

Shared Parental Leave

1. Who does this policy apply to?

1.1 All *employees* of Lancaster City Council.

2. What is the purpose of this policy?

2.1 This policy sets out the entitlement and arrangements for Shared Parental Leave (SPL) and pay in relation to the birth or adoption of a child. SPL gives employees and their partners more flexibility in how to share the care of their child in the first year after birth or placement. If both are eligible, a choice can be made about how to split the available leave between both parents and decide to be off work at the same time or at different times.

3. What roles do the employee, line managers, the Council and HR play in this policy?

3.1 Employee Responsibilities

- To notify your line manager and HR as soon as possible of your intention to take SPL, and to be familiar with the requirements of this policy.

3.2 Line Manager Responsibilities

- To countersign the arrangements for SPL and engage with HR as soon as an employee communicates that they are considering SPL.

3.3 HR Responsibilities

- To write to the employee and line manager confirming the SPL arrangements.
- To communicate the arrangements to payroll so the the employee is paid appropriately.
- To enter into MyView any recredited bank holidays during SPL on behalf of the employee, as well as any annual leave.

3.4 Council responsibilities

- To ensure this policy is updated in line with any changes in legislation.

4. Entitlements to leave and pay

4.1 SPL gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 52 weeks of leave and 39 weeks of pay with their partner should they wish to do so by committing to end maternity or adoption leave and pay early. That untaken balance of leave and pay

can then be taken as SPL. Parents taking SPL can take leave in separate blocks, returning to work in between blocks, and both parents can be on leave at the same time.

- 4.2 The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of Statutory Maternity Pay (SMP) or Maternity Allowance (MA) if she is not entitled to maternity leave).
- 4.3 Eligible employees are entitled to submit up to three notices to take a period of leave.
- 4.4 To be entitled to SPL, employees must be the mother, father, main adopter of the child or the partner of the main adopter, have or share with the other parent, the main responsibility for the care of the child, have at least 26 weeks' continuous service at the 15th week before the expected week of childbirth (EWC) (which is the week beginning on Sunday of the expected due date) or when the parents are notified of being matched for adoption (together known as the Qualifying Week), still be in continuous employment until the week before any SPL is taken and comply with the relevant statutory notices and evidence requirements.
- 4.5 In addition, the other parent must have at least 26 weeks' employment (in an employed or self-employed capacity) out of the 66 weeks prior to the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks
- 4.6 You may be able to claim Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP or MA claimed by you or your partner) if you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.
- 4.7 You should tell us in your period of leave notice(s) whether you intend to claim ShPP during your leave (and if applicable, for what period). If it is not in your period of leave notice you can tell us in writing, at least eight weeks before you want ShPP to start.

5. Shared parental leave arrangements

- 5.1 If you are the birth parent you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth. If you are the partner of the birth parent or the main adopter, you should consider using your two weeks' partner leave before taking SPL. Once you start SPL you will lose any untaken partner leave entitlement. SPL is in addition to partner leave entitlement.

Opting In

- 5.2 Not less than eight weeks before the date you intend your SPL to start, you must complete and give to your line manager the written opt-in notice (available here).

Ending your maternity leave

- 5.3 If you are the child's mother and want to opt into the SPL scheme, 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 leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth. A curtailment notice is binding and can only be revoked in certain circumstances (i.e. you realise either you or your partner are not eligible for SPL or Shared Parental Pay (ShPP), if submitted prior to birth, for up to 6 weeks after birth or if the other parent has died).
- 5.4 The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have provided the curtailment notice.

Ending your partner's maternity leave or pay

- 5.5 If you are not the birth partner, but the birth parent is still on maternity leave or claiming SMP or MA, you will only be entitled to SPL once they have either:

- (a) returned to work;
- (b) given her employer a curtailment notice to end her maternity leave;
- (c) given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- (d) given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

Booking SPL

- 5.6 Having opted into the SPL system, you must book your leave by giving us a period of leave notice available on the intranet. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.
- 5.7 The period of leave notice can either give the dates you want to take leave or, if the child has not been born or placed yet, it can state the number of days after birth/placement that you want the leave to start and end. This may be particularly useful if you intend to take paternity leave starting on the date of birth or placement and wish to take SPL straight afterwards.
- 5.8 Leave must be taken in blocks of at least one week.
- 5.9 If your period of leave notice gives a single continuous block of SPL you will be entitled to take the leave set out in the notice. If your period of leave notice requests split periods of SPL with periods of work in between, we will consider your request in line with the procedure for requesting split periods of SPL below.
- 5.10 You can give up to three period of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice).

Procedure for requesting split periods of SPL

- 5.11 In general, a period of leave notice should set out a single continuous block of leave. We may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best to discuss this with your line manager and HR in good time before formally submitting your period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.
- 5.12 If you want to request split periods of SPL, you must set out the requested pattern of leave in your period of leave notice. We will either agree to the request or start a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, you may:

- (a) choose a new start date (which must be at least eight weeks after the date you submitted the notice requesting split periods of leave), and tell us within five days of the end of the two-week discussion period; or
- (b) withdraw the notice and tell us within two days of the end of the two-week discussion period (in which case it will not be counted as a period of leave notice, and you may submit a new one if you choose).

Changing the dates or cancelling your SPL

- 5.13 You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.
- 5.14 You can change the start date for a period of leave by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.
- 5.15 You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date or the new end date, whichever is earlier.
- 5.16 You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see paragraph 5.14 and **Error! Bookmark not defined.**5.15 above which set out how much notice is required for the request.
- 5.17 A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:
 - (a) it is a result of your child being born earlier or later than the EWC;
 - (b) you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period under paragraph 5.12;
 - (c) it is at our request; or
 - (d) we agree otherwise.

Premature Birth

- 5.18 Where the child is born early (before the beginning of the EWC), you may be able to start SPL in the eight weeks following birth even though you cannot give eight weeks' notice. The following rules apply:
 - (a) If you have given a period of leave notice to start SPL on a set date in the eight weeks following the EWC, but your child is born early, you can move the SPL start date forward by the same number of days, provided you notify us in writing of the change as soon as you can. (If your period of leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)
 - (b) If your child is born more than eight weeks early and you want to take SPL in the eight weeks following birth, please submit your opt-in notice and your period of leave notice as soon as you can.

6. Pension Contributions

- 6.1 During periods of paid Maternity Leave, the employee will continue to make pension contributions based on the amount the employee is actually paid, whilst the Council will make contributions based on Assumed Pensionable Pay, which is what an employee would have earned, but for the maternity leave. Any employees who wish to explore the option of paying additional contributions when they are in a period of unpaid maternity leave, they should contact payroll@lancaster.gov.uk at the earliest opportunity.

7. Annual Leave

- 7.1 Annual leave continues to accrue as normal throughout SPL and due to the length of SPL, most maternity periods of leave are likely to fall between two annual leave years. Although it is encouraged to try and take all annual leave in the leave year, SPL may often mean this is not possible, so any outstanding leave can be carried over, and it is permissible to use this to extend the period of paid leave following the birth or placement of a child. Employees may wish to supplement their SPL with annual leave immediately before or after and they are encouraged to discuss their holiday plans with their line manager.
- 7.2 Any carried over leave must be taken or pre-booked within 2 months of the return from the last period of SPL. If the carried over leave is pre-booked, this can be booked at any time in that leave year; the requirement is only to ensure that all carried over leave is either taken, or booked (for a later date) in the first two months following the employees' return. Line managers will engage in a return-to-work conversation with employees, and work with them to use annual leave effectively.
- 7.2 Bank holidays that fall during any period of maternity absence will be recredited to the employee, on a pro-rata basis in line with their existing working pattern, and subject to any bank holidays already taken during the relevant leave year.

8. Contact during SPL

- 8.1 LCC acknowledges how important the bonding process is during SPL, and how exhausting it can be, so contact will be kept to a minimum, and only where necessary to inform employees about changes at work and ahead of the employees' return to work date (unless of course the employee would like to have a more frequent dialogue with their line manager or colleagues).
- 8.2 Except for in the first 2 weeks of maternity leave (which is compulsory prior to SPL in cases where the employee has given birth), an employee can carry out up to 20 shared parental "keeping in touch" (SPLIT) days without bringing shared parental leave to an end. They are optional and must be agreed between both parties. A SPLIT day is used to carry out usual work duties or training. SPLIT days do not extend the period of SPL and will be paid at the usual rate of pay for the hours worked in addition to the SSPP. If all 20 SPLIT days are used during SPL, any further work performed would mean that a weeks' ShPP is lost for any week in which work is performed.
- 8.3 The 20 SPLIT days available during SPL are in addition to the 10 KIT days available during Maternity and Adoption Leave.

9. Returning to work

- 9.1 If you want to end a period of SPL early, you must give us 8 weeks' written notice of the new return date. If you have already given us three period of leave notices you will not be able to end your SPL early without our agreement.
- 9.2 If an employee returns to work immediately after a period of SPL, which together with any statutory maternity/adoption leave taken to care for the same child, was 26 weeks or less, the employee will return to work in the same job.
- 9.3 If an employee returns to work from a period of SPL, which together with any maternity/adoption leave

taken to care for the same child, was more than 26 weeks, the employee will normally be entitled to return to the job in which they were employed before the absence. If that is not reasonably practicable, for instance due to a general reorganization, a similar role will be offered on no less favourable terms and conditions.

- 9.4 If your role is affected by a genuine redundancy situation occurring during your leave or have returned to work from a period of at least six consecutive weeks of shared parental leave and are within an additional protected period of 18 months from the child's date of birth, you shall be given first refusal on any suitable alternative vacancies that are appropriate to your skills. Similar protection applies to employees who have notified us of their pregnancy or are on, or have recently returned from, a period of maternity leave or adoption leave.

10. Flexible working requests

- 10.1 LCC understands that having a child *may* necessitate a desire to work differently, for any number of reasons. Full consideration will be given to requests from employees who, upon their return from maternity leave, wish to change their working commitment. Employees should submit their requests as far in advance of their scheduled return date as possible, to allow adequate time for the request to be considered, and where appropriate, the necessary arrangements to be put in place.

11. When will this policy be reviewed?

- 11.1 This policy will be reviewed every two years or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	03.02.2015	New policy agreed by Personnel Committee	03.02.2017
2.0	02.08.2017	Revised policy	02.08.2019
3.0		Reformatting and rebranding agreed by People & OD Committee	