

SOLIHULL METROPOLITAN BOROUGH COUNCIL

SHARED PARENTAL LEAVE SCHEME

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.

For School's (e.g. some Academies) not participating in the Council's Consultation and Negotiation Framework

This Model Policy was provided by the Solihull School's HR Service.

The school must undertake negotiation and consultation with the relevant Trade Union/Staff Association representatives before this policy is adopted by the School Governing Body. Advice is available from your HR provider on how to undertake this, if required.

PREFACE

Shared Parental Leave (SPL) is a new way for working parents to share statutory leave and pay following the birth or adoption of their child. Its purpose is to give parents more flexibility in considering how to best care for their child. It applies in respect of children who are expected to be born, or placed for adoption, on or after 5th April 2015.

This policy outlines the arrangements for Shared Parental Leave and aims to guide you through what can appear complex and explain how Shared Parental Leave works and what leave and pay you are entitled to.

The Council recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. Therefore the Council wishes to encourage open discussion with employees to ensure questions and problems can be resolved as quickly as possible.

Nothing in this guidance shall be construed as providing less favourable terms than statutory rights, is in line with the NJC (National Joint Council) Green Book and will ensure that no woman receives less favourable treatment on the grounds of being pregnant, during maternity or shared parental leave or on return to work as a new mother.

This policy applies to employees. It does not apply to agency workers or self-employed contractors. Agency workers may qualify for Shared Parental Pay (ShPP) but individuals should refer to the agency as the employer.

If considering requesting Shared Parental Leave you may also wish to refer to related SMBC policies for working parents:

- Maternity Leave Scheme
- Maternity Support Scheme
- Adoption Scheme
- Adoption Support Scheme
- Paternity Leave Scheme
- Parental Leave
- Flexible Working

Human Resources (HR) will always be happy to help with any particular questions or queries you may have. Professional and trade associations are also able to offer support and information.

Solihull MBC subscribe to a free and confidential information, support and counselling service [Employee Assistance Programme](#)

If you work for **Core** Council, i.e. you get paid on the 15th of the month, the HR team's contact details are

HR Core Shared Service Team
Council House Manor Square
Solihull
West Midlands. B91 3QB

Tel: 0121 704 8730 (hunt number)
Email: payandhradminmanaged_growth@solihull.gov.uk
payandhradminchildrens@solihull.gov.uk
payandhradminadults@solihull.gov.uk
payandhradminbusinessstrans@solihull.gov.uk
payandhradminingovernance@solihull.gov.uk
payandhradminpublichealth@solihull.gov.uk
payandhradminresources@solihull.gov.uk

Or if you work in a **school**

HR Shared Service Team – Schools
Council House
Manor Square
Solihull
West Midlands. B91 3QB

Tel 0121 704 8726 or 8727
Email schoolshrea@solihull.gov.uk; schoolshreb@solihull.gov.uk

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SECTION 1 DEFINITIONS

The following outlines some of the terms that are used in this document:

SPL	Shared Parental Leave.
ShPP	Shared Parental Pay - this amount is set annually by the Government.
Parent/ other Parent	One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner.
Partner	Spouse, civil partner or someone living with the parent in an enduring family relationship, but not a sibling, child, grandchild, grandparent, aunt, uncle, niece or nephew.
Adopter	One of two people who is adopting a child from a GB adoption agency or if adopting from Overseas to have received 'official notification' issued by or on behalf of the UK Authority.
Intended Parents	A couple who are having a baby through a surrogacy arrangement and have a parental order to do so
EWC	Expected Week of Childbirth. This is the expected week the baby will be born.
SSP	Statutory Sick Pay.
OMP	Occupational Maternity Pay
SMP	Statutory Maternity Pay
MA	Maternity Allowance
SAP	Statutory Adoption Pay
LEL	Lower Earnings Limit
MATB1 form	A Maternity certificate issued from your midwife or medical practitioner confirming that you are pregnant and your EWC. This is usually issued around the 20 th week before EWC.
Job	The nature of the work which you are employed to do and the capacity and place in which you are employed.
Childbirth	Childbirth means the birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy.
Average Weekly Pay	The amount payable to you under your current contract of employment. If there are significant variations in your salary, please contact HR
Qualifying week	15 th week before the Expected Week of Childbirth
HR	Human Resources
Continuous Leave	A single period of weeks of unbroken leave
Discontinuous Leave	Two or more periods of leave where the employee intends to return to work between these period of leave.
SPLiT Day	Shared Parental Leave In Touch Day

2015-2016 rates (from 5th April 2015)

ShPP (standard rate)	£139.56
LEL	£112.00

SECTION 2 ENTITLEMENT TO SHARED PARENTAL LEAVE

You are entitled to SPL in relation to the birth of a child if:

- You are the child's mother or adopter, and share main responsibility for the care of the child with the child's father (or your partner, if the father is not then your partner) or :
- You are the child's father or other parent (in case of adoption and surrogacy) and share the main responsibility for the care of the child with the child's mother; or
- You are the mother's spouse, civil partner or partner and share the main responsibility for the care of the child with the mother (where the child's father or other parent does not share the main responsibility);

SPL can only be used by two people

Additionally you must also satisfy each of the following criteria:

- If you are the mother/adopter of the child you must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave you must be/have been entitled to statutory maternity/adoption pay (SMP/SAP) or maternity allowance (MA)
- You must have at least 26 weeks continuous employment with Solihull MBC by the end of the Qualifying Week before the child's expected due date/ matching date;
- You will still be employed by us in the week before each period of SPL is to be taken;
- The father, other parent or partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before EWC/ matching date and had average weekly earnings of not less than £30 (or as set out in Section 35(6A) of the Social Security Contributions Act 1992) a week in any 13 of those weeks; and
- You and the other parent must give the necessary statutory notices and declarations summarised below, including notice to end any maternity/ adoption leave, SMP, SAP or MA periods.

The Shared Parental Leave entitlement

If you meet the eligibility criteria you will be entitled to take up to 50* weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/ adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL systems and take the remaining weeks as SPL.

If you are the mother then you cannot start SPL until after the compulsory two weeks maternity leave period following the child's birth. Similarly, if you are adopting, you cannot curtail your adoption leave within 2 weeks of starting adoption leave.

If you are the child's father, the other parent or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your Ordinary Paternity Leave entitlement.

Shared parental leave only becomes available once the mother or adopter has given notice to end entitlement to maternity or adoption leave. The portion of maternity or adoption leave that is untaken by the mother/adopter can be converted into Shared Parental Leave.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to SMP, SAP or MA, they must reduce their entitlement to less than 39 weeks. If they do this, their partner may be entitled to up to 50* weeks of SPL. This is calculated by deducting from 52 the number of weeks SMP, SAP or MA taken by the mother/adopter.

*a total of 52 weeks SPL may be available in the event of the death of the Mother

SECTION 3 NOTIFICATION OF LEAVE

The period of SPL available is the balance of weeks following any period of maternity/adoption leave taken by the mother/adopter deducted from the period of 50* weeks Shared Parental leave.

The remaining period of leave can be shared between the parents, subject to the following requirements:

- The minimum period of leave must be one week
- The leave must be taken in complete weeks, and
- The leave may be taken as one continuous period or discontinuous periods subject to appropriate notice requirements

NOTIFICATION FROM YOU

You are encouraged to notify Human Resources (HR Advisor) and your line manager/ head teacher of your intention to take SPL as soon as possible, but not less than eight weeks' before you intend your SPL to start.

You will be required to provide the Council/School with the correct notifications and this must be done so in writing and requires the following: (Forms are available on the Intranet/ Extranet)

- Your name and the name of the other parent;
 - If you are the child's mother/adopter, the start and end dates of your maternity/adoption leave or pay, or maternity allowance,
 - If you are the child's father, other parent or the mother/adopter's partner, the start and end dates of the mother/adopter's maternity/adoption leave, or if she is not entitled to maternity/adoption leave, the start and end dates of any SMP, SAP or MA period;
 - The total SPL available, which is 50* weeks minus the number of weeks' maternity leave, SMP, SAP or MA period taken or to be taken;
 - The date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having being matched with the child and the date of placement for adoption;
 - The amount of SPL you and your partner each intend to take and when this might be taken
-
- *Excluding 2 weeks compulsory maternity/adoption leave

You must provide the organisation with a signed declaration stating:

- Declarations by you and the other parent, that you meet the statutory conditions for entitlement to SPL and ShPP
- That the information you have given is accurate;
- If you are not the mother/adopter, you confirm that you are either the father of the child or the spouse, civil partner or partner of the mother/ adopter
- That should you cease to be eligible you will immediately inform the Council/ School

You must provide the Council/ School with a signed declaration from your **partner** confirming:

- Their name, address and national insurance number
- That they are the mother/ adopter of the child or the father of the child or are the spouse, civil partner or partner of the mother/ adopter;
- That they satisfy the 'employment and earnings test' (please see Section 2), and had at the date of the child's birth or placement for adoption the main responsibility for the child,
- That they consent to the amount of SPL that the employee intends to take;
- That they consent to the organisation processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform you should they cease to satisfy the eligibility conditions.

Requesting further evidence of eligibility

The Council/ School may, within 14 days of the SPL entitlement notification being given, request;

- The name and address of your partner's employer (where your partner is self employed or no longer 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 they were notified as having been matched with the child and the date on which the agency expects to place the child for adoption
- In the case of surrogacy arrangements, a copy of the parental order.

In order to be entitled to SPL, you must produce this information within 14 days of the request.

Fraudulent claims

The Council/School can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by HMRC that a fraudulent claim was made, investigate the matter further under the Council/ School's Disciplinary Procedure.

Discussions regarding Shared Parental Leave

Early discussion is encouraged with your line manager/ head teacher, this may include:

- If you are considering/ intending to take SPL to arrange an informal discussion as early as possible regarding your potential entitlement, what your plans might be and to enable any support.
- When receiving notification of entitlement to take SPL to talk about your intentions and how you currently expect to use your SPL entitlement.
- When receiving a leave booking notice. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in your notice booking leave, a meeting may not be necessary.

Where a meeting is arranged, you may, if you wish, be accompanied by a trade union representative or work place colleague.

The purpose of the meeting will be to discuss in detail the leave proposed and what will happen while you are away from work. Where you are requesting discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement can be agreed, and what the outcome might be if agreement cannot be reached.

Booking Shared Parental Leave

In addition to notifying us of your entitlement to SLP/ShPP, you will also be required to give notice to take the leave. This will, in many cases, be at the same time as the notice of entitlement to SPL.

You must book SPL by giving notification of at least **eight** weeks before the date on which you wish to start leave and (if applicable) receive ShPP

You have the right to submit **three** notifications specifying leave periods you intend to take. Each notification may contain either

- a) A single (continuous) period of weeks of leave; or
- b) Two or more periods of discontinuous leave, where you intend to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week began on a Wednesday it would finish on a Tuesday. Where you return to work between periods of SPL, the next period of SPL can start on any day of the week.

Continuous leave notifications - is for a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row). You have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks SPL available to you (as specified in your notice of

entitlement) and you have given at least eight weeks notice. You may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications – this may also be a single notification but it may contain a request for two or more periods of leave, which means asking for a set number of weeks of leave over a period of time, with breaks in between the leave where you return to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, a meeting should be arranged to discuss the notification with a view to agreeing an arrangement that meets both you as the employee and the Council/ School's needs.

The Council/ School will consider a discontinuous leave notification but has the right to refuse it. If the pattern of leave is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block. **Please note that this would need to be subject to and in consideration of eligibility for SPL and ShPP.**

Responding to a Shared Parental Leave notification

Once the leave booking notice has been received, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

Continuous Leave

All notices for continuous leave will be confirmed in writing.

Discontinuous Leave

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Council/ School against any adverse impact to the business.

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.

You will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Council/ School may propose a modified version of the request.

If a discontinuous leave pattern is refused then you may withdraw the request without detriment on or before the 15th day after the notification was given; or you may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

Variations to arranged Shared Parental Leave

You are permitted to vary or cancel an agreed and booked period of SPL, provided that you advise the Council/ School in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request, unless otherwise agreed.

Any variation or cancellation notification made by you, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one. However, a change as a result of your child being born early, or as a result of the Council/ School requesting it be changed, and you being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Council/ School.

Ending Maternity or Adoption Leave (Curtailment Notice)

If you are the child's mother and on maternity leave or the Adopter on adoption leave, you must give us at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity or adoption leave will end. You can give notice before you give birth but you cannot end your maternity leave until at least two weeks after birth or placement following adoption.

You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see above) or a written declaration that the child's father or your partner has given his or her employer an opt-in notice that you have given the necessary declarations in that notice.

The other parent may be eligible to take SPL from their employer before your maternity or adoption leave ends provided you have given the curtailment notice.

The curtailment notice is usually binding and cannot be revoked. You can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies

- If you or the other parent are not eligible for SPL or ShPP you can revoke the curtailment notice in writing up to eight weeks after it was given; or
- If the other parent has died ; or
- You gave the curtailment notice before giving birth, you have until the end of the 6th week following the birth to revoke and ONLY in these circumstances may opt into SPL at a later date.

If you are the child's father, other parent or the mother's partner, you will only be able to take SPL once the mother or adopter has either;

- Returned to work;
- Given her or his employer a curtailment notice to end her maternity or adoption leave;
- Given her or his employer a curtailment notice to end her SMP or SAP; or
- Given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP)

SECTION 4 PAY

Shared Parental Pay (ShPP) is a rate set by the Government for the relevant tax year. The rate for ShPP is a flat weekly rate and is adjusted annually.

You may be eligible to take up to 37 weeks ShPP while taking SPL, but this will be dependent on you meeting the earnings and employment criteria (see below).

The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of your leave.

In addition to meeting the eligibility requirements for SPL, if you wish to claim ShPP you must also meet the following criteria

- The mother/ adopter must be/ have been entitled to SMP, SAP or MA and must have reduced their maternity/ adoption pay period or maternity allowance period;
- intend to care for the child during the week in which ShPP is payable;
- have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/ matching date are not less than the lower earnings limit in force for national insurance contributions (current rate and definitions on page 4);
- remain in continuous employment until the first week of ShPP has begun;
- give proper notification in accordance with the rules set out in Section 3

SECTION 5 DURING SHARED PARENTAL LEAVE

Keeping in touch

You or the Council/ School may wish to make contact from time to time during your Shared Parental Leave. These days are known as “Shared Parental Leave in Touch” (SPLiT) days and can be up to a maximum 20 days (regardless of whether you work on a full or part time basis). 20 days is available to each person taking SPL.

There is no obligation on the Council/School to offer these days or for you to agree them. SPLiT days can be used in situations where it would be beneficial for you to attend a work-related activity, for example a training session or a team meeting, or to work part of the week to help you to return to work in a gradual way.

Any work carried out on a day or part of a day shall constitute a day’s work for these purposes. For example, if you attend a three hour training session to “keep in touch”, you will have used one of your 20 SPLiT days.

You will receive your normal pay for these SPLiT days on a pro rata basis, even during unpaid shared parental leave. If you decide to attend a SPLiT day whilst you are receiving ShPP, then this will be offset against your normal pay for the day. This should not add to more than full pay on any of these days.

Any SPLiT days worked does not extend the period for SPL.

Your line manager/ head teacher will need to send your SPLiT dates on an email or electronic C288 to the HR Shared Service team so that your pay can be adjusted appropriately.

It would be good practice prior to starting SPL to have a conversation with your manager to investigate the opportunities and protocol that may arise for any opportunities for SPLiT days in the future.

Reasonable contact

You and your line manager/ head teacher, or designated member of staff, are actively encouraged to make reasonable contact during SPL to discuss such issues as your return to work, special arrangements to be made or update you on opportunities at work.

Reasonable contact does **not** constitute ‘work’ and does not count towards the twenty SPLiT days.

Restructure/ Reorganisation

If, whilst you are on shared parental leave and your department is involved in any restructure or reorganisation, you must be informed of this and given the opportunity to become involved in the process in accordance with the [Management of Change policy](#).

Pensions

If you are a member of the Local Government Pension Scheme (LGPS)/Teachers Pension Scheme (TPS)/ NHS Pension Scheme, we will make employer pension contributions during any period of paid SPL. This will be based on the contribution rate effective at the time and will be based on the amount of any ShPP you are receiving.

During any unpaid period of SPL, LGPS/NHS employees may elect

- to buy any or all 'lost' pension through an Additional Pension Contribution (APC). If this is done within 30 days of returning to work the Council/ School shall pay two thirds of the cost of the APC (a shared cost APC) and you will pay the remaining one third. If you make your election past the 30 day deadline the Council/ School will not make a contribution to the APC and the full cost has to met by yourself.. Where you choose to stop contributions during the same period this will not count towards reckonable service for pension purposes until contributions are resumed.

For employees who are members of Teachers Pensions Scheme, with respect to the unpaid period of maternity leave, should discuss this in further detail with Teachers' Pensions on 0845 6066166 or view their website on www.teacherspensions.co.uk.

Other contractual benefits:

You are entitled to all normal contractual benefits during paid SPL (except normal pay/salary and sick pay – see below). The position during the unpaid period the contractual rights and obligations that will remain are those applicable as if the you had exhausted occupational sick pay. The main requirements would be:

- Notice periods
- Redundancy payments
- Disciplinary and Grievance procedures
- Duty of trust and confidence
- Duty of good faith
- Leave (see below)

All statutory rights will be upheld.

Leave

Annual leave entitlement will continue to accrue at the rate provided under your contract.

It is important that you discuss your holiday plans with your line manager/ head teacher in good time before starting SPL.

You are encouraged to take any outstanding holiday due to you before the commencement of SPL.

If your SPL continues into the next holiday year, any holiday entitlement that cannot be reasonably taken before starting your SPL can be carried forward to the new

leave year, as an exceptional circumstance, but must be taken immediately before returning to work from SPL or unless otherwise agreed with your line manager/ head teacher.

Sickness

Sickness payments will automatically and immediately cease whenever Shared Parental Leave and Shared Parental Pay commences.

SECTION 6 - RETURNING TO WORK

If you want to end a period of SPL early, you must give us eight weeks' prior notice of the return date. It is helpful if you could give this notice in writing.

If you want to extend your SPL you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three period of leave notices. If you are unable to request more SPL you may be able to request annual leave, flexi or ordinary parental leave, which will be subject to business need.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms and conditions of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- If your SPL and any maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively);

Risk assessment

If you have ended Maternity Leave but commenced SPL a risk assessment must be undertaken if you return to work within six months of birth, or are breastfeeding. If you continue breastfeeding beyond six months then notify your line manager/ head teacher so that any risks can be assessed and thus avoided.

Unable to return to work- medical reasons

If you are unable to attend work at the end of your SPL because of sickness, then you will need to produce a medical certificate and normal reporting and contractual arrangements for sickness absence will apply (see [Sickness Absence Management Policy](#))

Part Time and Flexible Working

If you want to change your hours or other working arrangements on return from SPL you should make a request under the Council's Flexible Working Policy. It is helpful if such requests are made as early as possible.

To make a request you must have worked for SMBC for more than 26 weeks at the time of application. This request must be in writing, identify the proposed hours, work pattern or working arrangement and the intended start date of this new work arrangement.

However, it is not an automatic right for you to work flexibly as there can be circumstances where your department cannot accommodate your desired work arrangement.

The aim of the request is to facilitate discussion and encourage both yourself and your manager/ head teacher to consider flexible working arrangements and find a solution that suits you both.

If you are considering requesting a change to your working hours when you return from shared parental leave, then it is recommended that you speak to your manager/ head teacher and complete the flexible working form as soon as you possible. It can take up to three months to consider your request and to make a decision, so it is important to plan ahead.

The flexible working policy and form is available on the Solihull MBC intranet site/ Schools Extranet, see [Flexible working policy](#), however you are welcome to contact your HR Advisor for further advice.

Childcare vouchers

The Council has signed up with Edenred for the provision of a childcare salary sacrifice voucher scheme. This can be used to pay for childcare of children up to the age of 15 (16 years old if they are disabled).

The voucher scheme enables you to have the vouchers deducted from your salary before tax and national insurance contributions are deducted.

For further information, view the Solihull MBC intranet site, or please see [Childcare Vouchers](#).

Resignations

If you decide that you do not want to return to work you should give notice of resignation in accordance with your contract of employment.

SECTION 7 OTHER CONSIDERATIONS

SHPL and ShPP cannot start before the birth of the child or the placement of a child for adoption.

Early Birth

If your child is born before their expected due date and you had 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 (Form ShPL(F)) as soon as is reasonably practicable. This will not count as one of your variation notifications.

Any leave that you have booked after the first eight weeks of the due date will still be bound by the eight week notice required to vary the leave.

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. You should give notice as soon as is reasonably practicable after the actual birth.

Death of a child or breakdown in adoption

We recognise that the situation of the death of a child or breakdown in an adoption is upsetting for all those involved. If you have submitted a notification to take SPL and ShPP, you are entitled to take and SPL/ShPP that you have booked to take before the child died or in the case of adoption, the adoptive child is returned after placement.

Unfortunately any entitlement to SPL or ShPP that had not been booked at the time of the child's death will no longer be available.

However if you are the mother you remain entitled to maternity leave and pay/ allowance or if you are the father/ other parent you are entitled to paternity leave/pay subject to any qualifying criteria being met.

Adoption leave/ pay will end after 8 weeks.

Death of the mother/adopter

In the sad circumstance that the mother or adopter dies then in general the same arrangements apply that would have applied had she not died.

If the mother dies without curtailing her maternity leave or pay or adoption leave or pay, as long as the partner or other parent meets the eligibility criteria, they will be entitled to take up 52 weeks of SPL and 39 weeks of ShPP. The 8 weeks notice will not be required.

Where the mother has curtailed her maternity leave and pay, any SPL or ShPP allocated to the mother will default to the eligible partner or other parent.

Should it be necessary for the other parent to take a further period of SPL or vary pre-agreed leave then notice should be given as soon as is reasonably practicable (where eight weeks cannot be given). If they have already given three notices to take leave they will be allowed to submit one further notice to book/amend SPL.

Death of the partner/ other parent If in the sad situation your partner or other parent dies before you have curtailed your maternity/ adoption leave and/or is entitled to SPL then you/they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to you. If you had already given notice to curtail your maternity/ adoption leave and pay then you may revoke this notice and continue to take maternity/ adoption leave and pay.

Partner no longer caring for the child

If the circumstances where your partner or if you are the partner, who has booked SPL changes so that they/you will no longer be responsible for caring for the child (unless it is because the child has died), their/your entitlement to both SPL and ShPP will cease and they must tell their employer or you must inform the Council/ School immediately.

Multiple births/adoptions

You will not be entitled to extra SPL or ShPP if you are expecting more than one child. The entitlements are the same as if you was expecting one child. This also applies to multiple adoptions that occur in a single placement.

Parental leave

There is a further opportunity, dependant on your length of service, for you to take advantage of the right to unpaid parental leave of up to 4 weeks at the end of shared parental leave; the parental leave scheme is on the Solihull MBC intranet/ Schools Extranet or is available from HR/ School Office.

Special circumstances and further information

In certain situations an employees rights and requirements regarding SPL and ShPP may change. In these circumstances the Council/ School will abide by any statutory obligations and an employee should refer to the documents listed below and/ or clarify any issues or queries with their line manager/ head teacher/ HR Advisor.

Law relating to this document

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

Appendix 1

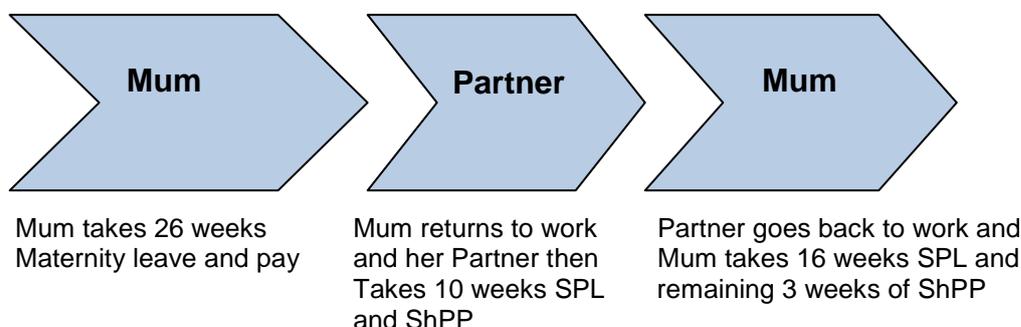
Examples

Please find below some examples of how couples may choose to take and allocate leave and pay between themselves.

These examples assume that the eligibility requirements for leave and pay have been met.

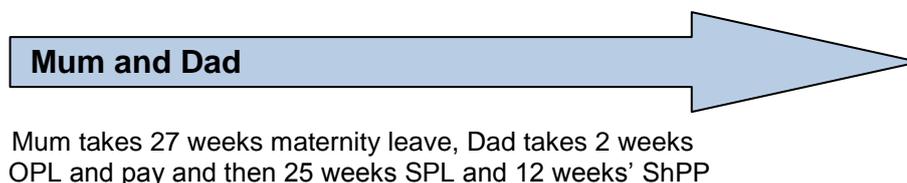
Example 1

Mum takes 26 weeks' maternity leave and pay and converts the rest into SPL and ShPP. Her partner takes 10 weeks' SPL and ShPP while Mum goes back to work. Her partner then goes back to work and Mum takes the remaining 16 weeks' SPL and remaining 3 weeks' ShPP at that point. This means in total, Mum has had 42 weeks leave and 29 weeks pay, while her partner has taken 10 weeks leave and pay.



Example 2

Mum and Dad want to take time off together to care for the new baby. *Do remember that the right to take Shared Parental Leave is only triggered once Mum has returned or indicated an intention to return to work on a specified date.* So if Mum says at week 1 that she is going to return to work at week 26, Dad is then eligible to take Shared Parental Leave consecutively with the mother on maternity leave.



Mum takes 27 weeks' maternity leave. She commits at the outset to end her maternity leave after 27 weeks, meaning 25 weeks' SPL and 12 weeks' ShPP is available for Dad.

Dad takes 2 weeks' OPL when the baby is born, then goes onto SPL and ShPP after OPL. Both parents return to work at week 26. This means that Mum has had 27 weeks' leave and pay, while Dad has taken 25 weeks' leave and 12 weeks' pay.

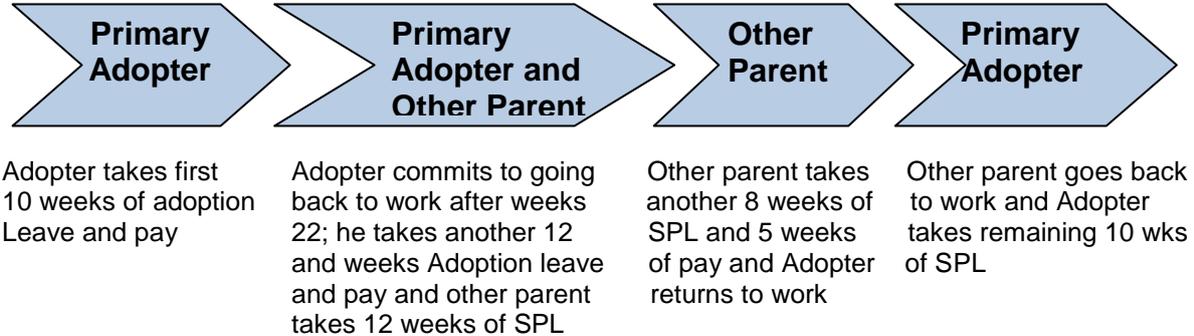
Example 3

The primary adopter takes 10 weeks adoption leave and pay. He then commits to going back to work at week 22; and by doing so frees up 30 weeks to be taken as SPL and 17 weeks of ShPP. The other parent takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the adoption leave.

Then he takes a further 8 weeks' leave and last 5 weeks of pay while the primary adopter returns to work.

Then when the other parent goes back to work the primary adopter takes the final 10 weeks of SPL. In total the Primary Adopter has taken 32 weeks' leave and 22 weeks' pay, while the other parent has taken 20 weeks' leave and 17 weeks' pay.

It looks certain that this sort of scenario is going to be quite difficult to administer – but in practice the Council/ School will be obliged to allow each employee to take up three separate periods of SPL.



Forms and Template Letters