



SHARED PARENTAL LEAVE POLICY

Version 1: November 2020

ABSTRACT

Peterlee Town Council complies with the Shared Parental Leave Regulations 2014, which provide a statutory right for an employee to take shared parental leave

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Corporate Services Manager

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1. Introduction

Peterlee Town Council complies with the Shared Parental Leave Regulations 2014, which provide a statutory right for an employee to take shared parental leave (SPL) in connection with the birth of a child, or placement of an adopted child born on or after 5th April 2015. This policy is supported by the maternity/Paternity/Adoption Policy to assist with work/life balance.

2. Aims

The aims of the policy are to explain:

- the provisions of shared parental leave
- who is eligible
- how to apply.

Please note that the principles behind Shared Parental Leave (SPL) are quite simple, the rules on how the system works can be very detailed and complex.

3. Scope

This policy applies to full and part-time members of staff.

4. Compliance

This policy is governed by the:

- Employment Rights Act 2002
- Children and Families Act 2014
- Shared Parental Leave Regulations 2014

5. Principles

Shared parental leave (SPL) is available to all members of staff and allows a other/primary adopter and her partner to share the responsibility of working and caring for a child provided that the mother/primary adopter returns to work prior to using all of her entitlement to maternity/adoption leave and/or statutory pay.

Shared parental leave is regarded as a period of unpaid leave. This may be taken at the same time or in different blocks.

6. Eligibility

To qualify for shared parental leave you must:

- be the child's mother or primary adopter
- be the biological father of the child
- be the mother's husband, or partner (including same sex relationships) or civil partner, or be the husband or partner (including same sex relationships) of the primary adopter
- have 26 weeks continuous service with Peterlee Town Council by the end of the 15th week before their baby is due or their adoption match date
- earn at least £120.00 per week, for 8 weeks before the 15th week of the expected birth or adoption match date
- still be working for Peterlee Town Council at the start of each block of leave taken

7. Entitlement

Eligible parents will be able to share a maximum of 50 weeks leave and 37 weeks statutory pay, for the purpose of caring for a child within the first year of the child's life or in the year after the child is placed for adoption.

Shared parental leave cannot be taken until after the birth/placing of the child and only applies to babies born or children placed on or after 5th April 2015.

Evidence of entitlement must be provided and include the following:

- a copy of the birth certificate
- the name and address of the partners employer (or a declaration that they have no employer)

Partners do not have to work for Peterlee Town Council, but they must satisfy minimum employment and earnings criteria (**continuity of employment test**), which include;

- worked for at least 26 of 66 weeks
- earned an average of at least £30 per week in any 13 weeks

For either parent to get SPL, the birth parent or primary adopter must do one of the following:

- End their maternity or adoption leave and return to work
- Give their employer notice to end their maternity or adoption leave early

The birth parent must still take at least 2 weeks' maternity leave (4 weeks if they work in a factory), by law. If both parents are eligible, they can choose how to use SPL between them, however, workers, including agency workers and zero hours contract workers are not entitled to SP but may be able to get **Shared Parental Pay**.

Statutory Shared Parental Pay (SSPL) is either of the following, whichever is the lower:

- £151.20 per week
- 90% of the employee's average weekly earning

8. Taking Periods of Leave

By law, each eligible parent has up to 3 times to either;

- Book a block of SPL (notice to take leave, form 2)
- Change the dates of booked SPL ('notice to vary leave', form 5)

Shared Parental Leave (SPL) must be taken in complete weeks. It can be taken:

- as one continuous block
- in multiples of complete weeks, the minimum that can be taken is 1 week

Provided that both parents qualify for SPL you can choose to take leave at the same time as your partner or you can take your leave separately.

You may take one or more periods of shared parental leave per pregnancy or adoption. You should discuss this with your manager in advance of submitting any formal period of leave notice. This will give more time to consider the request and hopefully agree a pattern of leave from the start. The request must be submitted at least 8 weeks before the requested leave date using the notification form 2

9. Cancelling Periods of Leave

Periods of leave may be cancelled by notifying us in writing at least 8 weeks before the start date in the period of leave notice and completing the cancel/vary form.

A notice to cancel/change a period of leave will count as 1 of your 3 periods of leave notice, unless the variation is a result of the child being born early or late.

If the employer requests the employee to change the dates of SPL booked and the employee agrees this would not count as a notice to vary leave.

10. Conditions of Employment

During a period of shared parental leave individuals will be entitled to the same terms and conditions that would have applied had they not taken the leave, with the exception of remuneration.

All shared parental leave will be:

- pensionable

- reckonable for incremental pay
- included in any probationary period.

11. Fraudulent Claims

The Council will, where there is a suspicion that fraudulent information may have been provided or where the Council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the disciplinary procedures. It will also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

12. Shared Parental Leave in Touch Days (SPLIT)

Whilst you are on leave we will keep you up to date with any relevant notifications, news or any updates you need to be aware of. You are entitled to up to 20 “shared parental leave in touch days” (SPLIT days), which need to be discussed and agreed with your line manager on how many you use and when you use them. These SPLIT days will be paid at your normal basic hourly rate of pay for the hours worked. These days can be useful for the employee to:

- keep up to date with work
- go to a work-related activity or training session
- work part of the week to help the team
- return from leave in a gradual way, i.e. taking 2 SPLIT days and working 3 days a week to start with

13. Right to Return

You have the right to return to the same job if you have been on shared parental leave plus any other type of leave for 26 weeks or less.

If you have been on leave for more than 26 weeks you have the right to return to the same job unless this is not reasonably practicable. If due to organisational change your role no longer exists, you would be managed in accordance with the organisational change policy.

Author of Policy;	Corporate Services Manager
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Appendix 1

Shared Parental Leave forms (Maternity)

Forms for the birth parent or mother and their partner to confirm Shared Parental Leave (SPL) and Shared Parental Pay (SPP) entitlement with their employers.

Forms below that need to be completed if...			
	both parents want to take SPL	just the birth parent wants to take SPL	just the partner wants to take SPL
Form 1	Yes	Yes	Yes
Form 2	Yes	Yes	No
Form 3	No	No	Yes
Form 4	Yes	No	Yes

- See advice on SPL and SPP at www.acas.org.uk/spl
- Parents can use the calculator at www.gov.uk/pay-leave-for-parents
- Parents and employers should keep a copy of any completed forms.
- Employers might have their own SPL forms for employees to use.
- If the birth parent is getting Maternity Allowance (MA), they need to notify Jobcentre Plus to curtail this entitlement.

Abbreviations used in these forms:

SPL	Shared Parental Leave
SPP	Statutory Shared Parental Pay
SMP	Statutory Maternity Pay
MA	Maternity Allowance

Appendix 2, Form 1, Curtailment of maternity leave and pay (for birth parent's employer – must be completed by birth parent/ mother)

SECTION A: General (must be completed)	
Please accept this as my notice to curtail my maternity leave and/or Statutory Maternity Pay (SMP). This form is accompanied by notification that either I or my partner intend to take SPL and/or SPP.	
I understand my maternity leave will end on the date given in Section B and my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B.	
I understand that I can only reinstate any SMP that I am eligible for if I revoke this notice before the end date given in Section C.	
Birth parent/ mother's last name	
Birth parent/ mother's first name(s)	
Expected date of child's birth	
Actual date of child's birth (if born)	
SECTION B: Curtailing maternity leave (must be completed)	
Start date of statutory maternity leave	
End date of statutory maternity leave	
Total number of weeks of statutory maternity leave taken by the date statutory maternity leave ends	
SECTION C: Curtailing statutory maternity pay (SMP) (only if claiming SPP)	
Start date of SMP	
End date of SMP	
Total number of weeks of SMP paid by date SMP ends	
SECTION D: Signature (must be completed)	
Signature of birth parent/ mother	
Date signed	

Appendix 3, Form 2, Notification that birth parent or mother is intending to take SPL (for their employer)

SECTION A:	
General (must be completed)	
Please accept this as notification that I (the birth parent/mother) am entitled to and intend to take SPL (and SPP if section C is completed).	
Birth parent/mother's last name	
Birth parent/mother's first name(s)	
Partner's last name	
Partner's first name(s)	
Partner's address	
Partner's National Insurance number (put 'none' if no number is held)	
Expected date of child's birth	
Actual date of child's birth (if child not yet born, provide this as soon as possible after the birth and before taking SPL)	
SECTION B:	
Maternity entitlement details (all answers that apply must be completed)	
Start date of statutory maternity leave	
End date of statutory maternity leave	
Total number of weeks of statutory maternity leave that will have been taken at the date statutory maternity leave ends	
Start date of SMP or MA	
End date of SMP or MA	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (39 weeks less total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
SECTION C:	
Amount of SPL available (must be completed)	
Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL I (the birth parent/mother) intend to take	
Total number of weeks of SPL my partner intends to take	

SECTION D:**Birth parent/mother's leave plans (must be completed but is not binding)**

I (the birth parent/ mother) currently expect to take SPL as follows:

[Note: It can help to answer this as 'from...to...']

SECTION E:**Amount of SPP available (only if claiming SPP)**

Total number of weeks of SPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notice and revocation)	
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Total number of weeks of SPP I (the birth parent/mother) intend to take	
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Total number of weeks of SPP my partner intends to take	
---	--

I (the birth parent/mother) currently expect to take SPP as follows:

[Note: It can help to answer this as 'from...to...']

SECTION F:**Birth parent/ mother's declaration (must be completed)****The following points apply in all circumstances where a mother is entitled to maternity leave:**

- I am giving notice that I am entitled to and intend to take SPL
- I have, or will have, been continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below)
- I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL
- I will inform my employer immediately if I am no longer caring for my child
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take SPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as SPP

- I will be absent from work in each week in which I will be paid SPP and I will be on SPL in those weeks (if entitled to SPL)
- I intend to care for my child in the weeks I receive SPP
- I will remain employed with this employer until before the date of my first period of SPP
- I will immediately inform the person who will be paying SPP if I revoke the curtailment of my SMP or MA
- The information provided in this declaration is accurate

Signature of birth parent/ mother	
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Date signed	
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**SECTION G:
Partner's declaration (must be completed)**

- I am the father of the child, or at the date of the birth I was (or will be) the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother)
- I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth
- I have (or will have) earned in total at least £30.00 in 13 weeks of the 66 weeks before the expected week of childbirth
- I consent to the amount of SPL which the mother intends to take, as set out in Section D above.
- I consent to the mother's employer processing the information I have provided
- I consent to the amount of SPP which the mother intends to take, as set out in Section E above.
- The information provided in this declaration is accurate

Signature of partner	
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Date signed	
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Appendix 4, Form 3, Notice confirming that partner is taking SPL but birth parent/mother is not (for birth parent/mother's employer)

SECTION A:	
General (must be completed)	
Please accept this as notification that I (the birth parent/ mother) do not intend to take SPL (or SPP where relevant) but that my partner will be.	
Birth parent/ mother's last name	
Birth parent/ mother's first name(s)	
SECTION B:	
Confirmation	
<ul style="list-style-type: none"> • I am either not entitled to SPL (or SPP, where relevant), or I do not intend to take SPL (or claim SPP, where relevant) • I declare that my partner has given notice to their employer to take SPL and/or SPP • I consent to my partner's claim for SPL and/or SPP 	
SECTION C:	
Signature (must be completed)	
Signature of birth parent/ mother	
Date signed	

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Appendix 5, Form 4: Notification that partner is intending to take SPL (for partner's employer)

SECTION A:	
General (must be completed)	
Please accept this as notification that I (the partner) am entitled to and intend to take SPL (and SPP if section C is completed).	
Partner's last name	
Partner's first name(s)	
Birth parent/ mother's surname	
Birth parent/ mother's first name(s)	
Birth parent/ mother's address	
Birth parent/ mother's National Insurance number (put 'none' if no number is held)	
Expected date of child's birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
SECTION B:	
Maternity entitlement details (all answers that apply must be completed)	
Start date of birth parent/ mother's maternity leave (if applicable)	
End date of birth parent/ mother's maternity leave (if applicable)	
Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends	
Start date of SMP or MA (if applicable)	
End date of SMP or MA (if applicable)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks SMP or MA will be reduced by (39 weeks less total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	

SECTION C:**Amount of SPL available (must be completed)**

The total number of weeks of SPL created depends on the birth parent/ mother's leave and pay entitlements.

- If the birth parent/ mother was/is entitled to maternity leave and SMP/MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the birth parent/ mother was/is entitled to maternity leave but not to SMP or MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the birth parent/ mother was/is not entitled to maternity leave but was entitled to SMP/MA, the total created will be 52 weeks less any weeks of SMP/MA that was paid
- If the birth parent/ mother previously revoked her curtailment notice any SPL that was taken by the partner must be deducted

Total number of weeks of SPL created (50 max)	
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Total number of weeks of SPL I (the partner) intend to take	
---	--

Total number of weeks of SPL the mother intends to take (if applicable)	
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SECTION D:**Partner's leave plans (must be completed but is not binding)**

I (the partner) currently expect to take SPL as follows:

[Note: It can help to answer this as 'from...to...']

SECTION E:**Amount of SPP available (only if claiming SPP)**

Total number of weeks of SPP created (39 weeks less total number of SMP/MA taken and any SPP paid from a previous notice and revocation)	
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Total number of weeks of SPP I (the partner) intend to take	
---	--

Total number of weeks of SPP the birth parent/ mother intends to take	
---	--

I (the partner) currently expect to take SPP as follows:

[Note: It can help to answer this as 'from...to...']

SECTION F:

Partner's declaration (must be completed)

The following points apply in all circumstances:

- I am giving notice that I am entitled to and intend to take SPL
- I am the father of the child, or at the time of the birth I was (or will be) the birth parent/mother's spouse, civil partner and/or partner living with them and the child in an enduring relationship
- I have been (or will be) continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) shared responsibility for the care of our child at the time of the child's birth (along with the child's birth parent/ mother who has made the declaration below)
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of the birth parent/ mother's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes their notice to curtail her maternity leave or SMP/MA period
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am giving notice that I am entitled to and intend to take SPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I intend to care for my child in the weeks I receive SPP
- I will be absent from work in each week in which I will be paid SPP and I will be on SPL in those weeks (if entitled to SPL)
- I will remain employed with this employer until before the date of my first period of SPP
- The information provided in this declaration is correct

Signature of partner

Date partner signed

SECTION G:

Birth parent/ mother's declaration (must be completed)

The following points apply in all circumstances:

- I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my partner who has made the declaration above)
- I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth
- I have (or will have) earned in total at least £30.00 in 13 weeks of the 66 weeks before the expected week of birth
- I will immediately inform my partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement
- I consent to my partner's intended SPL as set out in Section D above
- I consent to my partner's employer processing the information I have provided
- The information provided in this declaration is accurate and meets the notification requirements for SPL

The following points only apply if Section E has been completed:

- I am entitled to SMP or MA, and I have reduced (or will reduce) the SMP or MA period and the remainder will be available as SPP
- I consent to my partner's intended SPP as set out in Section E above
- I will immediately inform my partner if I revoke the reduction of my SMP or MA
- I consent to the person who will pay SPP to my partner or the child's father processing the information I have provided
- The information provided in this declaration is correct

Signature

Date signed

Appendix 6, Form 5: Notice to cancel or vary a Shared Parental Leave booking

For a parent who's eligible for Shared Parental Leave (SPL), and wants to cancel or change the dates of their SPL with their employer.

You must give your employer 8 weeks' notice to vary or cancel SPL.

Date

Dear [name of manager or employer].....,

[Note: use either A or B]

A. I am writing to cancel Shared Parental Leave (SPL) I'd booked for the following dates: from
.....[insert date/s].

I understand I have[insert remaining notices] of my 3 notices left to use.

To my understanding, I have [insert weeks] of my total SPL entitlement remaining.

B. I am writing to change the dates of Shared Parental Leave (SPL) I have booked. The original dates were from [insert date/s] for [insert weeks leave]..... weeks after the birth or adoption placement of my child.

The new date/s I wish to book are [insert date/s].....

I understand this counts as 1 of my 3 notices and that I have [insert remaining notices]
.....notices left to use.

To my understanding, I have [insert weeks] of my total SPL entitlement remaining.

Yours sincerely,

.....

Appendix 7, Notice to book continuous Shared Parental Leave

Date.....

Dear[name of manager or employer],

My current remaining entitlement to Shared Parental Leave (SPL) is weeks.

This notice is to book a period of weeks of SPL.

I will be taking a continuous period of leave from to

My current remaining entitlement to Statutory Shared Parental Pay (SPP) is weeks.

During my period of SPL I would like to receive weeks SPP.

I would like this paid from to

I understand this counts as 1 of my 3 notices to book leave and I have notices remaining.

Yours sincerely,

.....

Appendix 8, Notice to book discontinuous Shared Parental Leave

Date.....

Dear[name of manager or employer],

My current remaining entitlement to Shared Parental Leave (SPL) is weeks.

I would like to take a discontinuous leave in the following blocks [add as many dates as you are requesting]:

- from to

I understand that you do not have to agree to this and that if we do not reach an agreement within 14 days of the date I gave this notice, I must either withdraw the notice 15 days after the notice date or take the total amount of SPL requested in this booking as one continuous leave.

I understand my leave will begin on the start date of the first block of leave I requested unless I notify you within 19 days of the notice date of a different start date. [A new start date must be at least 8 weeks after the notice date.]

My current remaining entitlement to Statutory Shared Parental Pay (SPP) is weeks.

During my SPL I would like to receive weeks of SPP.

If the proposed period of SPL is agreed I would like to be paid SPP.....

[add as many dates as you are requesting]:

from to

I understand this counts as 1 of my 3 notices to book leave and I have notices remaining.

Yours sincerely,

.....