

Shared parental leave, pay and arrangements

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1. Introduction

The information in this guide applies to all employees under Local Government Services Green Book and Soulbury and Youth JNC Conditions of Service.

Shared parental leave enables both parents/partners to decide how to take leave for the purpose of looking after their child in the first year following the birth or adoption. If you are thinking of sharing leave with someone else, you will need to check that both of you meet the eligibility criteria. If you do, you will be able to share leave and pay between you, even if the person you are sharing leave with works somewhere else.

Shared parental leave is only available if the mother or main adopter has given notice to end their entitlement to maternity or adoption leave and pay. The amount of leave and pay left over will be the amount available to share. The mother/main adopter can only share the remaining leave with one other person. (Two weeks maternity support (paternity) leave is available to fathers and a mother's or adopter's partner following the birth/placement in addition to any shared parental leave).

Maternity/Adoption Leave or Shared Parental Leave?

If you are the mother or main adopter, you should think carefully before deciding to bring your maternity or adoption leave to an end to convert to shared parental leave. Depending on your eligibility and when you intend to take leave, you may be entitled to a lower rate of pay if you do convert your leave.

Sometimes only one parent will be eligible. For example if your partner is selfemployed, they will not be entitled to shared parental leave themselves but if they meet the eligibility criteria (the employment and earnings test), you may still qualify and can choose which leave is most beneficial for you. (See eligibility criteria in 3.1)

You are advised to take all of your individual circumstances into account before making a choice.

2. Making arrangements

It is your responsibility to provide evidence of your eligibility to shared parental leave and pay and to provide the right information at the right time. This section explains when and how you need to provide this information.

To find out more about how shared parental leave can be taken and whether you might be eligible, go to section 3.

2.1 Binding notice: ending maternity/adoption leave

The mother/main adopter must give at least 8 weeks notice to their employer to end

their maternity or adoption leave and pay before there is any entitlement to shared parental leave and pay.

If you are the mother/main adopter, you must give this notice in writing to your line manager, who will pass this on to HR Operations.

The written notice must include:

- confirmation that you are giving binding notice to end your entitlement to maternity/adoption leave and pay at a specified date. **By giving binding notice, you are giving notice that can't normally be changed.**

2.2 Written notice of entitlement and intention to take a period of shared parental leave

If you wish to take shared parental leave, (whether or not your partner is also employed by the county council), it is your responsibility to provide your manager with written notice that:

- confirms your entitlement to shared parental leave and pay (see section 3) AND
- gives 8 weeks written notice to take a period of shared parental leave.

You are entitled to provide up to 3 separate written notices to take shared parental leave. Each request may be in relation to a continuous OR discontinuous period of leave. See section 3.3.

Each separate notice requires 8 weeks notice.

You should provide written notice using the shared parental leave request form. This tells the county council the total remaining amount of leave and pay (if applicable) that you and your partner are eligible to share; how much of this you are intending to take and when. You will both need to sign the declaration, even if you are not both employed by the county council.

When the form is complete, you should send it to your line manager. If the leave is discontinuous, the request will need their approval. Your line manager will forward the form to HR Operations.

2.3 Notice of changes

You can change your mind later about the date you want to start a period of shared parental leave and pay, but you must give your manager at least 8 weeks written notice before both:

- the date you were meant to start your leave and
- the new date you've chosen

If you give written notice to change your mind about a period of leave, bear in mind that this is likely to count as one of your 3 written notices (depending on the reason that the leave is being changed). A written notice can be withdrawn and discounted from the total of 3 if:

- you are withdrawing/making changes to a request for discontinuous leave that your manager did not agree to
- your child was born earlier or later than the expected week of birth

To give notice of changes, you should complete a new shared parental leave request form.

Managers should ensure any letters, emails or notifications from their employee regarding their shared parental leave are copied or forwarded on to

HR Operations, so that payroll is updated as soon as possible.

3. Shared Parental Leave

3.1 Eligibility

If the mother/main adopter ends their entitlement to maternity or adoption leave and there is leave remaining, there may be an entitlement to shared parental leave.

You must have a partner to be eligible for shared parental leave. You can only share leave with one other person who has responsibility for the child. The other person does not also have to work for the county council, however they must be:

- your husband, wife, civil partner or joint adopter OR
- the child's other parent (whether or not you are still a couple) OR
- your partner (if they live with you and the child)

You OR your partner must be eligible for:

- maternity pay or leave or maternity allowance OR
- adoption pay or leave.

You must also have been employed continuously by the county council for at least 26 weeks:

- by the end of the 15th week before the due date OR
- by the date you are matched with your adopted child.

In addition, your partner must meet the employment and earnings test. This means that, during the 66 weeks before the baby is due/child is placed, your partner must:

- have been working for at least 26 weeks (in employment, self-employment or as an agency worker)
- have met the earnings criteria. The current criteria is available at: <https://www.gov.uk/shared-parental-leave-and-pay/eligibility>

You and your partner will be entitled to share the remaining amount of 52 weeks' leave after any maternity or adoption leave has been taken.

The mother must take at least 2 weeks maternity leave following the birth of the baby and the main adopter can end adoption leave after taking it for 2 weeks. This means that 50 weeks shared parental leave is available in total.

3.2 When can shared parental leave be taken?

You and/or your partner can only begin shared parental leave once the child has been born or adopted. The mother/main adopter must have either ended any maternity or adoption leave and pay by returning to work or by giving 'binding notice' of the date when they plan to end this leave. (See 2.1).

Once this binding notice has been given, shared parental leave can be taken by the partner whilst the mother or main adopter is still taking maternity or adoption leave.

Shared parental leave must be taken within the first year. This means it can be taken at any time from the date the child is born/placed until 52 weeks after that date.

Leave must be taken in complete weeks.

It is for you and your partner to choose how to share your leave. You may decide to take the leave at the same time so that you are both at home together or you may wish to take the leave at different times. You can take all of your share of the leave in

one go or you can opt to take shorter separate periods of leave with a return to work in-between. You can make up to 3 separate requests to take some of your shared parental leave. (See 2.2).

Example

Catherine finishes her maternity leave at the end of October and takes the rest of her leave as shared parental leave. She shares it with her partner, who's also eligible. They each take the whole of November as their first blocks of shared parental leave. The partner then returns to work.

Catherine also returns to work in December to cover the busy Christmas period. She gives 8 weeks notice that she'll go on leave again in February - this is her second block of shared parental leave. Her manager agrees to a discontinuous work pattern of 2 weeks on, 2 weeks off during the block.

3.3 Continuous and discontinuous leave

In any separate request, you may ask to take the number of weeks leave requested as:

- a continuous period of leave (one ongoing block of leave) OR
- a discontinuous period of leave (a number of weeks on leave and a number of weeks at work, taken in a pattern that you propose).

A request for a **continuous period of leave** won't be refused by your line manager. He/she may wish to discuss and suggest alternative dates however you are entitled to take any continuous period of leave during the dates you have requested. It will be your decision.

A request for a **discontinuous period of leave** will be considered by your line manager. If a request for discontinuous leave is refused then the total amount of leave requested will automatically become a continuous block - unless you withdraw your request within 15 days.

3.4 Informal conversations with your manager

When you are planning your shared parental leave, you are encouraged to have early discussions with your manager about your plans. Not only does this give you plenty of opportunity to consider your different options but it also means your manager can make arrangements for cover. As shared parental leave provides a lot of flexibility in the way it can be taken, these early conversations are beneficial to both employee and manager. You needn't confirm any plans until it's time to give 8 weeks notice.

You might be thinking about: Your manager might be thinking about:

- essential dates where you must take leave
- when your partner wants to take leave
- your childcare options
- your wellbeing and what feels right for you
- any impact on pay
- important events that are planned
- any busy periods coming up
- how your role will be covered
- any impact on a customer facing role
- whether any type of discontinuous leave pattern could be accommodated

4. Contact during shared parental leave

4.1 Shared Parental Leave in Touch (SPLIT) days

You and your partner can both work up to 20 days during your shared parental leave without bring the leave to an end. These are called shared parental leave in touch (SPLIT) days. SPLIT days are in addition to the 10 keeping in touch (KIT) days already available to those on maternity or adoption leave. Your shared paternity leave period will not be extended by KIT days.

SPLIT days are optional – both you and your manager must agree to them. Work may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Any work you do as a SPLIT day, even as little as half an hour for example, will be counted as a whole day for the purposes of subtracting that SPLIT day from your SPLIT days allowance.

You will be paid for any hours worked and for these hours only. This will include the rate of statutory shared parental and will be topped up to the applicable rate of pay in accordance with your contract of employment. In order to receive this pay for SPLIT days, you will need to record the actual hours worked via universal timesheet, where you should clearly indicate that the time claimed is for a SPLIT day during shared parental leave. The timesheet should be submitted to HR Operations.

4.2 Keeping informed

Your line manager should ensure that you are kept informed of any significant workplace developments. Your line manager may also make reasonable contact with you to discuss issues of return to work. This type of contact isn't considered work and doesn't count towards the 20 SPLIT days.

5. Shared Parental Pay

If you are entitled to shared parental leave, you may also be entitled to statutory shared parental pay (ShPP). If both you and your partner qualify for ShPP, you must decide who will receive it, or how it will be divided and you must inform the county council of your entitlement. (See 2.2).

If you will be receiving ShPP, this will start when the relevant period of shared parental leave starts.

ShPP is available for up to 37 weeks of shared parental leave. (A total of 39 weeks ShPP is available, however as the mother/main adopter must take the first 2 weeks maternity or adoption leave, they will receive the appropriate rate of pay during this time in accordance with the applicable rate of maternity or adoption pay paid by the county council).

ShPP is paid at the current statutory rate (which can be found at: <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>) or 90% of your average weekly earnings* (whichever is lower).

**Your average weekly earnings will be calculated by HR Operations as an average of payments previously made to you during the 8 weeks prior to the end of the qualifying week. Calculations will be in accordance with The Statutory Shared Parental Pay (General) Regulations 2014.*

Any remaining entitlement to shared parental leave, beyond those where ShPP is available, is unpaid.

The maximum amount of shared parental pay you can receive is the current statutory rate.

Shared parental pay *may* be lower than any maternity or adoption pay you are alternatively entitled to, depending on when you choose to take the leave and pay*.

There is no entitlement to convert occupational maternity pay to shared parental pay.

Find out more by reading the maternity leave, pay and arrangements or adoption leave, pay and arrangements guidance.

*The rate of ShPP is the same as statutory maternity pay and statutory adoption pay. However, during the first six weeks, both statutory maternity and adoption pay are enhanced to be paid at 90% of your average earnings (with no maximum). Occupational maternity pay is available to eligible employees during the first 18 weeks.

6. Further guidance

6.1 Returning to work

You have the right to return to work after shared parental leave if you wish to do so. If you are not able to return to your job because of redundancy, you are entitled to be offered a suitable alternative vacancy where one exists.

If you're returning on the date agreed, you don't need to do anything. If you want to change the dates, you will need to provide appropriate notice of the changes. See 2.3.

Flexible working arrangements

You may wish to consider requesting flexible working arrangements for your return to work. You may be able to agree arrangements that suit you by using discontinuous periods of leave and/or SPLIT days (see 4.1). This is why early discussions with your manager may be helpful when you are planning your leave.

If you want to change your working arrangements on an on-going basis, view the flexible working guidance to find out more and to help you consider your options. All requests to work flexibly will be viewed positively. Please note that any change in your contract on your return from shared parental leave will be permanent and you will not have the right to return to your previous contract, unless a trial period is agreed.

If you decide you do not want to return to work following shared parental leave, you should give notice in accordance with your normal notice period.

6.2 No longer caring for the child

If you have booked shared parental leave and will no longer be responsible for caring for the child, you no longer have an entitlement to shared parental leave or pay and you must inform your manager of the change in circumstances.

6.3 Shared parental leave and your employment contract

While you are on shared parental leave, your employment service is regarded as continuous. This means you continue to build up your entitlement to benefits such as annual leave and sick pay entitlements. Entitlement to any salary sacrifice benefits,

such as childcare vouchers also continues when you take shared parental leave.

Find out more about annual leave and shared parental leave by viewing the guidance about leave.

6.4 Impact on your pension

If you are a member of the **Local Government Pension Scheme (LGPS)**, the amount of pension you build up won't be affected by any period of shared parental leave. This means that if you have a period of reduced pay or no pay during shared parental leave, your pension is still worked out using an average of your usual pensionable pay.

If you are a member of the **Teachers Pension Scheme (TPS)** and are receiving pay during your shared parental leave then your pensionable service will continue and your contributions will be based on the pay you get while you're on leave. If you're not receiving pay, however, you cannot choose to continue to make pension contributions during the unpaid period of leave – these days will be regarded as 'excluded days'. More information about the TPS can be found on the TPS website

If you are a member of the **National Health Service Scheme (NHS Pensions)**, please refer to the paid and unpaid leave guidance on the NHS Pensions website. This website is being updated to reflect any changes due to the 2015 Scheme.

If you choose to take any additional unpaid leave, see the guidance on pension contributions and unpaid leave.

6.5 The stillbirth or death of a child

If the child dies before you have submitted a notice of entitlement to take shared parental leave, you can not opt into shared parental leave because a qualifying condition is caring for a child. If you are the mother, you will still be entitled to the benefits of maternity leave and pay.

If you are affected by miscarriage, stillbirth or death of a baby, a range of useful services and resources are available from employee wellbeing. A staff counselling service is also offered.