



SHARED PARENTAL LEAVE PROCEDURES
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CONTENTS

Shared Parental leave (SPL)	2
Who is eligible?	2
Shared parental leave entitlement	3
Notification of entitlement	3
Requesting further evidence of eligibility	3
Fraudulent Claims	4
Discussions regarding shared parental leave	4
Booking shared parental leave	4
Types of leave	4
Responding to notification	5
Variation to arranged shared parental leave	5
Shared parental pay (ShPP)	5/6
Terms and conditions during shared parental leave	6
Contractual benefits/entitlements	6
Contact during shared Parental Leave	6
Shared parental leave in touch days (SPLIT)	6/7
Returning to work	7
Application form	8

Abbreviations	
SPL	Shared Parental Leave
ShPP	Shared Parental Pay
SPLIT	Shared Parental Leave In Touch Days
SMP	Statutory Maternity Pay
SAP	Statutory Adoption Pay
NA	Maternity Allowance

SHARED PARENTAL LEAVE (SPL)

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth/adoption. SPL provides parents more flexibility in considering how best to care for, and bond with their child. All eligible employees have a statutory right to Shared Parental Leave and there may also be an entitlement to Shared Parental Pay. This policy sets out the rights and responsibilities of employees who wish to take shared parental leave and pay.

Who is eligible?

To be eligible for SPL, you must be:

- The mother/adopter or
- One of the following:
 - The father of the child (in the case of birth) or
 - The spouse, civil partner or partner of the child's mother/adopter.

To qualify for SPL **the mother** must;

- Have a partner,
- Be/have been entitled to statutory maternity/adoption leave and/or to statutory maternity/adoption pay or maternity allowance.
- Still be working for the organisation at the start of each period of SPL.
- Satisfy the continuity of employment test by having worked for us for 26 weeks at the 24th week of pregnancy or when the placement is confirmed.

To qualify a spouse/partner must:

- Be an employee,
- Share the primary care for the child with the other parent at the time of the child's birth/adoption.
- Have notified their employer of their entitlement providing any necessary evidence.
- Satisfy the requirements of the employment and earning test by having worked for us for at least 26 weeks in the 66 week period leading to baby's expected date of birth or adoption, and has earned an average of at least £30 a week in any 13 weeks.

SHARED PARENTAL LEAVE ENTITLEMENT

You are entitled to take up to 50 weeks SPL during your child's first year of birth/adoption. The number of weeks available will be calculated using the mother's/adopters entitlement to maternity/adoption leave which allows them to take up to the maximum of 52 weeks leave. If they decide to reduce their maternity/adoption leave then they and/or their partner may opt-in to the SPL system and take the remaining weeks as SPL.

A mother/adopter may reduce their maternity/adoption leave by returning to work before the end of their full 52 weeks entitlement or they may give notice to end their leave on a specified future date.

You can take SPL as follows:

- For mothers after the required two weeks of maternity leave immediately after the birth of your child.
- For adopters you can take SPL after taking at least two weeks of adoption leave.
- For the father/partner/spouse immediately following the birth/placement of the child but may choose to exhaust any paternity leave entitlement (as paternity leave or pay can't be taken once any SPL or shared parental pay has been taken).

Where a mother/adopter gives notice to end their maternity/adoption entitlement then the partner can take leave while they are still on maternity/adoption leave.

SPL will normally start on your chosen start date which is specified in your booking notification, or any subsequent variation to their original notice.

Shared Parental Leave must end no later than one year after the birth/adoption of the child and any untaken leave will be lost.

Notification of Entitlement

You must give us at least 8 weeks notice before you are planning to start the leave.

Please refer to Application Form Pages 8-10 to complete the notice of eligibility form.

REQUESTING FURTHER EVIDENCE OF ELIGIBILITY

Within 14 days of receiving your notification, we can request the following further evidence of eligibility:

- Name and business address of your partner's employer.
- A copy of the child's birth certificate or a declaration as to the time and place of birth.
- Documentary evidence of the name and address of the adoption agency, the date on when you were notified of being matched with a child and the date on which the agency expects the child to be placed for adoption.

FRAUDULENT CLAIMS

If we suspect that fraudulent information may have been provided or if HMRC advises us a fraudulent claim was made, we will investigate into the matter in accordance with our Disciplinary Policy.

DISCUSSIONS REGARDING SHARED PARENTAL LEAVE

If you are thinking of taking SPL, your manager would like to have an early discussion about your entitlements and plans.

BOOKING SHARED PARENTAL LEAVE

- You must give us a notice of entitlement as well as a notice to take the leave, both in writing, and both can be done at the same time.
- You can submit up to three notifications for leave which can be either for a period of continuous or discontinuous leave.
- SPL can begin on any day of the week but can only be taken in complete weeks.
- You should complete the forms attached to back of this policy (Pages 8-10 – as applicable)

Types of Leave

You can request either continuous or discontinuous leave:

1. **Continuous** leave is when you take an unbroken period of leave e.g. six weeks leave. We will always agree to a request for continuous leave so long as you are eligible.
2. **Discontinuous** leave is taken over a certain period of time but with breaks in between full weeks (E.g. 5 weeks SPL followed by 4 weeks back at work, followed by a further 2 weeks SPL). We will try and accommodate your request for discontinuous leave but if we cannot do it for business reasons, we will try and reach an agreement with you. If we can't reach an agreement the following rules will apply:
 - Within 14 days: if no agreement is reached or we refuse your request, the total amount of leave in the request **MUST** be taken as one continuous block.
 - Within 15 days: you may still withdraw your discontinuous leave request and it will not count as one of the three allowed notifications.
 - Within 19 days: you can choose when the continuous leave will commence. However, it cannot start sooner than eight weeks from the date of your request.

RESPONDING TO A NOTIFICATION

Once the booking notification is received, we will confirm in writing that we have received it and give you an answer in writing within 14 days.

VARIATION TO ARRANGE SHARED PARENTAL LEAVE

You can cancel an agreed and booked period of SPL as long as you give us at least eight weeks' notice for any new arrangement.

A notification/variation/cancellation, which includes notice to return to work early, will normally count as a new notification therefore reducing your total number of three requests allowed, unless it is because your child is born early or because we requested the change.

SHARED PARENTAL PAY (ShPP)

If you are eligible you are entitled to take up to 37 weeks of ShPP. The amounts of weeks available will depend on the amount by which your partner reduces their maternity/adoption pay period or maternity allowance. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

To qualify for pay, you need to meet the following criteria:

- For mothers/adopters you must be/have been entitled to statutory maternity/adoption pay or maternity allowance.
- You must intend to care for the child during the week in which ShPP is payable.
- You must continue working for us until the first week of ShPP begins.
- You must give us notification as set out in the Application forms pages 8-10.
- Your average weekly earnings for the period of eight weeks leading up to and including the 24th week of pregnancy or matching date are not less than the lower earnings limits in force for National Insurance contributions.

You need to give us eight weeks' notice advising of your entitlement to pay.

Any ShPP will be paid at the rate set by the government for the relevant tax year. This is either the statutory rate or 90% of employee's weekly earnings whichever is the lower rate.

This is different from Statutory Maternity Pay where the first six weeks are paid at your average weekly earnings and then the statutory rate or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks.

For a notification form for ShPP please see Application Form – page 10.

TERMS AND CONDITIONS DURING SHARED PARENTAL LEAVE

Your normal contract of employment will remain in force during the period of shared parental leave. Pension contributions will continue to be made while you are receiving ShPP but not during any period of unpaid leave. Your contributions will be based on actual pay, while employer contributions will be based on your normal salary.

CONTRACTUAL BENEFITS/ENTITLEMENTS

You will accrue entitlement to all contractual benefits (e.g. annual leave and public holidays) except remuneration. Equally while you are on SPL, you will be required to adhere to the terms and conditions of your contract (e.g. confidentiality).

You should try to take any accrued annual leave before going off on SPL or add them on at the end of your SPL. You can only take the annual leave you have accrued up to the date of your SPL ends. You should discuss this in advance with your line manager.

CONTRACT DURING SHARED PARENTAL LEAVE

We will contact you to discuss your return to work, possible promotion opportunities, any special arrangements to be made or training to be given to ease your return to work and finally to update you on developments at work during your period of leave.

SHARED PARENTAL LEAVE IN TOUCH DAYS (SPLIT)

You may be able to work up to 20 days under your contract of employment during your shared parental leave without losing your right to SPL or ShPP. The 20 days limit stands no matter how long your leave is. The 20 days can be worked at any time during your SPL apart from the first two weeks after you give birth.

You do not have to work these days and we do not have to agree to you working them.

The SPLIT days are paid days at work. Your manager will record this on the rota as a 'SPLIT' day under relief.

RETURNING TO WORK

The Finance Officer will give you written notice on when your leave ends and you need to return to work on your next working day. If you do not return, we will treat it as an unauthorised absence.

If you want to return to work earlier than expected you must give us eight weeks written notice to vary the leave. This will count as one of your three allowed notifications.

You will return to the same job you occupied prior to commencing your last period of leave. If this is not possible we will offer you another job, which is suitable and appropriate and on terms and conditions which are no less favourable.

Additional Sources of Information

<http://www.acas.co.uk>

SHARED PARENTAL LEAVE APPLICATION FORM



Please complete all relevant sections of the forms below in relation to your notification of entitlement to Shared Parental Leave/Pay. Remember you must submit this at least 8 weeks prior to any period of SPL commencing.

Employee Name	
Name of Partner/Spouse	
Start Date of Maternity/Adoption Leave	
End Date of Maternity/Adoption Leave	
Total SPL available	
Maternity – Expected date for child to be born	
Actual date of birth of the child	
Adoption – Notification of being matched with child	
Date of placement for adoption	
Amount of SPL both you and your partner intend to take	
Expected start date of the leave	
Signed declaration: (Must confirm: <ul style="list-style-type: none"> • Meet/will meet eligibility criteria • Information given is accurate • Inform the organisation if you no longer eligible • If not the mother/adopter you must confirm you are either the father of the child, spouse or civil partner). 	Signed: Date:

Signed declaration from your partner confirming the following:	
Name	
Address	

National Insurance Number	
<p>Signature to confirm the following</p> <ul style="list-style-type: none"> • They are either the mother/adopter, father of the child, spouse or civil partner of the mother/adopter • Consent to the amount of SPL that the employee intends to take. • They satisfy the employment and earnings test set out earlier. • Consent to the organisation processing the information contained in the declaration form. • Inform their partner should they cease to satisfy the conditions of eligibility. 	<p>Signed:</p> <p>Date:</p>

NOTIFICATION OF SHARED PARENTAL PAY (ShPP) APPLICATION FORM

Employee Name	
Start date of maternity/adoption pay	
End date of maternity/adoption pay	
Total amount of ShPP available	
Date you expect to claim ShPP from	
Signed declaration confirming the information you have given is correct and that you meet/will meet the criteria for ShPP. In addition you will advise the organisation if you cease to be eligible.	Signed: Date:

Signed declaration from your partner confirming the following:	
Name	
Address	
Agreement to the employee claiming ShPP For the organisation to process any ShPP payments to the employee That the mother/adopter will inform their partner should they cease to satisfy the eligibility conditions	Signed: Date: