

## Introduction

The Council's/School's family friendly policies recognise the commitment staff have to other members of their family and have established a number of policies for family situations.

The policy considers shared parental leave/pay.

## Aims of Policy

To provide a clear process for employees and managers which is in line with approved Council procedures and relevant legislation.

## Scope

This policy applies to all employees with the exception of those employees working in maintained schools under the direct control of a School Governing Body.

## School Based Employees

Newport City Council commend this policy to individual Governing Bodies for adoption. If adopted by a Governing Body, the policy will apply to all employees under the direct control of that Governing Body.

## To be read in conjunction with

[Family Friendly Policies](#)

[Leave of Absence Policy](#)

[Work life Balance Policy](#)

## POLICY

**Shared Parental Leave/Pay**

Shared parental leave is available to parents with babies due on or after 5 April 2015. It enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Shared parental leave is also available to employees having a child placed for adoption with them (or in the case of an adoption from overseas, having a child they are adopting enter Great Britain) on or after 5 April 2015.

If it is the mother/adopter who is employed by the Council, her partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their own employer, which may have its own shared parental leave policy in place. Similarly, if it is the partner who is employed by the Council, the mother/adopter must (where relevant) submit any notifications to take shared parental leave to their own employer.

The mother/adopter and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

The Manager/Head Teacher is responsible for ensuring all information is sent on immediately to Employment Services.

*For the purposes of the policy, please read the following:*

- *For mother also read adopter*
- *For maternity leave also read adoption leave*
- *For birth also read the date at which the child is placed for adoption*
- *For expected week of childbirth also read notified of having been matched for adoption.*

**Amount of shared parental leave available**

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Manager / Head Teacher is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the Manager / Head Teacher's agreement). A maximum of three requests for leave per pregnancy can be made by each parent.

The first two weeks following birth are the compulsory maternity leave period i.e. the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them.

The mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (however they should bear in mind that they are entitled to take up to two weeks' ordinary paternity leave following the birth of the child, which they will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of birth.

### **Eligibility for shared parental leave**

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

#### ***Mother's eligibility for shared parental leave***

The mother is eligible for shared parental leave if she:

- has at least 26 weeks' continuous local government employment ending with the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental leave that she takes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave in respect of the child; and
- complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

#### ***Partner's eligibility for shared parental leave***

The partner is eligible for shared parental leave if he/she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental leave that he/she takes;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;

- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

### Notice requirements for shared parental leave

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting.

The notice periods set out below are the minimum required by law. However, the earlier the employee informs their Manager / Head Teacher of his/her intentions, the more likely it is that they will be able to accommodate the employee's wishes, particularly in relation to periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time.

### ***Mother's notice curtailing maternity leave***

Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave (by giving the required eight weeks' notice of her planned return) or provide her Manager / Head Teacher with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

- after the compulsory maternity leave period, which is the two weeks after birth;
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her Manager / Head Teacher; and
- at least one week before what would be the end of the additional maternity leave period.

The mother must provide her maternity leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention.

#### ***Revocation of maternity leave curtailment notice***

The mother can withdraw her notice curtailing her maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:

- it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died

#### ***Employee's notice of entitlement and intention***

The employee, whether the mother or the partner, must provide their Manager/Head Teacher with a nonbinding written notice of entitlement and intention at least eight weeks before the start date of the first period of shared parental leave. This notice must provide essential information including details of both the mother and partner, the leave to be taken and a declaration by **both** parties that they meet the eligibility criteria. An employee should provide this information by completing the “*Notice of Entitlement and Intention to Take Shared Parental Leave*” (see appendix 1).

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, Employment Services can request from the employee:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

The employee has 14 days from the date of the request to send Employment Services the required information.

#### ***Variation or cancellation of notice of entitlement and intention***

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that he/she provides their Manager/Head Teacher with a written notice. The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);

- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make. An employee should complete the “*Notice to Take or Vary a period of Shared Parental Leave*” (see appendix 2)

#### ***Employee's period of leave notice***

To take a period of shared parental leave, the employee must provide their Manager/Head Teacher with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

#### ***Variation or cancellation of period of leave notice***

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides their Manager/Head Teacher with written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence.

The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

#### ***Limit on number of requests for leave***

The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy, although the Manager/Head Teacher may waive this limit in some circumstances.

#### **Continuous period of shared parental leave**

If the employee submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave.

#### **Discontinuous periods of shared parental leave**

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate

childcare responsibilities. If the employee submits a discontinuous periods of leave notice, the Manager/Head Teacher, within the two weeks beginning with the date the period of leave notice was given, must either:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify their Manager/Head Teacher of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the Manager/Head Teacher has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a discontinuous periods of leave notice. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

#### **Amount of shared parental pay available**

The Council pays employees, with the required one year's service, 9/10ths pay during the first 6 weeks' shared parental leave, followed by 50% of their pay plus statutory shared parental pay for 12 weeks' shared parental leave and the remaining 21 weeks at the SSPP rate.

Teachers will receive full pay for the first 4 weeks. For the following 2 weeks they will receive 9/10ths pay; the next 12 weeks, they will be paid at 50% of their pay plus SSPP. During the remaining 21 weeks, the employee shall receive SSPP.

This total will reduce if the employee has already benefited from enhanced maternity pay in relation to the same child. Employees who take a period of maternity leave followed by one or more periods of shared parental leave are entitled to a maximum of 6 weeks' at 9/10ths pay and 12 weeks' at 50% pay, when any periods of enhanced maternity and shared parental pay are combined.

Occupational Shared Parental Pay (OSPP) is paid on the understanding that the employee will return to local authority employment, therefore, an employee will be required to repay payments made in excess of Statutory Shared Parental Pay during the 12 weeks at 50% if they do not return to work. OSPP will also have to be repaid if the employee leaves local authority employment within 3 months after their return.

Statutory shared parental pay (SSPP) is available for eligible parents with up to 1 years' service to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents

will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends.

A total of 39 weeks' statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner.

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

### **Eligibility for statutory shared parental pay**

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

#### ***Mother's eligibility for statutory shared parental pay***

The mother is eligible for statutory shared parental pay if she:

- has at least 26 weeks' continuous local government employment ending with the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental pay that she gets;
- has normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which she receives
- statutory shared parental pay; and
- is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

In addition, for the mother to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks.

#### ***Partner's eligibility for statutory shared parental pay***

The partner is eligible for statutory shared parental pay if he/she:

- has at least 26 weeks' continuous local government employment ending with the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental pay that he/she gets;
- has normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- is absent from work and intends to care for the child during each week in which he/she receives statutory shared parental pay.

In addition, for the partner to be eligible, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

### Contact during shared parental leave

Before the start of an employee's shared parental leave their Manager / Head Teacher will discuss ways in which to keep in touch during their leave. This could involve keeping an employee updated on developments at work, information about job vacancies and discussing an employee's plans for returning to work.

If there are any major changes proposed to an employee's job or department whilst they are on shared parental leave, they will be consulted on these changes in the same way as all other staff, and may attend consultation meetings whilst on shared parental leave.

All current job vacancies are displayed on the website [www.newport.gov.uk/jobs](http://www.newport.gov.uk/jobs). However, if an employee wishes to have details of suitable vacancies sent to them whilst on shared parental leave they should indicate this on the form and they should discuss the definition of suitable vacancies with their Manager / Head Teacher before beginning their leave.

### Shared Parental Leave in Touch Days

An employee can agree to work for up to 20 days during shared parental leave without that work bringing the period of shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

'Work' is defined as any work done under an employee's contract of employment and may include attending training days or any other activity e.g. staff meetings undertaken for the purpose of keeping in touch with the workplace.

A Manager / Head Teacher has no right to require an employee to carry out any work during maternity leave and an employee has no obligation to undertake any work. Any work that is agreed will be paid for at the employee's normal rate (for teachers, this is based on one full day's work being 1/365th of full-time equivalent salary). The money earned is offset against the payment received in respect of SSPP / OSPP. If an employee does agree to undertake SPLIT days this will not extend the shared parental leave period by those days. If an employee goes over the 20 SPLIT days, they will lose a week's SSPP / OSPP for any week in which a day is worked.

### **Returning to work following shared parental leave**

Following shared parental leave, the employee has a right to return to work in which they were employed under their original contract of employment and terms and conditions not less favourable than those that would have been applicable if they had not been absent.

The employee is entitled to be offered a suitable alternative vacancy if, because of redundancy, it is not possible or practical for them to return to their job. There may also be circumstances of general reorganisation (which would have occurred if they had not been absent) that would necessitate a change in their original job. In such cases the employee will be subject to the provision of the Council's [Job Security Policy](#).

The alternative post offered in both these circumstances should be suitable to the employee, appropriate to the circumstances and in the same capacity. The terms and conditions of employment should not be substantially less favourable to the employee than if they had been able to return to their original job.

An employee must inform their Manager / Head Teacher if they are unable to return to work after the end of their shared parental leave due to ill health by following their Section's/School's agreed procedure for reporting absence. An employee's absence, if they postpone their return to work because of ill health, will be covered by the occupational sickness scheme and the Council's/School's [Wellness at Work Policy](#) will apply.

Interruptions to work (due to industrial action or other reasons), where it is unreasonable to expect the employee to return on the notified day, may result in their return being postponed until work resumes or it is reasonably practical for them to return.

An employee must give the normal notice period required under their terms and conditions if they do not intend to return to work after their shared parental leave period, unless they have already done so prior to commencing their shared parental leave.

### NOTICE OF ENTITLEMENT AND INTENTION TO TAKE SHARED PARENTAL LEAVE

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

#### **BASIC DETAILS:**

Employee Name:	
Are you the <b>mother / main adopter</b> of the child <b>or</b> the <b>partner</b> of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave	

#### **Notice of curtailment of maternity / adoption leave**

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby (or four weeks if you are employed in factory work).

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

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	
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#### **SHARED PARENTAL LEAVE DETAILS**

Maximum number of weeks of shared parental leave available (52 weeks)	
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minus the number of weeks taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates)	
Number of weeks of shared parental leave / pay <b>you</b> intend to take	
Number of weeks of shared parental leave / pay the <b>other parent</b> intends to take	

**SHARED PARENTAL LEAVE AND PAY DATES**

Please detail the start and end dates of the shared parental leave/ pay that <b>you</b> intend to take. This should tally with the number of weeks you have indicated above that you will take.	
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The above dates do not constitute a formal binding request at this stage. However, if you wish them to do so please indicate "Yes": **Yes / No**

If you indicate "No", then please complete **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

**DECLARATIONS****By the Employee**

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- I meet the eligibility criteria for shared parental leave

If appropriate:

- I meet the eligibility criteria for shared parental pay
- I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy
- I consent to you retaining and processing the information contained in this form

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

#### By the Employee's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks
- I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

- I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)
  
- I consent to you retaining and processing the information contained in this form

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### Notice to Take or Vary a Period of Shared Parental Leave

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** and have had your eligibility for shared parental leave confirmed.

Name of Employee	
Name of Partner	

### Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

### Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request

**We confirm that we agree to the request / variation outlined above.**

**SHARED PARENTAL LEAVE POLICY**

Signed: (Employee) \_\_\_\_\_ Date: \_\_\_\_\_

Signed: (Employee's Partner) \_\_\_\_\_ Date: \_\_\_\_\_

<b>Created By:</b>	Human Resources
<b>Date Created:</b>	May 2015
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<b>Current Version:</b>	V.2.1

**Document Control**

Version	Date	Author	Notes/Changes
V1	01/05/2015	Human Resources	Corporate Review and New Template
V1.1	01/10/2017	Human Resources	Version Control Added
V2	01/04/2020	Human Resources	Updated Policy Template
V2.1	20/12/2021	Human Resources	Re-establish link to bring in line with new Wellness at Work policy
e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text