. Manager decides whether pattern of SPL requested can be agreed taking into account the exigencies of the service.

Manager has 2 weeks to consider the request.

Manager agrees to the pattern of SPL the employee has requested.

Employee takes SPL on the dates requested, returning to work between each block of SPL.

Manager decides the service cannot accommodate employee's request for separate blocks of SPL.

Manager proposes an alternative pattern of SPL

Manager does not agree to the pattern of SPL requested

Employee does not agree to the alternative pattern of SPL

Employee is entitled to take SPL in one continuous block instead.

Employee takes SPL on the dates agreed, returning to work between each block of SPL.

Employee agrees to the alternative pattern of SPL

Employee starts SPL on a date chosen by the employee (notification requirements apply). Employee returns to work following the end of SPL.

Notes on entitlements:

Maximum amount of SPL available to be shared between the mother/primary adopter and partner = 52 weeks **minus** Maternity/adoption leave taken by the mother/primary adopter

Maximum amount of statutory shared parental pay available = 39 weeks **minus** Statutory maternity/adoption pay received by the mother/primary adopter

Notice of entitlement and intention to take Shared Parental Leave

Employees with a child due to be born or placed for adoption on or after 5 April 2015 who wish to take shared parental leave (SPL) to share the main caring responsibilities with the other parent/partner must submit this form to their manager **at least eight weeks** before the start date of the first period of SPL.

Please refer to The Council's Shared Parental Leave policy for details on eligibility and further information before completing this form.

Section 1 – Basic Details

Employee name	
Are you the mother / main adopter of the child or the partner of the mother / main adopter?	
Child's expected date of birth/date of placement for adoption	
Child's actual date of birth/date of placement for adoption (if known)	
Start date of mother/main adopter's maternity/adoption leave (or pay period*)	
End date of mother/main adopter's maternity/adoption leave (or pay period*)	

* The start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave.

Section 2 – Employee notice of curtailment of maternity/adoption leave

Please complete this section if you are the mother / main adopter. If on maternity leave, this date must be at least two weeks after the birth of your baby. You must give at least eight weeks' notice of your curtailment date.

I wish my maternity / adoption leave to end on the following date:	
Signed: _____	Date: _____

Section 3 - Shared Parental Leave Details

The total amount available is 52 weeks minus the number of weeks' leave/pay already taken by the mother/main adopter according to the dates given in the previous section.

Total number of weeks' SPL available	
Number of weeks' SPL you intend to take	
Number of weeks' SPL the other parent intends to take	
<p>Indication of start and end dates of SPL that you intend to take</p> <p><i>This indication is nonbinding. You must submit a formal period of leave notice for each period of SPL you wish to request for it to be binding.</i></p> <p><i>Complete the section below if you wish your request for any/all of these periods of leave to be treated as a period of leave notice.</i></p>	
Do you wish the dates indicated for the period(s) of leave to constitute a formal (binding) period of leave notice? (delete as appropriate)	YES / NO / YES, for the following dates only:

Section 4 - Shared Parental Pay Details

The total amount of shared parental pay (ShPP) which may be available is 39 weeks minus the number of weeks' pay already taken by the mother/main adopter according to the dates given in Section 1.

Total number of weeks' ShPP available	
Number of weeks' ShPP you intend to claim	
Number of weeks' ShPP the other parent intends to claim	
Indication of start and end dates of your ShPP periods	

Section 5 – Employee declaration

I confirm that I meet the following conditions:

- I am the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child
- I 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')
- I intend to be in continuous employment until the week before any SPL is taken
- (If I am claiming shared parental pay) I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the Council immediately if I cease to meet the conditions for entitlement to SPL or ShPP.

If you are the mother/main adopter:

- I have submitted a curtailment of maternity/adoption leave notice by completing Section 4 above.

Signature: _____	Date: _____
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Section 6 – Declaration of other parent

Name	
Address	
National Insurance Number	

I confirm that I meet the following conditions:

- I have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to 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')
- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week

- I agree to inform your employee immediately if I cease to meet the two conditions above
- I consent to your employee taking SPP and ShPP as set out in Sections 2 and 3 above.

If you are the mother/main adopter:

- I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or
- will have done so by the time your employee starts shared parental leave

I consent to you processing the information contained in this declaration.

Signature: _____	Date: _____
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Shared Parental Leave (SPLIT) Day Claim Form

Section A – Employee Details

Please complete Section A and submit to your line manager for approval AFTER each occasion you have attended work as a SPLIT day.

1. Name:
Payroll Reference:
Job Title:
Directorate:

 2. I confirm that I am currently on Shared Parental Leave.
 3. I wish to claim payment for working on an agreed shared-parental-leave-in-touch (**SPLIT**) day.
 4. I confirm that I worked on the following date/s for the total number of hours each SPLIT day:

Date:	Hours:
Date:	Hours:
Date:	Hours:

 5. I understand that I will get paid for the number of hours undertaken on each SPLIT day. I understand that pay is based on my normal hourly rate of pay and is offset against any entitlement I have to occupational maternity pay.
 6. I understand that any monies claimed will be subject to tax/NI and pension deductions in the normal way.
 7. I confirm that the information provided above is correct.
- Signed: Date:

SECTION B – Manager Authorisation - To be completed by the line manager.

1. Name:
Job Title:

 2. I confirm that the above SPLIT day payment is authorised.
- Signed: Date:

Submit a copy of this form to HR Transactions at Transactions@huntingdonshire.gov.uk.