

Shared Parental Leave

Our Approach

Having a new child is an important and exciting time and Warwickshire County Council (WCC) wants to support colleagues during this period. This guidance sets out the qualifying criteria, entitlements to leave and pay and the steps to follow for employees wishing to take shared parental leave.

Shared Parental Leave gives parents flexibility to share the care of their child in the first year. Eligible parents sharing responsibility for a child can access Shared Parental Leave in the first year after:

- The birth of their children
- Adopting a child
- Getting a parental order if they have a child through surrogacy

If any further information or support is needed, we would encourage colleagues to talk to their line manager in the first instance. Line managers can seek additional advice from the HR Advisory Team.

This guidance is relevant to all employees of Warwickshire County Council (WCC) apart from those directly employed by schools and uniformed Fire officers (including Fire Control) where there is specific guidance and procedures which apply in these areas.

For ease the 'Useful Links' section at the end of this guidance provides links to relevant supporting guidance and other helpful information

Shared Parental Leave

Shared parental leave (SPL) enables the birth parent or primary adopter to end their maternity / adoption leave early and share the remaining weeks of leave with a partner. It is aimed at giving parents more flexibility over how they share childcare between them during the first year after birth or following adoption.

- Eligible parents can get up to 50 weeks of SLP.
- How much SLP eligible parents get depends on how much:
 - maternity leave the birth parent has taken
 - adoption leave the primary adopter has taken
- The birth parent or primary adopter can take up to 52 weeks of statutory maternity or adoption leave. They must take a minimum of 2 weeks' leave after the birth or adoption. After this they can end their leave so the remaining can be shared between the 2 parents. This leaves up to 50 weeks of leave to be shared. For example, if a birth parent stops their maternity leave after 30 weeks, they or their partner could take SLP for the remaining 22 weeks.
- SPL can be taken in one continuous block. Alternatively, employees can request to take SPL in discontinuous blocks of leave, separated by periods of work, but this will require

line manager agreement, subject to the needs of the service.

- If you are a partner, you can begin a period of SPL at any time from the date of the child's birth. However, you are entitled to take up to two weeks' paternity leave following the birth of your child, which you will lose if SPL is taken first.
- All SPL must be taken within the first 52 weeks following the birth of the child or within 52 weeks of the child being placed for adoption.
- The following sets out some examples of how SPL can be used:
 - the birth parent or primary adopter returns to work early from maternity or adoption leave and takes shared parental leave at a later date
 - the birth parent or primary adopter returns to work and their partner takes shared parental leave
 - both parents are off at the same time
 - both parents share shared parental leave evenly and are off at different times
 - both parents return to work at the same time and take shared parental leave at a later date
- It is important employees follow the notice requirements as outlined in this guidance or entitlement to take SPL may be lost.

Qualifying for Shared Parental Leave:

- To use shared parental leave, there must be 2 parents / partners sharing responsibility for the child from:
 - the birth date in the case of birth parents
 - the child's due date or birth date if using a surrogate
 - the date the child is placed, if adopting or fostering to adopt
- If you qualify and choose to opt into SPL, the employee or partner will need to end their Maternity or Adoption Leave.
- To qualify for SPL the employee must:
 - have worked for WCC for at least 26 weeks by the end of the 15th week before the baby's due date, or the week matched with a child for adoption and;
 - be employed by WCC in the week before the SPL is taken.
- Also, the other parent/partner must:
 - have been employed for 26 weeks out of the 66 weeks before the week the baby is due to be born, or the week matched with a child for adoption, and;
 - have earned at least £30 a week on average during any 13 of those weeks.
- If the employee's partner hasn't been working or is self-employed they won't be entitled to take SPL. They might still meet the qualifying criteria to allow the employee to take it though.

- Employees can use the government online calculator to check if they qualify www.gov.uk/pay-leave-for-parents.

Shared Parental Leave Pay

To qualify for Statutory Shared Parental Leave Pay (ShPP), both parents need to meet the eligibility criteria for Shared Parental Leave detailed above.

- Eligible parents can get up to 37 weeks of ShPP.
- Employees and workers can claim ShPP for any remaining weeks after the birth parent or primary adopter stops their:
 - maternity pay
 - adoption pay
 - Maternity Allowance
- The birth parent or primary adopter can take up to 39 weeks of statutory maternity or adoption pay. They must take a minimum of 2 weeks' pay after the birth or adoption. After this they can end their pay so the remaining can be shared between the 2 parents. This leaves up to 37 weeks of pay to be shared.
- Employees also need to have earned at least £120 a week in the eight weeks before the 15th week before the baby's due, or the week they're notified of the adoption placement.
- If the employee qualifies for ShPP they'll still be paid in the normal way for the period that they're entitled to.
- ShPP is paid that the current government weekly rate or 90% of the employees' average weekly earnings, whichever is lower. The government rate is usually reviewed each year.
- If the employee makes any changes to their share leave dates, the line manager should contact Payroll via the [HR Service Desk](#) as soon as possible to ensure any payments made are correct.

Shared Parental Leave

Our Process

1. Notice to End Maternity Leave or Adoption Leave

If the employee is the birth parent or the Primary Adopter of the child, they will need to tell their line manager that they want to end their Maternity Leave or Adoption Leave early. Employees can do this by completing the *SLP Form 1 – Maternity or Adoption Curtailment*.

The employee must give at least eight weeks' notice but can choose to provide notification earlier than this.

Colleagues will need to think carefully before submitting a maternity leave curtailment notice. Once an employee has ended their Maternity or Adoption Leave, they can't change their mind and restart it, other than in exceptional circumstances:

- you discover that neither you nor the partner are entitled to shared parental leave or statutory shared parental pay and you withdraw your notice in writing within eight weeks of the date on which it was submitted;
- notice was given before the birth of the child and you withdraw your notice in writing within six weeks of the child's birth; or
- the partner has sadly passed away.

Employees can give notice to end their Maternity or Adoption Leave on a specified future date. It is possible to notify that they are entitled to and intend to take SPL at the same time (see below).

If the WCC employee is the partner, they cannot take shared parental leave until the birth parent or primary adopter has given a maternity leave curtailment notice to their own employer or returned to work before the end of their statutory maternity or adoption leave period. The partner will then need to make a declaration to WCC that they've done that before the employee can notify WCC that they're entitled and intend to take SPL.

2. Notification of Entitlement and Intention

Before employees can book a period of shared parental leave, they must give their line manager a notice of entitlement and intention. This is for them to declare that they are entitled to shared parental leave and confirm that they intend to take it. Employees can do this by completing the *SLP Form 2 – Notification of Entitlement and Intention (Employee Declaration)*.

This notice must be received by WCC at least eight weeks before the employee intends to start the first period of leave.

The partner also needs to fill a form in to confirm that they're eligible to take Shared Parental Leave and are happy to share the leave with the employee. If the partner doesn't do this, it won't be possible to process the notification of entitlement and intention. To do this they should complete the *SLP Form 4 – Notification of Entitlement and Intention (Partner Declaration)*.

These forms contain declarations that will need to be signed by both the birth parent or primary adopter and the partner.

The line manager may, within 14 days of receiving the notice of entitlement and intention, ask the employee to provide:

- a copy of the child's birth certificate (or a signed declaration stating the date and place of birth if the birth certificate is not available); and
- the name and address of the mother or partner's employer (or a

declaration that they have no employer).

The employee will need to provide this information within 14 days of the request.

3. Period of Leave Notification

Once the employee has provided the notice of entitlement and intention, they must then also provide their line manager with a period of leave notice. This is for them to book each period of SPL that they wish to take.

SPL must be booked in blocks of at least one week and the period of leave notification will need to be submitted at least eight weeks before the date of the first block of SPL that the employee wants to take.

You can vary or cancel the shared parental leave dates in your period of leave notice by providing us with notice at least eight weeks before any period of leave varied or cancelled is due to start.

To do this, the employee will need to submit this request in writing to and give this to their line manager.

It is possible to submit three period of leave notices. However, any notice to vary or cancel the dates in the period of leave notice will count towards this total.

3.1. Booking Continuous Leave

It is possible to ask to take SPL as one single continuous block of leave and as long as the employee is entitled to SPL and the line manager has been given eight weeks' notice, this will be approved. A link to the *Form to provide period of leave notice to take shared parental leave* is available in the 'Useful Links' section.

3.2. Booking Discontinuous Leave

Employees can also ask to take SPL as more than one discontinuous block of leave – for example, take four weeks leave then return to work for four weeks and then take another four weeks leave. The line manager will need to consider how this might impact the service and it may not be possible to approve this request. A link to the *Form to provide period of leave notice to take shared parental leave* is available in the 'Useful Links' section.

If it is not possible to agree to the request, there will be a two-week discussion period. At the end of that period, the line manager will confirm any agreed arrangements.

If agreement cannot be reached within that two-week period, the employee may take the leave as one continuous period of leave on:

- the start date given in the original period of leave notice; or
- a new start date that is at least eight weeks after the start date given in the original period of leave notice (in which case the employee must notify their line manager of that new start date within

five days of the end of the two-week discussion period.

Alternatively, if the employee withdraws their period of leave notice on or before the 15th day after the notice was submitted, it will not count towards the limit on the number of period of leave notices that you are entitled to submit, and you may submit a new period of leave notice.

4. If the parent stops having responsibility for the child

If the employee taking SPL stops sharing responsibility for the child, they must tell their line manager straight away.

Their entitlement to SPL or SPP will end. If it's not practical for the employer to have the employee back at work straight away, they can still be required to be off for any SPL they had booked for up to 8 weeks.

For example, where it has been arranged for someone else to cover the employee's work, the employee might still have to take that time off as shared parental leave but will not get shared parental pay.

5. Annual Leave and Other Benefits

5.1. Annual Leave

Contractual annual leave will continue to accrue during SPL.

If the employee decides not to come back to work their contractual annual leave only accumulates up to their last day at work. If they have taken more days off than they are entitled to then they will have to pay back any leave taken over their entitlement.

Whilst on SPL bank holidays will continue to be deducted in Your HR.

Employees should make every effort to take any outstanding annual leave before commencing SPL or immediately after the SPL has ended if the leave is likely to extend into the next holiday year. Any annual leave entitlement that has not been taken because of SPL may be carried over into the next holiday year with the agreement of the line manager.

5.2. Continuous Service

SPL will count as continuous service for statutory purposes and for the calculation of annual leave and sick pay entitlements.

5.3. Pension Contributions and Other Deductions

WCC will continue to make pension contributions based on the employees' normal pay during any period of paid SPL. The employee contributions will be based on the actual pay received during the SPL.

WCC's pension contributions will cease during any period of unpaid SPL.

If the employee is taking unpaid SPL, they can still make employee pension contributions on their return to work. To do this the employee will need to contact Pensions Services. If the employee does not return to work their last day of pensionable service will be when their paid SPL ends.

Whilst on paid SPL any other deductions such as trade unions subscriptions and medical insurance will continue.

If you get any other benefits that you contribute to through a salary sacrifice arrangement, like childcare vouchers or a season ticket loan, contact [HR Service Desk](#) to find out how Shared Parental Leave may affect these.

5.4. Pay Review, Increments and Expenses

Employees will benefit from any pay increases or improvements to their terms and conditions which happen whilst they have been on SPL.

Employees can arrange for their payslips to be emailed to them whilst on SPL. Please see the *How To... Change your eform preferences (Payslips) guide* for more information on completing this action in Your HR.

Employees should ensure all outstanding time and expense claims have been submitted and approved or rejected on Your HR, before the payroll deadline prior to commencing SPL.

6. Keeping in Touch

It's good to stay in touch during SPL. Managers will try to keep employees updated about any important changes or other things they need to know whilst away from work. Employees should agree with their manager the best way of keeping in touch.

Employees can have up to 20 'Shared Parental Leave in Touch' (SPLIT) days during SPL, which let employees work without losing their entitlement to ShPP. days need to be agreed with the manager first and can be used for anything that would normally be part of their job, including training courses, team away days, meetings, announcements, and any other event it would be useful to attend. SPLIT days can be taken at any point during the SPL, but employees don't have to arrange any SPLIT days.

SPLIT days are in addition to the 10 keeping-in-touch days available to the birth parent or primary adopter during maternity leave.

On a SPLIT day employees will receive their full contractual rate of pay for the hours worked. If still in receipt of ShPP, pay will be 'topped up' to the normal hourly rate. This means that payment for a SPLIT day won't ever be more than a normal day's pay.

The line manager will need to notify the [HR Service Desk](#) of the dates and hours worked of any SPLIT days to ensure that the payment the individual receives is correct.

7. Returning to Work

Managers will get in touch with employees before they're due to come back to work to talk about the arrangements for the return. Individuals may want to try and arrange a SPLIT day with their manager, so they can come into work and discuss things with them.

Employees have the right to resume working in the same job and on the same terms and conditions when returning to work from shared parental leave if the period of leave when added to any other period of shared parental leave, statutory maternity or paternity leave taken by you in relation to the child is 26 weeks or less.

Employees have the right to return to the same job, wherever possible, if they have taken shared parental leave and the period of leave taken is more than 26 weeks when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the child. However, if this is not reasonably practicable, the employee will be offered you a suitable alternative job on terms and conditions that are no less favourable.

If the employee decides they do not wish to return to work, they must give written notice of resignation as soon as possible in accordance with the terms of their contract of employment.

7.1. Flexible Working

Employees may want to consider a change of hours or working arrangements when returning to work. See the Flexible Working guidance for further information.

7.2. Parenting Support

Tax-Free Childcare is a government scheme to support working parents with childcare costs. If eligible, you set up an online childcare account which you can use to pay your childcare provider directly.

If employees aren't sure what support they and/or their family needs, the Family Information Service (FIS) is a great starting point. FIS supports families across Warwickshire with information and signposting. Colleagues can get in touch with the team by emailing fis@warwickshire.gov.uk, calling [0800 408 1558](tel:08004081558) or finding support on www.warwickshire.gov.uk/childrenandfamilies.

Useful Links

Links to further useful information can be found here:

[Employee Assistance Programme](#)

[Flexible Working Guidance](#)

[How To... Change your eform preferences \(Payslips\) guide](#)

[HR Service Desk](#)

[Shared Parental Leave and Pay Planning Tool on GOV.UK](#)

[SPL Form 1 – Maternity or Adoption Curtailment](#)

[SPL Form 2 – Notification of Entitlement and Intention \(Employee Declaration\)](#)

[SPL Form 3 – Notification of Entitlement and Intention \(Partner Declaration\)](#)

[SPL Form 4 - Provide period of leave notice to take shared parental leave \(Birth\)](#)

[SPL Form 5 - Provide period of leave notice to take shared parental leave \(Adoption\)](#)

[Warwickshire County Council Children and Families](#)

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