

HR Guide: Shared Parental Leave

Version: 1.4

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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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Related HR links

Maternity, Adoption, Paternity and Shared Parental Leave

Version Control

Version Number	Effective Date	Details of Last Revision
1.0	11/11/14	New guide as a result due to the introduction of Shared Parental Leave.
1.1	1/8/19	Updated terminology.
1.2	25/9/20	Updated to align with Accessibility Regulations.
1.3	25/1/22	Updated link to new Connects.
1.4	17/8/22	Moved to accessible template.

Equality Impact Assessment: tbc

Prepared by: HR Team

1. What is Shared Parental Leave?

- 1.1 Mothers, fathers and partners of mothers of children due on or after 5 April 2015, or adoptive parents who are notified of having being matched with a child on or after 5 April 2015 have the right to opt to take Shared Parental Leave (SPL).
- 1.2 Opting in to take SPL means that eligible mothers, fathers or partners may elect to share up to 50 weeks' SPL within the first year of the child's life provided that the mother/principal adopter has reduced or agreed to reduce her entitlement to Maternity/Adoption Leave and Pay. The mother/principal adopter can share their leave with only **one** other person.
- 1.3 Employees who are eligible can therefore choose to end Maternity or Adoption Leave/Pay and commence Shared Parental Leave/Pay. This HR Guide provides further information on eligibility for SPL and when leave/pay entitlements.

2. Who can take Shared Parental Leave?

- 2.1 The amount of leave available is calculated using the mother/principal adopter's entitlement to Maternity/Adoption Leave (52 weeks), and to qualify for SPL, a mother/principal adopter must:
 - have a partner
 - be entitled to either maternity/adoption leave or to Occupational/Statutory Maternity/Adoption Pay or Maternity Allowance
 - have reduced or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave)
- 2.2 A parent intending to take SPL must:
 - be an employee
 - share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption
 - have properly notified their entitlement and intention to take SPL, complying with the Shared Parental Leave process (set out below), and provided the necessary declaration and evidence
 - have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth/or at the point of being notified they have been matched with a child, and still be employed at the start of the leave period (the 'Continuity of Employment test')
- 2.3 The partner must:
 - have worked for 26 of the 66 weeks before the week the baby's due/matching date and earned at least £390 (as of 2022) in total in 13 of the 66 weeks (add up the highest paying weeks, they do not need to be in a row) (the 'Employment Earnings' test).

- 2.4 Sometimes only one partner will be eligible for SPL, this means that you cannot share leave, however the eligible person will still be eligible to take SPL.

3. When can I take Shared Parental Leave?

- 3.1 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 the child for adoption, and it must end no later than 12 months after that date.
- 3.2 The maximum amount of leave that can be shared is 50 weeks.
- 3.3 Requests for a single continuous block of a number of complete weeks will be granted.
- 3.4 An employee taking Shared Parental Leave (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.
- 3.5 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' ShPP pay.
- 3.6 You must give you at least 8 weeks' notice before a block of leave begins.
- 3.7 SPL can start for the partner while the mother or adopter is still on maternity or adoption leave as long as she has given binding notice to end her leave (or pay if she is not entitled to leave).

Example A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. She decides that she will take 16 weeks of maternity leave and gives you notice.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

- 3.8 The Application form for Maternity Leave/Pay and Application for Adoption Leave/Pay provide this option at 'Part 3'.

4. How long can Shared Parental Leave last?

- 4.1 The minimum period is one continuous week, and the maximum period is 50 weeks.
- 4.2 Employees are only entitled to a maximum of 50 weeks' SPL regardless of the number of children born as a result of pregnancy or the number of children placed under the same adoption arrangement.

5. What will I be paid during Shared Parental Leave?

- 5.1 The mother and father or partner will, together, be entitled to Shared Parental Pay (ShPP) for up to 37 weeks (the mother/principal adopter must take the first 2 weeks as Maternity/Adoption Pay).

The rate for ShPP is set by the government and details of the rate can be found on www.gov.uk/shared-parental-leave-and-pay-employer-guide.

- 5.2 Enhanced Statutory/Occupational Maternity/Adoption Pay during the first 18 weeks of Maternity/Adoption Pay is only available to the mother/principal adopter during Maternity/Adoption Leave, and all ShPP will be paid at the current rate of Statutory Maternity/Adoption Pay.

6. How do I notify the Council of my intention to take Shared Parental Leave?

- 6.1 If you wish to take Shared Parental Leave you must provide the Council with at least 8 weeks' notice of this. This should be done by completing the 'Application for Shared Parental Leave' form and passing this to your line manager for authorisation. An employee may change their mind about opting into SPL but notice to take SPL cannot be withdrawn unless it was submitted before the birth and is withdrawn up to 6 weeks following the birth.

- 6.2 The mother or principal adopter can cancel their decision to end Maternity/Adoption leave if; the planned end date has not passed, and they have not already returned to work. One of the following must also apply:

- it is discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP
- the employee's partner has died
- it is less than 6 weeks after the birth (and the mother gave notice before the birth)

7. What do I do if I want to return to work early?

- 7.1 Where employees intend 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. This should be done using the 'Early Return to Work' form following Shared Parental Leave'. The Early Return to Work form should be returned to the Resourcing team.

8. What are my rights during Shared Parental Leave?

- 8.1 In addition to the facility (as agreed by the Council) to work up to 10 'Keeping in Touch' (KIT) days during their maternity/adoption leave, parents and partners on SPL may work up to 20 'Shared Parental Leave in Touch' (SPLIT) days during the SPL period without bringing it to an end. 'Work' includes any work done under the contract of employment and may include training or any activity aimed at keeping in touch. The 'Completed KIT/SPLIT Day' form should be sent to payroll following completion of any KIT/SPLIT days.

9. Returning to work

- 9.1 The manager should notify the Resourcing team when the individual has returned back to work.