

DNCT/25

DUNDEE CITY COUNCIL – CHILDREN AND FAMILIES SERVICE

SHARED PARENTAL LEAVE – GUIDELINES FOR TEACHING STAFF

This policy sets out the rights of teaching staff to shared parental leave and pay as covered by SNCT handbook paragraphs 7.4.1 -7.4.2.

[http://www.snct.org.uk/wiki/index.php?title=Part 2 Section 7](http://www.snct.org.uk/wiki/index.php?title=Part_2_Section_7)

Shared parental leave is available to parents with babies due on or after 5 April 2015. It enables mothers to commit to ending their maternity leave and pay at a future date and to share the untaken balance of leave and pay as shared parental leave and pay with their partner or to return to work early from maternity leave and take shared parental leave and pay at a later date.

Eligibility for Shared Parental Leave (ShPL)

For employees to be eligible to take shared parental leave, both partners must meet certain eligibility requirements. A partner is defined as: 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. A partner may be someone of either gender, 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.

Mother's eligibility for Shared Parental Leave (ShPL)

The mother is eligible for shared parental leave if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with the organisation until the week before any period of shared parental leave that she takes
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child
- is entitled to statutory maternity leave in respect of the child and
- complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and complies with shared parental leave notice and evidence requirements.

Adopter's Eligibility for Shared Parental Leave (ShPL)

The person taking adoptive leave, as set out in SNCT handbook paragraphs 7.3.1-7.3.4, [http://www.snct.org.uk/wiki/index.php?title=Part 2 Section 7](http://www.snct.org.uk/wiki/index.php?title=Part_2_Section_7) is eligible for shared parental leave if she:

- has at least 26 weeks' continuous service prior to the week in which she/he is notified of being matched with a child and remains in continuous employment

with the organisation until the week before any period of shared parental leave that she takes

- has at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child
- is entitled to statutory adoption leave in respect of the child
- complies with the relevant adoption leave curtailment requirements (or has returned to work before the end of statutory adoption leave), and shared parental leave notice and evidence requirements.

Surrogate's Eligibility for Shared Parental Leave (ShPL)

The person taking surrogacy leave, as set out in SNCT handbook paragraph 7.5.8 is eligible for shared parental leave:

- has at least 26 weeks' continuous service prior to the weeks in which she/he receives the child and remains in continuous employment with the organisation until the week before any period of shared parental leave that she takes
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child
- is entitled to Family Leave in respect of the child
- complies with the relevant leave curtailment requirements (or has returned to work before the end of Family Leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

Partner's eligibility for Shared Parental Leave (ShPL)

The partner is eligible for shared parental leave if he/she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with that employer until the week before any period of shared parental leave that he/she takes
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child and

- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother, primary carer in adoption or chosen person in surrogacy (set out in SNCT handbook paragraph 7.5.5) must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave)

Notification for Shared Parental Leave (ShPL)

Before either parent can take shared parental leave the mother must either return to work before the end of her maternity leave (by giving the required 8 weeks notice) or provide a Maternity Leave Curtailment Notice (Form 1) to the Head Teacher for approval. This form sets out the date on which she intends to bring her maternity leave to an end. The date must be:

- After the compulsory maternity leave period (2 weeks after the birth)
- At least 8 weeks after the date on which the mother gave the maternity leave curtailment notice. This can be waived in event of premature birth
- At least one week before what would be the end of the maternity period
- A declaration stating that her partner has given his or her notice of entitlement and intention to take shared parental leave and that she consents to her partner taking that amount of leave.

No later than 8 weeks before the start of her or his first period of shared parental leave a notice of entitlement (Form 2) and intention to take shared parental leave must be completed and submitted to the Head Teacher for approval.

The Council, on receiving notice from an employee that he or she intends to share parental leave, can request a copy of the child's birth certificate and the name and address of the employee's partner's employer or (ii) a notification of adoption or (iii) a copy of the surrogacy certificate.

The Council can only contact the partner's employer to check whether the partner is entitled to shared parental leave with the express consent of the employee's partner. If only one partner is eligible for Shared Parental Leave that person is entitled to use

discontinuous leave in separate blocks provided the other partner meets certain criteria, based on the same test as maternity allowance:

- Must have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before EWC.
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks.

Continuous Period of Shared Parental Leave

Where employees submit a period of leave notice requesting one continuous period of leave they are entitled to take that period of leave.

Discontinuous Periods of Shared Parental Leave

Discontinuous leave can be requested for shared parental leave. The minimum block of time for a teacher or associated professional is normally 4 weeks and the employee should set out the pattern of discontinuous leave requested.

In the following 10 working days the Head Teacher will arrange a meeting to discuss any requests and can

- Consent to the pattern of leave requested
- Propose an alternative pattern of leave or
- Refuse the pattern of leave requested. If the decision is taken to refuse the leave, clear reason for this must be provided to the employee.

You will be informed of the decision within 10 working days of the meeting. If the application is refused, you will be advised of the reasons for refusal and the right of appeal. An appeal must be made in writing to the Service Manager.

The Service Manager will arrange to meet with the employee and Head Teacher normally within 10 working days from when they receive the letter.

Variation or Cancellation of Period of Leave Notice

It is open to partners to vary the leave allocation between them at any stage. To vary an agreed allocation, each partner must notify her/his employer in writing of the following:

- Details of the original agreed allocation of leave
- A formal request to change the allocation and to vary any booked leave
- Details of the proposed allocation

Both partners must sign the variation and present notice of variation to each employer. A partner may choose to start a period of parental leave on the day of the child's birth or adoption or when the mother is on maternity or adoption leave. In these circumstances, however, the leave curtailment notice must still be provided, indicating the distribution of leave between the partners.

Employees can make a maximum of three requests for leave or to vary leave per pregnancy, adoption placement or surrogacy arrangement and any variation or cancellation, including notice to return to work early usually counts as a new notification which reduces the right to book/vary leave by one adoption placement or surrogacy arrangement.

Once a mother has given notice to curtail maternity/adoption leave and either parent has informed their employer of their entitlement to take ShPL then the notice to end maternity leave is binding and cannot be withdrawn unless

- Within eight weeks of the mother submitting notice to end their maternity/adoption leave it transpires neither parent qualifies for Shared Parental Leave or Shared Parental Pay or
- When notice was given before birth, it may be withdrawn without a reason up to six weeks following the birth or
- The mother's partner dies

In the circumstances above it is open to the mother to formally revoke the curtailment of leave. This must be in writing and can be given only if the mother has not returned to work.

Shared Parental Pay

- A partner who has previously taken a period of Shared Parental Leave (ShPL) in respect of a child will not be entitled to take ordinary Paternity Leave (PL).
- A mother who would otherwise qualify for occupational maternity pay, in accordance with SNCT handbook paragraph 7.2.5 will be entitled to the same allowance as maternity pay allowance, subject to:

In keeping with SNCT handbook paragraph 7.2.3 (i) the first two weeks of OMP is not transferable (ii) The entitlement to 11 weeks OMP and SMP equal to the mother's normal pay is not transferable to the partner.

- Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends.
- A total of 39 weeks statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of 2 weeks, this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks statutory shared parental pay with her partner (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).
- It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

- Statutory shared parental leave is paid for 37 weeks at the lower of the statutory prescribed rate or 90% of the relevant parent's normal weekly earnings (subject to the lower earnings limit). The remaining 13 weeks of shared parental leave are unpaid.

Shared Parental Leave in Touch Days (SPLIT DAYS)

During ShPL any employee is entitled to take SPLIT days (Shared Parental Leave in Touch Days) up to a maximum of 20 days for each parent. The number of days available shall be in consultation with the employer. SPLIT days will not bring any period of Shared Parental Leave to an end. These days do not have to be consecutive and can be used for training or any other activity that enables the employee to maintain reasonable contact with the place of work and shall be organised in accordance with Appendix 2.10.

http://www.snct.org.uk/wiki/index.php?title=Appendix_2.10

SPLIT days are separate and additional to any Keeping in Touch (KIT) days provided for women on maternity leave as set out in SNCT handbook paragraph 7.1.3, SPLIT days, taken by Council employees, shall be paid at the normal contractual daily rate.

CHILDCARE VOUCHERS

The Council operates a salary sacrifice scheme for childcare vouchers where employees can opt to give up part of their salary and receive childcare vouchers in return. The childcare vouchers are exempt from Tax and National Insurance contributions.

It is not possible to sacrifice statutory shared parental pay for childcare vouchers. Whilst on shared parental leave employees can sacrifice their salary for childcare vouchers when in receipt of occupational pay as long as it would not reduce pay below the amount of statutory shared parental pay. Where employees are in receipt of statutory shared parental pay only, or no pay, the salary sacrifice arrangement will cease and no childcare vouchers will be received until in receipt of occupational pay.

For further information on childcare vouchers contact the Corporate Business Support Service, Ext 4055.

Shared Parental Leave Form 1
Form for a mother to curtail maternity leave to take Shared Parental Leave

Shared Parental Leave: Maternity Leave Curtailment Notice

Name of Employee	
Employee Number	
Job Title	
Location	

I commenced maternity leave on	(date)
I wish to end maternity leave on	(date)

I confirm I wish to bring my maternity leave to an end and commence shared parental leave.

I confirm that I satisfy/will satisfy the following eligibility requirements to take shared parental leave.

I have/will have 26 weeks continuous employment at the beginning of the 15th week before the expected week of childbirth.

I confirm that, by the week before any period of shared parental leave that I will have remained in continuous employment with the organisation.

Signed:.....

Date:

Approval	
Head Teacher:	Date:
Corporate Business Support:	Date:

Shared Parental Leave Form 2

Shared Parental Leave: Notice of Entitlement

Name of Employee	
Employee Number	
Job Title	
Location	

Partner's Employment Details

Name of Partner	
Address	
National Insurance number	
Employer's Name (unless self employed)	
Employer's Address	

Child's expected date of birth	
Actual date of birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take ShPL)	

Total amount of Shared Parental Leave available		weeks
Total amount of Shared Parental Leave to be taken by the employee		weeks
Total amount of Shared Parental Leave to be taken by the partner		weeks

Pattern of leave requested			
Employee		Partner	
Week commencing	Number of weeks	Week commencing	Number of weeks

Mother's Declaration

The following points apply to all circumstances where a mother is entitled to maternity leave:

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

The following points only apply if claiming ShPP (Shared Parental Pay)

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP
- I will be absent from work in each week which I will be paid ShPP and I will be on ShPL in those weeks (if entitled to SPL)
- I intend to care for my child in the weeks I receive ShPP
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA
- The information provided in this declaration is accurate.

Signature of mother	
Date mother signed	

Partner's declaration (must be completed)

- I am the father of the child, or at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother)
- I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of childbirth
- I consent to the amount of ShPL which the mother intends to take, as set out as above
- I consent to the mother's employer processing the information I have provided
- I consent to the amount of ShPP which the mother intends to take
- The information provided in this declaration is accurate

Signature of partner	
Date partner signed	

I confirm that I have read the provisions for Family Leave set out in Section 7 of the SNCT handbook and I am complying with such provisions

Signed:

Date:

Approval

Head Teacher:

Date:

Corporate Business Support:

Date:

Shared Parental Leave Form 3
Form for primary carer to curtail adoption leave to take Shared Parental Leave

Shared Parental Leave: Adoption Leave Curtailment Notice

Name of Employee	
Employee Number	
Job Title	
Location	

I commenced adoption leave on	(date)
I wish to end adoption leave on	(date)

I confirm I wish to bring my adoption leave to an end and commence shared parental leave.

I confirm that I satisfy/will satisfy the following eligibility requirements to take shared parental leave.

I have/will have 26 weeks continuous employment ending with the week in which I was notified of being matched for adoption with the child/children.

I confirm that, by the week before any period of shared parental leave that I take I will have remained in continuous employment with the organisation.

Signed:.....

Date:

Approval

Head Teacher:Date:

Corporate Business Support:Date:

Shared Parental Leave Form 4
Form for primary carer to curtail surrogacy leave to take Shared Parental Leave

Shared Parental Leave: Surrogacy Leave Curtailment Notice

Name of Employee	
Employee Number	
Job Title	
Location	

I commenced surrogacy leave on	(date)
I wish to end surrogacy leave on	(date)

I confirm I wish to bring my surrogacy leave to an end and commence shared parental leave.

I confirm that I satisfy/will satisfy the following eligibility requirements to take shared parental leave.

I have/will have 26 weeks continuous service prior to the weeks in which I was notified of being matched for adoption with the child/children.

I confirm that, by the week before any period of shared parental leave that I take I will have remained in continuous employment with the organisation.

Signed:.....

Date:

Approval	
Head Teacher:	Date:
Corporate Business Support:	Date:

Questions and Answers

What is shared parental leave

Shared Parental Leave enables the mother/adopter to commit to ending maternity/adoption leave early and use the remainder of their statutory leave as Shared Parental Leave. There is a maximum of 52 weeks minus the number of weeks that the mother/adopter takes as maternity/adoption leave. First two weeks of maternity leave are compulsory for the mother so the maximum will be 50 weeks.

What is shared parental pay

This is 39 weeks minus the number of week's statutory maternity or adoption pay or maternity allowance taken by the mother or adopter.

With whom can the mother/adopter share leave and pay

The mother may share any shared parental leave with the "other parent" with whom she shares the main responsibility for the care of the child and who must be one of the following:

- The child's father
- A person whom the mother is married or in a civil partnership with; or
- A partner (including same sex partner) who lives with the mother and the child in an enduring family relationship but is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

When can shared parental leave and pay be taken

- Shared parental leave and pay cannot begin before the birth (or placement for adoption) and must be taken within 1 year of the birth or the date the child was placed with the family.

What is curtailing of maternity or adoption leave

This is where an eligible mother or adopter brings 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/adopter or their partner is eligible for this (form 2).

How does a mother curtail her maternity leave

- By returning to work: or
- Giving written notice to her Head Teacher (form 2) to end her maternity leave period on a future date which the mother must specify. This has to be accompanied by either the mother or the partner submitting to her or his employer a notice of entitlement and intent (form 1) to shared parental leave.

What happens if I change my mind and want to stay on maternity leave.

Once a mother has returned to work, she cannot restart her maternity leave. A mother cannot change her decision to end her maternity leave after a curtailment notice has been given to her Head Teacher. Exceptions are:

- Where the notice was given before birth – it maybe withdrawn without a reason up to six weeks following the birth
- Where the other parent dies; and
- Where it subsequently transpires that neither of the parents are entitled to shared parental leave or pay.

The child's father's entitlement to shared parental leave ceases with immediate effect.

How much money is statutory shared parental pay

Statutory shared parental pay is paid at 90% of the relevant parent's average weekly earnings or the statutory prescribed rate (whichever is lower) £139.58. Remaining 13 weeks to be unpaid.

39 weeks statutory maternity pay is available to the mother.

Compulsory 2 weeks for mother of maternity leave

Could mean share up to 37 weeks dependant on what the mother has already taken before birth

The remaining 13 weeks will be unpaid

Booking Blocks of Leave

You can book up to 3 separate blocks (each block should be for a minimum of 4 weeks) of Shared Parental Leave instead of taking it all in one block, even if you are not sharing the leave with your partner. Your partner can also take up to 3 blocks of leave. You can take leave at different times or both at the same time.

How much notice must I give before I can take a period of shared parental leave

The mother and her partner need to complete the entitlement and intention form (form 1) at least 8 weeks before she or he intend to take the leave.

Can a single continuous block of leave be refused

No - providing you have given 8 week's notice

Can I withdraw my notice to take leave

Yes you can vary or cancel provided you give written notification not less than 8 weeks before any period of leave is due to commence.

Can a request for discontinuous leave be refused (e.g. 2 weeks in June, 3 weeks in September)

Yes this can be refused. There is a two week discussion period, starting from the date that the Notice of Entitlement and Intention form (Form 1) is received. At the end of this period you may withdraw the notification without penalty by the 15th day after the notice was given, provided there has been no agreement reached. A withdrawn notification will NOT count towards the cap of three notifications.

Early Birth and Special Circumstances

Early Birth

If the child is born before the expected due date and you had booked Shared Parental Leave 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 but must submit a notice to vary your leave as soon as possible. This would not count as one of your three notifications.

If the child is born more than eight weeks before the due date and the notice of entitlement to Shared Parental Leave or notice to book Shared Parental Leave has not yet been given, there is no requirement to give 8 weeks notice before the period of leave begins.

Multiple Births

An employee is not entitled to extra Shared Parental Leave or pay if they are expecting more than one child.

Shared Parental Leave in Touch (SPLIT) Days

Each parent entitled to shared parental leave or statutory shared parental pay will have an individual entitlement to 20 shared parental leave in touch (SPLIT) days. This can be continuous or on odd days – without bringing to an end shared parental leave or pay. Payment for a days work will be no more than a normal days pay and will be offset by shared parental pay.

Do I accrue annual leave and public holidays while on shared parental leave

Yes

Can I receive Childcare Vouchers while on Shared Parental Leave

Whilst on shared parental leave employees can sacrifice their salary for childcare vouchers when in receipt of occupational pay as long as it would not reduce pay below the amount of statutory shared parental pay. If in receipt of statutory shared parental pay only or no pay the salary sacrifice arrangement will stop and no childcare vouchers will be received until in receipt of occupational pay. Further information contact Business Support Services Ext 4055.