

## Wiltshire Council Human Resources

### Shared Parental Leave

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

This policy sets out the arrangements for eligible employees who wish to take shared parental leave (SPL). SPL is a statutory entitlement which enables parents/partners to choose to share the leave and pay of a mother/primary adopter in the year after their child's birth or placement for adoption for the purpose of carrying out the main caring responsibilities for the child that the SPL and pay relate to.

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### **Who does it apply to?**

This policy applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools) including employees on TUPE terms and conditions prior to 1 December 2014.

This policy may not apply to employees on TUPE terms and conditions who transferred after this date. These employees should refer to their terms and conditions of employment which applied on transfer.

### **When does it apply?**

Shared Parental leave applies to parents of children who are expected to be born or to be placed for adoption on or after 5 April 2015. One or both of the parents may work for the council but both parents must be eligible for SPL to apply. SPL and shared parental pay (ShPP) must be taken between the baby's birth and first birthday (or within 1 year of adoption).

### **When does it not apply?**

SPL will not apply to those parents who do not meet the eligibility criteria.

### **What are the main points?**

The intention of SPL is to allow parents/carers to be more flexible over how they decide to share childcare between them during the first year of their child's life or first year of adoption.

The maternity and adoption schemes will continue to be available to all eligible employees.

Shared parental leave will be created where an eligible mother or primary adopter chooses to bring their maternity or adoption leave to an end early. The untaken weeks of maternity or adoption leave can be taken as shared parental leave if the mother/primary adopter or their partner is eligible for this – up to a maximum of 50 weeks (calculated as 52 weeks minus 2 weeks of compulsory maternity/adoption leave for the mother/primary adopter).

Statutory shared parental pay (ShPP) will be available where an eligible mother or primary adopter chooses to bring their maternity or adoption pay or maternity allowance to an end early. The untaken maternity or adoption pay or maternity allowance will become available as statutory shared parental pay – up to a maximum of 37 weeks (calculated as 39 weeks minus 2 weeks of compulsory maternity/adoption leave for the mother/primary adopter)

In contrast to maternity/adoption and paternity leave, eligible employees will be able to stop and start their SPL and return to work between periods of leave. Both parents will also be able to take SPL at the same time.

This policy applies to employees of Wiltshire Council only and is based on the statutory SPL regulations 2014. The entitlement to SPL is dependent on both parents meeting the eligibility criteria and requirements of the statutory SPL regulations. If one of the parents is employed by another organisation it is essential that they refer to that organisation's SPL policy and ensure that they comply with this (including the requirement to submit separate notices to the organisation they are employed by) and the requirements of the statutory SPL regulations.

### **Shared Parental Leave**

1. The entitlement to SPL is 50 weeks which can be shared between both parents providing you are both eligible and comply with the notification procedures. The amount of entitlement to SPL will reduce in line with any maternity/adoption leave that has been taken prior to SPL.
2. The current 2 week period of compulsory maternity leave and compulsory adoption leave will continue to be reserved for the mother after the birth of the baby or in the case of adoption the primary adopter.
3. SPL is only available to two people (referred to in this document as the 'parents'). These two people are the birth mother/primary adopter (who is eligible for maternity/ adoption leave and/or pay) and a partner who is:
  - The child's father or
  - The mother/primary adopter's spouse or civil partner or
  - The mother/primary adopter's partner who is living with the mother/primary adopter and child in an enduring relationship. This does not include the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew etc

SPL is inclusive of same sex partners.

4. SPL and pay will also be available to you if you are the intended parents in surrogacy arrangements who qualify for statutory adoption leave and/or pay.
5. You can take SPL as continuous or discontinuous blocks but leave must be taken in multiples of complete weeks (5 working days).
6. SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the day before the first birthday or first anniversary of placement for adoption is lost.

### **Qualifying for shared parental leave**

7. Both you and the other parent must meet the eligibility criteria for SPL, whether you work for the council or not. Your right for SPL is not only dependant on you satisfying your eligibility criteria, but is also dependant on the other parent satisfying certain conditions.
8. To qualify for SPL you must meet all the following criteria:
  - the mother/primary adopter of the child must be entitled to statutory maternity/adoption leave or, if not entitled to statutory maternity/adoption leave, they must be entitled to statutory maternity/adoption pay or maternity allowance and in both circumstances must have ended or given notice to reduce any maternity/adoption entitlements;
  - you must still be working for the council at the start of each period of SPL;
  - you must share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption and intend to care for the child in each week that SPL leave and pay is taken;
  - you must pass the 'continuity test' requiring you to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
  - the other parent must meet the 'employment and earnings test' requiring them, in the 66 weeks leading up to the child's expected due date/matching date, to have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
  - you must correctly notify the organisation of your entitlement and provide evidence as required.

9. If you are the mother/primary adopter and you are not entitled to maternity/adoption leave but you are entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), you will not be entitled to take SPL. However, your partner may be eligible for SPL but only if you curtail your entitlement to SMP, SAP or MA. The SPL your partner may be eligible for is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by you, as the mother/adopter.

### **Statutory Shared Parental Pay**

10. Where you, as the mother/primary adopter, agree to curtail your entitlement to the 39 weeks of statutory payments available under the maternity and adoption scheme and choose to take SPL, any remaining, untaken weeks, after the date of curtailment, of statutory pay out of the 39 week entitlement under these schemes will become available to you and your partner to share as statutory shared parental pay (ShPP).
11. However, if you are the mother/primary adopter, your entitlement to 2 weeks compulsory maternity leave and pay at the time of the birth and the requirement to take at least 2 weeks of adoption leave prior to curtailment, will reduce the number of week's entitlement to ShPP that can be shared to 37 weeks.
12. ShPP is paid at the basic statutory rate in line with the SPL regulations. If you are the mother/primary adopter you should check your entitlement to enhanced occupational payments under the maternity/adoption scheme and give careful consideration to any financial implications and timings relating to taking SPL.
13. Where you are entitled to receive ShPP you must give at least eight weeks notice in accordance with this policy before receiving any ShPP. The payment of ShPP cannot begin before the correct notices, declarations and evidence has been provided to your manager. This should be included in your notice of entitlement to take SPL.
14. You will need to agree with your manager your entitlement to SPL and how the leave and payments will be shared with the other parent prior to taking leave, and within the timescales set out below. You will need to ensure that the arrangements for leave and pay are co-ordinated with the other parent's employer.
15. Payment of ShPP will be made by the council to employees only. If the other parent works for another employer or they are self-employed,

they will need to make their own arrangements to claim their share of ShPP from their employer or the government.

### **Qualifying for Statutory Shared Parental Pay**

16. To be entitled to ShPP, both parents must meet the eligibility criteria for ShPP in relation to their separate employment, whether both parents work for the council or not.
17. To qualify for ShPP in addition to the qualifying criteria for SPL above you must meet the following criteria:
  - The mother/primary adopter must be entitled to SMP/ SAP or MA and have agreed to reduce their maternity/adoption pay/maternity allowance period. They must have some entitlement to these statutory payments outstanding to share. This should be at least a full week or more.
  - You must have average weekly earnings in the 8 weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date/matching date which are not less than the lower earnings threshold applicable in that week.
  - You must be absent from work on SPL (and intend to care for the child) during each week in which ShPP is paid (apart from in those situations where it is permissible to work e.g. Shared parental leave in touch (SPLIT) days (see below) or working for a different employer who already employed you in the relevant week).
  - You must remain in continuous employment until the first week of ShPP.
  - You must give proper notification as set out in this policy.
18. ShPP average weekly earnings calculations will be recalculated to take in to account any pay rises (including increments, annual pay awards or job re-gradings) which occur during the SPL period (including the unpaid SPL period). Any increase will be backdated to apply from the start of paid SPL.
19. If you are the mother and you are entitled to maternity leave and maternity allowance (not SMP) you may qualify for SPL but you will not be entitled to ShPP. However if your partner satisfies the qualifying conditions for SPL leave and pay and you choose to curtail your entitlement to maternity leave and pay, they would be entitled to take the balance of your maternity leave as SPL and the balance of your maternity allowance as ShPP.

### **Starting shared parental leave**

20. SPL can commence as follows:
- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child.
  - The primary adopter can take SPL after taking at least two weeks of adoption leave.
  - The partner can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as paternity leave and pay cannot be taken once any SPL is taken).

Parents are advised to check entitlements under the maternity/adoption/paternity policies prior to making a decision about when to take SPL.

21. If you are the partner of the mother/primary adopter you can take SPL while the mother/primary adopter is still using their maternity/adoption entitlements, where the mother/primary adopter has given notice to curtail their maternity/adoption entitlement and you have submitted the correct notifications outlined in this policy. This also means some mothers/adopters may remain on maternity/adoption leave where they decide that they do not themselves require any further periods of leave but they want to enable the other parent to take SPL.
22. Prior to taking any leave you must complete the notification process including providing the required declarations and evidence as outlined below.
23. Parents can make requests for a variety of different leave patterns through the notification and approval process outlined in this policy. It is possible for requests for SPL to include arrangements where leave is taken at the same time as the other parent and there could be times where both parents return to work between periods of SPL where alternative childcare has been arranged.
24. SPL will generally commence on your chosen start date specified in the details you provide in your leave booking notice, or in any subsequent variation notice (see below "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave").

25. You must let your manager know of any changes to your circumstances which may affect SPL including early births asap.

### **Notification of shared parental leave**

26. You must provide relevant notice to be able to take shared parental leave. The notice is made up of three elements, as follows:
- Notice 1 - a "maternity/adoption leave curtailment notice" must be provided by you, as the mother/primary adopter, setting out when you propose to end your maternity/adoption leave (unless you have already returned to work from maternity/adoption leave);and
  - Notice 2 - a "notice of entitlement and intention" this must be completed by both parents, giving an initial, non-binding indication of each period of shared parental leave that you are requesting; and
  - Notice 3 - a "period of leave notice" this must be completed by both parents, setting out the start and end dates of each period of shared parental leave that he/she is requesting.

### **Early discussion with your manager**

27. Minimum notice periods are set out below; however, the earlier you inform your manager of your intentions the better. This will allow for early discussions about potential leave.
28. The purpose of such a conversation is to allow your manager to get an idea of the type and pattern of leave you may be interested in taking, giving them time to consider how best to accommodate any forthcoming notice to book SPL. It can also be an opportunity to discuss what forms of discontinuous leave patterns could be accommodated.
29. If you have already decided on the pattern of SPL you would take, you can provide more than one type of notice at the same time. For example you could provide maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time.

### **Notices required for shared parental leave**

#### **Notice 1- Maternity/adoption leave curtailment notice**

30. If you are the mother/primary adopter you must, either return to work before the end of your maternity/adoption leave (by giving the notice required in the maternity/adoption policy. You will still need to give the



eight weeks' notice of SPL if you intend to take SPL) or provide your manager with a maternity/adoption leave curtailment notice at least 8 weeks before either you or your partner intend to take SPL.

31. The maternity/adoption leave curtailment notice must be in writing and state the date on which maternity/adoption leave is to end. The maternity/adoption end date must be:
  - after the compulsory maternity/adoption leave period, which is the two weeks after birth;
  - at least eight weeks after the date on which you gave the maternity/adoption leave curtailment notice to your manager; and
  - at least one week before what would be the end of the additional maternity/adoption leave period.
32. If you are the mother/primary adopter you must provide your maternity leave curtailment notice or declaration that you or your partner will take shared parental leave or pay at the same time as you provide your 'notice of entitlement and intention'.
33. Maternity/adoption leave can be taken at the same time as SPL providing the 'curtailment notice' and 'notice of entitlement and intention' has been completed and returned.
34. If you are the mother/primary adopter and you choose to end your maternity/adoption leave early by returning to work, rather than curtailing your maternity leave, you will not be able to restart your maternity/adoption leave although you may still be able to take SPL subject to eligibility and notice requirements.

#### Withdrawing a curtailment notice

35. If you are the mother/primary adopter, you can withdraw notice curtailing maternity/adoption leave in limited circumstances. The withdrawal of a maternity/adoption leave curtailment notice must be in writing to your manager and may be given only if you have not returned and;
  - it is discovered that neither you nor your partner are entitled to shared parental leave or statutory shared parental pay and you withdraw your maternity/adoption leave curtailment notice within eight weeks of the date on which the notice was given;
  - the maternity/adoption leave curtailment notice was given before the birth of the child and you withdraw your maternity/adoption leave curtailment notice within six weeks of the child's birth; or
  - your partner/other expectant parent has died.

## Notice 2 - Notice of entitlement and intention

36. Both parents, must provide a non-binding notice of entitlement and intention to their respective employers. You must provide this notice to your manager in writing at least 8 weeks before the start date of the first period of shared parental leave to be taken by you.
37. Your notice of entitlement and intention must cover specific information required under the statutory regulations. Please use the notification of entitlement and intention form provided on HR direct to ensure you provide all the required information.
38. Where there is a suspicion that fraudulent information may have been provided or where Wiltshire Council has been informed by HMRC that a fraudulent claim was made, the council will investigate the matter further in accordance with the disciplinary policy and procedures.
39. You will be required to provide the following information if requested by your manager within 14 days of receiving a notice of entitlement and intention:
  - the name and business address of the other parent's employer (where this person is no longer employed or is self-employed their contact details must be given instead)
  - in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
  - in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which you were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
40. In order to be entitled to SPL, you must produce this information within 14 days of your manager's request.

## Variation or cancellation of notice of entitlement and intention

41. Although non-binding, should you become aware of any changes to speculative dates of leave provided in your original notification, you should inform your manager in writing as soon as possible of the proposed changes, along with a declaration signed by the other parent that they agree to the variation.

42. These variations will allow for early discussions with your manager about potential leave patterns.

43. There is no limit on the number of variations of notice of entitlement and intention speculative leave dates that you can make.

#### Notice 3 - Period of leave notice

44. You must provide a written notice setting out the start and end dates of each period of SPL requested in that notice to your manager.

45. 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.

46. SPL can be taken in either continuous or discontinuous blocks but it must be taken in multiples of complete working weeks and before the child is one or within a year of adoption.

47. *Continuous leave* means taking an unbroken period of leave. For example, this could be a notification for a period of six weeks' leave. Eligible employees have a statutory right to take SPL in this way providing it does not exceed the number of weeks available to them through SPL. The request will be approved, unless alternative dates are agreed, providing the necessary notice has been given.

48. *Discontinuous leave* is a period of leave that is arranged around weeks where you will return to work eg an arrangement where an employee will work every other week for a period of three months.

49. Discontinuous leave is subject to agreement and may either be approved, refused or different dates suggested.

#### Discussion with your manager

50. You may already have had preliminary discussions with your manager about your intentions to take SPL but your manager may arrange to meet you for further discussions at this point, particularly in respect of discontinuous periods of leave, to discuss whether leave can be approved or whether alternative dates can be agreed.

51. Although this discussion should be as informal as possible, you may be accompanied by a workplace colleague, trade union representative or even a personal friend or family member.

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

52. You have an entitlement to a total of 3 notifications of leave requests which are made up of the following types:-
- A notice to book continuous or discontinuous periods of leave that is not withdrawn on or before the 15<sup>th</sup> calendar day following submission.
  - Any notice from you to vary periods of previously arranged and agreed leave.

53. Both parents should ensure that notifications of leave cover the full shared leave entitlement that they have decided to take.

### **Responding to an SPL notification of leave**

54. All notices for continuous leave will be confirmed in writing.
55. All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to you and to the organisation against any adverse impact to the service.
56. Within 14 calendar days of submitting a notification of leave request you will receive written notification that:-
- it has been approved with confirmation of the start date of SPL, or
  - it has been refused, or
  - alternative dates are suggested.
57. If within the 14 calendar days, no agreement is reached **or** your manager refuses the discontinuous leave notification **or** you have not received a response to a discontinuous leave notification (and you have checked that a response has not been received), the following default provisions will apply:
58. Within 14 calendar days of the original notification:-
- the total amount of leave in the discontinues request must be taken as one continuous block. You will then have to decide whether to take the leave as a continuous block or to withdraw the request.
59. Within 15 calendar days of the original notification:-
- if no agreement is reached, you may withdraw your discontinuous leave notification. You must provide this in writing to your manager within 15 days of the original notification.

- if you do withdraw the request it will not count as one of your three notices to book leave.
  - if you do not withdraw your request, the discontinuous leave notification automatically defaults to a period of continuous leave.
60. Within 19 calendar days of the original notification:-
- you can choose when the continuous leave will commence but it cannot start sooner than eight weeks from the date the original notification was given. You must provide this in writing to your manager within 19 days of the original request.
  - if you do not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started.
61. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

#### **Varying or cancelling periods of booked SPL**

62. You may wish to vary or cancel a period of booked leave and will be required to do so in writing as least 8 weeks before the dates you are looking to vary begin.
63. If the variation or cancellation is received less than 8 weeks before the period of leave then it may not be possible for the leave to be varied or cancelled and you would have to take the original request for leave.
64. A notice to vary booked SPL will count as a further notification. Therefore if you had originally agreed the leave as part of your first notice to book SPL, cancelling or varying the leave would count as a second notification, meaning you would only have one more notification to use any remaining leave
65. There may be instances, providing you are in agreement, where your manager proposes a variation to leave, this would not count as a further notification and this should be confirmed in writing.

#### **Multiple Jobs**

66. If you have multiple jobs, and meet the criteria for SPL and/or ShPP in those other jobs, then you can take SPL leave and pay from the other employer as well.

67. If you are the mother/primary adopter and you are entitled to maternity/adoption leave from the council and another employer you must ensure that the curtailment date for maternity/adoption entitlement is the same for both employers. SPL leave and/or pay can only be created if the mother/primary adopter gives all of her employers who are liable to give her maternity/adoption leave or pay notice at the same time. This applies also if you have 2 or more roles with the council.
68. A mother cannot still be on maternity leave in one job and on shared parental leave in another job, because she must curtail all her maternity leave entitlement (from both jobs) for any entitlement to shared parental leave to arise
69. The number of weeks of shared parental leave is calculated by deducting the maximum number of weeks that the mother/primary adopter has taken (i.e. the higher total length of absence, even if it is with different employers) from the 52 week SPL entitlement.

#### **Working during shared parental leave (SPLIT days)**

70. You can work during SPL on a 'shared parental leave-in-touch' (SPLIT) day without bringing SPL to an end or losing ShPP. This is in addition to the 10 KIT days available to the mother/primary adopter under the maternity or adoption policy ([LINKS](#)).
71. It is possible to work for up to 20 SPLIT days during SPL leave. Working for part of a day will count as one SPLIT day e.g. coming in to work one hour in a day will count as one whole SPLIT day. Both you and your partner are entitled to 20 SPLIT days each.
72. SPLIT days must be agreed by you and your manager and are an optional arrangement on both sides. Managers are not obliged to provide SPLIT days and you do not have to work on such a day if you do not wish to do so. Before a SPLIT day is worked you must discuss with your manager the arrangements and basis on which the SPLIT day would be worked.
73. You will be paid for the actual hours which you work on the SPLIT day at your standard hourly rate. Working on a SPLIT day should not result in you receiving a weekly payment that is lower than the weekly rate of ShPP to which you would have been entitled. ShPP will be offset against SPLIT day payments during the period you are in receipt of ShPP.
74. Please note if you work over the 20 SPLIT days allowance (including any part of a day which counts as one complete SPLIT day) and are in

receipt of ShPP you will lose ShPP for the whole week in which you worked the additional day/s.

75. SPL will not be extended due to the fact that some work has been carried out during this period.
76. If any KIT days have been taken during any period of maternity/adoption leave this will not affect entitlement for 20 SPLIT days.
77. A **FORM** should be completed and sent to [HR payroll and administration team](#) where a SPLIT day/s is to be worked.

### **Contact during shared parental leave**

78. Managers are entitled to make reasonable contact with you during SPL to discuss such issues as the return to work or flexible working arrangements that might make a return to work easier. This does not constitute a SPLIT day and therefore would not count towards the 20 SPLIT days.

### **Returning from shared parental leave**

79. If you are the mother, you are prohibited from working for two weeks after your baby is born.
80. It will be assumed that you will return to work on the next working day after the date it has been agreed that your SPL will end and which you have been formally advised of in writing. (This can relate to a single period of leave or the end of entitlement to SPL)
81. If you wish to return to work earlier than this, you must provide the council with written notice to vary the leave and give 8 weeks' notice of your early return date. This will count as one of your 3 notifications. If you have already used your three notifications to book and/or vary leave then your manager does not have to accept the notice but may do so if it is considered to be reasonably practicable to do so.
82. Managers should make sure that a [Change of employee job details form change form 50kb](#) is completed for all employees returning to work from SPL to make sure that the correct changes are made to salaries. Forms should be sent to the [HR Payroll and Administration Team](#).
83. Employees who are unable to return to work at the end of their SPL because of illness will be entitled to sick pay, in accordance with the sickness absence management policy, providing the sickness reporting procedures are followed.

84. In this event managers should complete the [Change of employee job details form change form 50kb](#) and enter the details the sickness absence on [SAP](#) via MSS. For further details see the [guidance for managers to sickness absence management](#)

### **Early Births**

85. If your child is born before their expected due date and you have booked to take SPL within the first eight weeks of the due date, you may take the same period of time off after the actual birth without having to provide eight weeks' notice, by submitting a notice to vary your leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of your three notifications.
86. Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave.
87. If your child is born more than eight weeks before the due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give eight weeks' notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

### **Death of the child before or during birth, or within the first year**

88. In the event of the death of the child before a notice of entitlement to take SPL has been submitted, there will be no entitlement to SPL as a qualifying condition is caring for a child. If you are the mother you may remain entitled to maternity leave and your partner could still qualify for statutory paternity leave dependant on date of death. Please see maternity policy for more details. [LINK](#)
89. If you have opted into SPL and have booked leave, you will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.
90. An employee who is absent on SPL may cancel agreed SPL and return to work by giving their employer eight weeks' notice of their return to work.

### **Contractual rights during shared parental leave**

91. Subject to certain exceptions (e.g. redundancy and re-organisation where suitable alternative employment may be offered ), employees



will have the right to return to the job in which they were employed, under the original contract of employment and on terms and conditions not less favourable than those which would have applied if they had not been absent.

92. The contract of employment continues during SPL. The terms and conditions relating to notice periods, redundancy rights and disciplinary and grievance procedures continue to apply. Contractual benefits, with the exception of terms relating to remuneration (wages and salary), are preserved during ordinary and additional SPL leave.

93. The council also provides the continuation of the benefits as outlined below:

#### **Child care vouchers**

94. If you are claiming for child care vouchers you will be able to continue to arrange for these during your SPL. For further details please contact [staffbenefits@wiltshire.gov.uk](mailto:staffbenefits@wiltshire.gov.uk).

#### **Annual leave and bank holidays**

95. You will continue to accrue annual leave entitlements during SPL. However, you are encouraged to take your annual leave entitlement prior to commencing your SPL, where your leave year ends during SPL (including annual leave that would accrue during SPL in that leave year). Unless operational requirements or exceptional circumstances e.g. early birth or sickness absence, prevent you from taking annual leave, any untaken annual leave can only be carried forward to the next leave period in line with the arrangements for all other employees, (i.e. a maximum of 5 days).

96. Where you decide not to return to work the date used to calculate your leave entitlement will be your last day of employment.

97. If you reduce your hours on your return to work your annual leave entitlement will be adjusted accordingly. This will be calculated from the date that the reduced hours commence.

98. If you resign during SPL and you have not taken your full leave entitlement, you will be entitled to pay in lieu of untaken leave. Payment will only be made in lieu of leave entitlement in the current leave year on a pro-rata basis to the last day of employment. If leave has been taken in excess of the contractual entitlement a repayment of the excess will be required.

99. During SPL you will accrue a leave entitlement for any bank holidays that fall in this period. Any bank holiday leave accrued will be pro rata

to contracted hours. This entitlement will not be lost if your leave year ends during SPL but the time off should be taken at the end of the SPL period. If you resign during SPL please see above in relation to pay in lieu of untaken leave.

#### Term time only employees

100. If you work on a term time only contract you are required to take your annual leave during periods of school closure.
101. You and your manager should calculate how much annual leave entitlement i.e. school holidays (closures) in the current annual leave year, you have had prior to SPL commencing and assess whether any additional annual leave is owed due to the accrual of leave during the rest of the current leave year on SPL.
102. Where SPL crosses over from one annual leave year to another, you and your manager should again ensure that any accrued annual leave on SPL in that leave year is offset against periods of school closure on return from SPL.
103. If there are insufficient school closures to accommodate outstanding annual leave you should either be allowed to take the leave during term time or carry leave forward in to the next leave year.

#### **Pension scheme**

104. Pension contributions during a period of unpaid SPL will not be paid unless you elect to pay these in the form of an Additional Pension Contribution (APC). You must confirm your decision whether to pay contributions via an APC for this period on the [Notification of start of maternity leave form \(ML1\) 848kb](#)
105. If you wish to pay an APC and elect to do so within 30 days of returning to work, you will fund 1/3 and Wiltshire Council as your employer will fund the other 2/3 of the cost. If you do not elect to pay an APC within 30 days of returning to work, you will solely be responsible for funding the pension contribution cost.
106. The HR payroll administration team will calculate your additional pension contribution and confirm this with you. The additional contribution will be deducted from your pay once you return to work over a period of time, or as a lump sum payment. A rough estimate of the costs can be calculated using the [LGPS 2014 online calculator](#)

107. If you do not elect to pay an APC, you will not pay pension contributions on the period of unpaid SPL and this period will not count towards your pensionable service.

### **Teacher's pensions**

108. If you are a member of the Teachers Pension Scheme (TPS), where you are in receipt of ShPP this will be counted as pensionable and pension contributions will continue to be deducted from your ShPP. Contributions will be based on the pay you get while you are absent. No contributions will be paid, by either you or the council, during any period of unpaid SPL and this will not be counted as pensionable employment. Further information on the teacher pension scheme please contact Teachers Pensions directly. (<http://www.teacherspensions.co.uk/>).

### **Employees who decide not to return**

109. Employees who decide not to return to work should resign in writing, giving the notice required by their contract of employment.

### **Additional unpaid leave**

110. Additional unpaid leave may be available to employees under the provisions of the council's [parental leave policy](#)

### **Right to request flexible working**

111. Employees who meet the qualifying conditions have a right to make requests in line with the [policy for flexible working](#).

### **Health and safety risk assessments for new and expectant mothers**

112. If you are a new or expectant mother, working in an environment such as an office, school, care establishment or library will not generally pose a risk to your health, or that of your unborn child. However, your manager should undertake a risk assessment as soon as you notify them of your pregnancy using the [New and expectant mothers risk assessment form risk assessment form for new and expectant mothers 954kb](#). This should be reviewed during the pregnancy and reassessed in the event that you return to work within six months of giving birth and / or notify them that you are breast feeding when you returns to work.
113. If your job involves heavy lifting or other risks you are advised to discuss this with [occupational health](#) and your Manager.

114. If you have a query or concerns about the effect of your work on your own, or your child's, health you should contact an [occupational health adviser](#)

## **Roles and responsibilities**

### **Employee responsibilities**

- To inform your manager as soon as possible of your wish to take SPL.
- To provide the required information in support of your request to take SPL by positively participating in discussions about dates and providing supporting information and evidence as required in line with the timescales outlined in the policy.
- To ensure the other parent also meets the eligibility for SPL and sends the correct notifications/documentation and evidence for SPL to their employer to meet their employer's requirements for SPL requests.

### **Line manager responsibilities**

- To apply this policy fairly and consistently to all employees.
- Seek early discussions with employees to give timely consideration to requests taking in to consideration service requirements with a view to coming to agreement on dates particularly in relation to requests for discontinuous leave.
- To ensure that the required information is provided and forwarded to HR payroll administration within the required timescales so that pay records can be amended.
- To ensure that appropriate cover arrangements are put in place
- Carry out a health and safety assessment

### **HR responsibilities**

- To process requests for SPL and ensure that the correct notifications, checks have been received, correspondence has been completed and that pay records are amended accordingly.

## **Frequently asked questions – see separate sheet**

### **Definitions**

"Mother" - the mother or expectant mother of the child.

"Partner" - the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This

includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Expected week of childbirth" - the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

## **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

### ***If appropriate:***

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

## **Legislation**

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

## **Advice and guidance**

If you require help in accessing or understanding this policy or completing any of the associated forms you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

## **Further information**

There are a number of related policies and procedures that you should be aware of including:

- Maternity Scheme
- Adoption Scheme
- Maternity support and paternity scheme
- Parental leave
- Time off for family emergencies and compassionate leave
- Parents and carers employment break scheme
- Annual leave and bank holiday entitlement policy

There is also a **toolkit** including manager guidance and supporting documents to use when following this policy and procedure.

For further information please speak to your supervisor, manager, service director or contact your HR case adviser.

Policy author	HR Policy and Reward Team – (Initials)
Policy implemented	DD-MM-YYYY
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