



people polices

Shared Parental Leave Policy





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Policy

About this policy

- 1 Shared parental leave (SPL) enables eligible parents to choose how to share time off work after their child is born or adopted. Following a minimum compulsory two weeks maternity/adoption leave immediately after the birth or adoption a mother or primary adopter can chose to bring their maternity/adoption leave to an end and share any remaining entitlement with their partner. This policy sets out the rights and responsibilities of employees who wish to take SPL and applies to parents of babies due on or after 05.04.2015.

All eligible employees have a statutory right to take SPL and there may also be an entitlement to Shared Parental Pay (ShPP). The council has agreed to enhance statutory ShPP in line with our current occupational maternity and adoption pay. This is called Occupational Shared Parental Pay (OShPP) and will be paid during weeks 7 to 18 of SPL subject to clear notification of all requested blocks of SPL being given and agreed within the timescales required and before the first period of SPL is taken. Please note that OShPP is only available when the curtailment date is known because this date is used to calculate the SPL and ShPP entitlements.

Terminology

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.

Parents: applies to both mother and partner.

SPL: Shared Parental Leave.

ShPP: Statutory Shared Parental Pay.

OShPP: Occupational 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.

Eligibility for SPL

2 SPL can only be used by two people:

- The mother/primary adopter and
- One of the following: the father of the child in case of birth or the spouse, civil partner of the child's mother/primary adopter.

Please note:

- The mother can share her leave with one other person only.
- Paternity Leave must be taken before Shared Parental Leave.

To qualify for SPL and ShPP/OShPP both parents must expect to share the main responsibility for the care of the child at the time of birth/placement and have to meet the requirements of two tests:

Continuity of employment test

They must have worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due/placement date and is still working for the employer at the start of each leave period.

Employment earnings test

In the 66 weeks leading up to the baby's expected due/placement date, they must have worked for at least 26 weeks and earned an average of £30 (as of 2015) a week in any 13 weeks.

Additionally an employee seeking to take SPL must satisfy each one of the following:

- the mother/primary adopter of the child must be entitled to statutory maternity/adoption leave in respect of the child and must have ended or given notice to reduce any maternity/adoption entitlements
- comply with the notice requirements to the council relating to entitlement to SPL

Shared Parental Leave entitlement

3 The maximum amount of SPL available to a mother/primary adopter and her partner is 50 weeks. This is because the mother/primary adopter is required to take at least 2 weeks compulsory maternity/adoption leave after the birth or adoption. To calculate the actual amount of SPL available, any weeks of maternity/adoption leave taken must be deducted from the full entitlement of 52 weeks.

The father/partner can take SPL immediately after the birth/placement of the child, but may first choose to use up any paternity leave entitlements as these cannot be taken once they have taken any SPL.

Where a mother/primary adopter gives notice to curtail their maternity/adoption entitlement then the mother/primary adopter's partner can take leave while the mother/primary adopter is still using their maternity/adoption entitlements.

SPL must end no later than one year after the birth/placement of the child.

Process

Applying for Shared Parental Leave

4 Employees considering taking SPL are encouraged to have an informal discussion with their line manager as early as possible to talk about their entitlement and potential leave plans. All the notification requirements detailed here must first be agreed by an employee's line manager before sending the appropriate forms to the HR Advice Centre MAPS team. Although there are three stages detailed below, in practice it is likely that these will be completed at the same time.

i) Before SPL can begin the mother/primary adopter must have ended or given notice to reduce ('curtail') any maternity/adoption entitlements. For employees of the council this is done by completing the form Curtailment of Maternity/Adoption Leave (SPL1). The completed form must be signed by the employee and their manager before being sent to the HR Advice Centre MAPS team at least 8 weeks prior to the start of SPL, preferably together with the Notification of Entitlement and Intention to Take Leave form and Notice to Take Leave form detailed below.

A father/partner employed by the council who wants to share leave with their partner (the mother/primary adopter) who is employed by another organisation will need to obtain a copy of the mother/primary adopters Curtailment of Maternity Notification. This should be sent to the HR Advice Centre MAPS team, together with their own Notification of Entitlement and Intention to Take Leave form and Notice to Take Leave form, at least 8 weeks prior to the start of SPL.

ii) Notification of entitlement

Notification of entitlement to SPL by both partners must be established prior to giving notice to take leave.

All employees of the council who wish to take SPL must provide their manager and the HR Advice Centre MAPS team with the correct notification of their entitlement and intention to take SPL at least 8 weeks before they take it. This must be done using the Notification of Entitlement and Intention to Take Leave (SPL2) which requires the following:

- The name of the employee
- The name of the other parent
- The start and end dates of any maternity/adoption leave or pay taken in respect of the child and the total amount of SPL available
- The date on which the child is expected to be born and the actual date of birth (if known) or, in the case of adoption, the date on which the employee was notified of a match and the date of placement (if known)
- The amount of SPL the employee intends to take
- A non-binding indication of when the employee expects to take the leave.
- That they meet or will meet the eligibility criteria
- That the information they have given is accurate
- If they are not the mother/primary adopter that they are the father of the child or partner of the mother/primary adopter
- That should they cease to be eligible they will immediately inform their line manager

iii) Notice to take leave

Employees have a statutory right to submit three notifications specifying the leave periods they are intending to take. When leave has been agreed with the manager these must be submitted to the HR Advice Centre MAPS team using the Period of Leave notification form (SPL3) at least 8 weeks before the start of the leave. Each notification may contain either:

- a) a single period of weeks of leave (continuous leave); or
- b) two or more weeks of discontinuous leave, where they intend to return to work between periods of leave.

SPL must be taken in complete weeks but can begin on any day of the week. If employees return to work between periods of SPL, the next period of SPL can start on any day of the week.

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. Employers cannot refuse a continuous leave notification.

Employees have the right to take a continuous block of leave notified in a single notification, as long as it does not exceed the total number of weeks of SPL available (specified in the notice of entitlement) and they have given at least eight weeks' notice.

Employees can submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notification: 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 employees can return to work. For example, they could take a total

of six weeks SPL and work every other week for a period of three months.

When an employee requests a pattern of discontinuous leave their manager can do one of the following:

- Agree the pattern of leave
- Propose an alternative pattern of leave, which the employee does not have to take but they may decide to agree with it
- Refuse the pattern of leave and require it to be taken in a single block – in which case it becomes continuous leave.

If there is concern over accommodating an employee's request, they and their manager should arrange a meeting to discuss it within 2 weeks with a view to agreeing an arrangement that meets the needs of both. All requests for discontinuous leave will be dealt with on a case by case basis. Employees will be informed in writing by their line manager of the decision as soon as possible and no later than the 14th day after the leave notification was made.

Employees may withdraw the notice at any time up to and including the 15th day of making the request. If no agreement can be reached during this time they will be required to take the leave in a continuous block.

Variations to SPL arrangements

- 5 Employees are permitted to vary or cancel an agreed and booked period of SPL, providing it is agreed with their manager. If agreed, employees must advise the HR Advice Centre MAPS team at least eight weeks before the date of any variation using the Variation of Shared Parental Leave form (SPL3).

Any new start date cannot be sooner than eight weeks from the date of the variation request.

Employees should be aware that where subsequent changes are requested this could affect their entitlement to OShPP. If agreed these will be paid at the statutory rate only. This is to encourage early discussion and agreement between managers and employees to enable the management of planned absences.

Any variation or cancellation notification made by an employee, including notice to return to work early, will usually count as a new notification reducing their right to book/vary leave by one.

Notifications are not deducted from an employee's notification entitlement, and eligibility to OshPP will not be affected, in the following circumstances:

- Their child is born early or other unforeseeable complications arise following birth or adoption
- The manager requests a change and the employee agrees.

The HR Advice Centre MAPS team will confirm any variation in writing.

Examples of SPL arrangements

- 6
- The mother could take the first eight months, with the father taking the remaining months.

- The mother could return to work for a period in the middle of the 52 week leave period with the father looking after the child during that time.
- The parents could both stay at home together with the child for up to six months (minus any maternity leave taken).
- One or both parents could take a discontinuous pattern of leave, for example taking leave for four weeks, then returning to work for four weeks, then taking leave for 4 weeks and so on.



Statutory Shared Parental Pay

- 7** The number of weeks Shared Parental Pay (ShPP) potentially available is 39 weeks, however, given that the mother/primary adopter must take a minimum of 2 weeks compulsory maternity/adoption leave, this leaves up to 37 weeks which can be paid as ShPP. The actual amount of weeks available will depend on the amount by which the mother/primary adopter reduces their maternity adoption pay period.

ShPP will be paid at a rate set by the government for the relevant tax year. The council has agreed to enhance statutory ShPP in line with our current occupational maternity and adoption pay. This is called Occupational Shared Parental Pay (OShPP) and will be paid during weeks 7 to 18 of SPL, subject to clear notification of all requested blocks of SPL being given and agreed within the required timescales and at the start of the first period of leave.

Week 1 to 6: Statutory Shared Parental Pay*

Week 7 to 18: up to 50% of basic earnings plus statutory ShPP

Week 19 to 39: Statutory ShPP

**Higher rate Statutory Maternity Pay at the rate of 90% of basic earnings is paid to the mother/primary adopter during weeks 1 – 6 of maternity leave (unless she curtails her maternity leave for this period). Statutory Shared Parental Pay is paid at an equivalent to the lower rate of statutory maternity pay during weeks 1 – 6 and employees should take this into account when considering their decision about SPL.*

OShPP will not be 'carried over' to another next block of leave where employees return to work for a period of time during their leave. For example, if an employee takes weeks 1 to 6 as SPL or ML, then returns to work during weeks 7 to 18 before going back on SPL in week 18,

they will be paid statutory ShPP for the remainder of their ShPP period.

Shared Parental Leave in Touch (SPLIT) days

- 8** Employees can agree to work for the council (or attend training) for up to 20 days during SPL. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. They are in addition to the 10 keeping in touch (KIT) days available to the mother or primary adopter during maternity or adoption leave. Employees are not required to take up these SPLIT days, any work undertaken is a matter for agreement between the employee and their manager.

Any work carried out on a day or part of a day shall constitute a day's work for these purposes but employees will be paid only for the time worked

Employees may, with the agreement of their manager, use SPLIT days to work part of a week during SPL. SPLIT days can be used for a gradual return to work by the employee towards the end of a long period of SPL or to trial a flexible working pattern.

Annual leave during SPL

- 9** Employees will continue to accrue annual leave while on SPL. This includes public holiday entitlement. Annual leave should be taken in the leave year it accrues.

Returning to work after SPL

- 10** Employees who return within 26 weeks of SPL have the right to return to the same job they had before they went on SPL, on the same terms and conditions as if they had not been absent. If they return after 26 weeks of SPL they have the right to return to the same job they had before they went on SPL. However, if it is not reasonably practicable for them to be offered this job, they must be offered a suitable and appropriate job on terms and conditions no less favourable.

Unless an agreement has been drawn up between the employee and their manager prior to their return they will be expected to return to work on the same hours and similar duties they worked prior to SPL.

SPL in surrogacy

- 11** Surrogate parents who meet the criteria to apply for a parental order will also be eligible for shared parental leave and pay subject to meeting the eligibility requirements.



Additional guidance and support

This policy provides you with an overview of the purpose of the policy and the roles and responsibilities of those for whom it is intended. It also provides guidance in the Process section on the application of the policy. There are other documents which provide more detail and helpful guidance that should be read in conjunction with the policy and these are listed below.

Additional guidance

[Shared Parental Leave guidance](#)

Associated policies

[Maternity and Caring Employee Scheme](#)

Letters and forms

[SPL1 Curtailment of Maternity Leave and Pay](#)

[SPL2 Notification of entitlement and notice of leave](#)

[SPL3 Period of leave notification](#)



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The audience of this document is made aware that a physical copy may not be the latest available version.

The latest version, which supersedes all previous versions, is available on The Source.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

History of most recent policy changes:

Version	Date	Change
V1.02	30 September 2016	Curtailment date is required for OShPP
V1.01	30 April 2015	Corrections made to section 7 (weeks' pay)
V1.00	1 April 2015	New policy

