

SHARED PARENTAL LEAVE POLICY

1.0 Policy

This policy sets out the Council's policy on employee entitlement to take shared parental leave, an explanation of the available entitlements and the procedures employees should follow in order to take leave. Shared parental leave may be taken in the case of both births and adoptions. This policy uses the word 'parent' to describe employees in both birth and adoption circumstances.

1.2 Any employee wishing to take shared parental leave should inform the Clerk at the earliest possible opportunity so that their entitlement can be explained to them. Due to the flexibility of the shared parental leave system, it is essential that employees understand the procedural requirements involved in taking such leave.

1.3 The essential features of shared parental leave (SPL) are:

- eligible employees will be able to bring maternity/adoption leave to an early end and share the remaining leave entitlement
- eligible employees will have a certain amount of flexibility to decide which parent takes leave and when, including being on leave at the same time
- the maximum amount of leave to be shared is 50 weeks
- leave may be taken in minimum blocks of one week
- eligible employees may make up to three requests for leave, including any changes to previously booked leave
- a request for a continuous period of leave becomes fixed
- a request for discontinuous leave is subject to agreement with the Council.

2.0 Eligibility requirements

2.1 In order to take SPL, both the employee and their partner must meet certain eligibility criteria. They must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- have 26 weeks' service at the end of the 15th week before the expected week of childbirth (EWC) 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')
- have a partner who meets the employment and earnings test (see below)
- share the primary responsibility for the child with the other parent at the time of the birth/adoption
- have made the required notifications in respect of their entitlement and have provided the necessary declarations and evidence
- be working for the Council until the week before any leave is taken.

3.0 Employment and earnings test

3.1 The employee's partner must have, in the 66 weeks before the EWC, worked for at least 26 weeks and earned on average at least £30 a week in any 13 weeks.

4.0 Amount and timing of SPL

4.1 Parents cannot take more than 52 weeks of leave in total made up of maternity or adoption leave and shared parental leave but excluding paternity leave which is a standalone entitlement.

4.2 If the mother is entitled to statutory maternity/adoption pay/maternity allowance but not maternity/adoption leave, the maximum number of weeks of shared parental leave to be taken is the remainder of 52 weeks' minus the number of weeks' pay received.

4.3 Mothers are not able to share compulsory maternity leave entitlement of two weeks. This is a statutory requirement enabling the employee to recover from the birth and is to be taken exclusively by her. Correspondingly, adopters may share a maximum of 50 weeks' leave.

4.4 Shared parental leave can only be taken in minimum blocks of one week; it is not possible to take a day's shared parental leave. The minimum amount that can be taken is one week.

5.0 Entitlement to Shared Parental Pay

5.1 Shared Parental Pay (ShPP) can be paid to both parents for a maximum of 39 weeks in total. This includes any weeks in which statutory maternity or adoption pay was received, and the timing of pay will be decided between the parents.

To be eligible to receive ShPP, an employee must:

- have been continuously employed for at least 26 weeks up to and including the "qualifying week" (the 15th week prior to the expected week of childbirth or placement for adoption)
- have average earnings not less than the lower earnings limit calculated over the eight weeks prior to the qualifying week
- comply with the notification requirements.

5.2 All ShPP is paid at the lower of the standard rate or 90 per cent of the employee's normal weekly earnings.

6.0 Notification requirements

6.1 At least eight weeks before any leave is to be taken, the employee must provide the following information to the Clerk:

- name of employee
- name of partner
- the start and end dates of maternity/adoption leave (or pay if employee was not entitled to leave)
- the total amount of shared parental leave available
- the expected week of childbirth/placement (or the actual date of birth/placement if this has taken place)
- a non-binding indication of how the employee and their partner think they will split and take shared parental leave.

6.2 If the employee is the mother, they must also provide a signed declaration confirming that they meet the eligibility requirements for taking leave and produce a signed declaration from the other parent confirming:

- their name and address
- that they meet the eligibility requirements
- that they consent to the employee taking the amount of leave it has been notified they intend to take
- that they permits the Council to process their information and
- that immediate notification will be made if any of the eligibility requirements cease to be met.

7.0 Curtailment notice

7.1 Maternity/adoption leave must be ended early if shared parental leave is to be taken. The mother/main adopter must inform the Council that maternity/adoption leave will be brought to an end by providing a “curtailment notice” at the same time as the notice of entitlement is provided. The curtailment notice will give eight weeks’ notice of leave (or pay in the event that the employee is not entitled to leave) being brought to an early end.

7.2 A notice of curtailment can only be revoked in the following specific circumstances:

- where it is discovered in the eight weeks following the notice that neither the mother/adopter nor their partner has any entitlement to shared parental leave or pay
- in the event of the death of the partner
- if the notice was given before the birth, and the mother revokes her maternity leave curtailment notice in the six weeks following the birth.

7.3 Notice of curtailment must be provided to the Department of Work and Pensions if the mother is not entitled to maternity pay but instead received maternity allowance.

8.0 Notice to take a specific period of SPL and ShPP

8.1 Although an indication of leave dates will have been given in previous notices, a period of leave is not normally be fixed until a period of leave notice is submitted. A maximum of three period of leave notices are permitted, which will include any notices to amend a period of leave already booked. A period of leave notice gives eight weeks’ notice to the Council that an employee intends to take leave on the specified dates. The date leave will start should be given, unless the period of leave notice is given before the birth of a child, in which case the start date may be expressed as, for example, ‘two weeks’ after the birth, to last for ‘four weeks’.

8.2 An employee should also indicate in this notice whether they intend to allocate ShPP to the period of leave.

There may be circumstances where the Council permits more than three period of leave notices to be submitted, for example, where the Council asks you to change a period of leave already booked.

8.3 It is important that all of the relevant information is provided according to the set timelines. If it is not, the Council cannot guarantee that the leave will be granted.

9.0 Confirmation of SPL and ShPP

9.1 If an employee requests one continuous block of leave in a period of leave notice, they are entitled to take this period of leave and the Council will confirm the dates in writing.

9.2 If you request more than one period of leave i.e. discontinuous blocks of leave in one period of leave notice, the Council will make a decision on whether this can be accommodated. The Clerk will arrange a meeting with the employee at which the request will be discussed with them. The outcome of the request will be one of the following:

- agreement to the request
- proposal of alternative leave dates or
- refusal of the request.

9.3 If no agreement can be reached within two weeks of the period of leave notice being submitted, the default provisions will apply which means the employee is able to withdraw the request any time up to the 15th day after it was made.

9.4 If the request is not withdrawn, the employee can take the leave in one continuous block to start on the first date of leave specified in the notice. Alternatively, the leave can be taken in one block on a new date notified by the employee within 19 days of the original request.

10.0 Varying a period of leave

10.1 Once a period of leave notice has been submitted, an employee may change the dates on which leave is to be taken by submitting a request to vary a period of leave giving eight weeks' notice. These notice provisions are waived in the event of an early birth and the leave will start the same length of time after the birth as it would have started had the baby been born early. In this case, notice should be given as soon as reasonably practicable. In all other cases, the following applies:

- in this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child
- in order to change the start date of leave, the employee must give eight weeks' notice counted back from the earlier of either the original date or the new date
- to change the duration of a period of leave, the employee must give eight weeks' notice of the original start date.

10.2 An employee may also request that a continuous period of leave is separated into a discontinuous period, or that a discontinuous period is consolidated into a continuous period.

10.3 Submitting a variation notice will count towards the maximum three notices unless it is made as a result of the child being born earlier or later than the expected week of childbirth.

10.4 If an employee submits a variation notice subsequent to a request to do so by the Council, it will not count as one of the maximum three notices.

11.0 'SPLIT' days

11.1 During shared parental leave, an employee may work for up to 20 shared parental leave 'in touch' days (SPLIT days) without statutory payments being affected. The Council recognises the benefit of SPLIT days and encourages their use. However, they are optional and an employee is not obliged to use them and the Council is not obliged to permit them.

11.2 An employee will be paid at normal rate for work on a SPLIT day. Any work done on one day will count as one SPLIT day.

11.3 An employee's entitlement to 20 SPLIT days is not affected by their entitlement to 10 KIT days during maternity or adoption leave.

12.0 Terms and conditions of employment during SPL

12.1 An employee will continue to receive all contractual benefits (with the exception of salary) during shared parental leave. For clarity, annual leave will continue to accrue during SPL in the same way as if an employee were at work. Prior to taking leave, a discussion will take place between the employee and The Clerk regarding arrangements on taking annual leave around their shared parental leave.

13.0 Returning from SPL

13.1 Employees who wish to amend the date on which they are to return to work after shared parental leave must give eight weeks' notice of the original end date and the new end date, whichever is earlier.

13.2 After SPL, provided the total amount of leave taken by the employee (including maternity leave) does not exceed 26 weeks, they are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

13.3 When considering their return to work, for reasons related to childcare, an employee may request a change to their previous working arrangements. Any such request will be considered in line with the operational requirements of the Council and there is no automatic right to return to work on altered conditions.