

**SHARED PARENTAL LEAVE**

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## **Appendices**

### **Appendix 1 - Shared Parental Leave notice of entitlement and intention form**

### **Appendix 2 - Shared Parental Leave – period of leave notice (mother) form**

### **Appendix 3 - Notice of Partner intending to take SPL form**

#### **1. Introduction**

Harlow District Council (HDC) is committed to delivering a working environment that enables employees to achieve the right balance between work and home, whilst providing high quality services to the community.

This procedure supported by other key documents (e.g. Flexible Working Policy) aims to:

Enable employees to balance the demands of domestic and work responsibilities, and to enhance the Council's reputation as a good employer and to develop an agile and flexible workforce.

This policy also seeks to promote equality and diversity in accordance with the Council's policies.

The Council is committed to ensuring that:

- 1) A family friendly working environment is developed, whilst maintaining high quality services.
- 2) Managers recognise the importance of balancing work and home life, seeing flexibility as integral to the recruitment, motivation, and retention of high quality staff.
- 3) All employees are treated fairly and consistently.
- 4) Statutory legislation and contract entitlements are complied with.

#### **2. What is Shared Parental Leave?**

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.

This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

It is the Council's policy to encourage open discussion with employees to ensure that questions can be resolved as quickly as possible. Employees should clarify the relevant procedures with Human Resources to ensure that they are followed.

### 3. Who is eligible for Shared Parental Leave?

SPL can only be used by two people:

- The mother/adopter **and**
- 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.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the organisation at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;

Continuity of employment test	Employment and earnings test
The individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each leave period.	In the 66 weeks leading up to the baby's expected due date/ matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks

- the employee must correctly notify the organisation of their entitlement and provide evidence as required.

### 4. The Shared Parental Leave entitlement

Eligible employees may 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 system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 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 of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to end their maternity/adoption entitlement then the mother/adopter's partner can start SPL while the mother/adopter is still using their maternity/adoption entitlements, as long as the mother/adopter has given their manager notice to end it.

<b>Example</b>
<p>A mother and her partner are both eligible for SPL.</p> <p>The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives notice to her employer.</p> <p>Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born up to a maximum of 36 week (i.e. 52 in total, as long as they've given at least 8 weeks' notice).</p>

SPL will generally commence on the employee's chosen start date specified in their SPL booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" Section 11 & 17).

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" Section 18).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

## 5. What you'll get

If you're eligible i.e. continuity of employment test and their partner must meet the employment and earnings test (see section 3) and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

The mother must take a minimum of 2 weeks' maternity leave following the birth.

## 6. How much pay you'll get

ShPP is paid at the rate of £139.58 a week (from 5 April 2015) or 90% of your average weekly earnings, whichever is lower.

This is similar to Statutory Maternity Pay (SMP), the exception being during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

### Example

A woman decides to start her maternity leave 11 weeks before the due date and gives notice that she'll take SPL from 2 weeks after the birth (taking a total of 13 weeks maternity leave). She normally earns £200 a week.

She's paid £180 (90% of her average weekly earnings) as SMP for the first 6 weeks, then £139.58 a week (from 5 April 2015) for the next 7 weeks. Once she goes onto SPL, she's still paid £139.58 a week (from 5 April 2015)

## 7. Notifying the organisation of an entitlement to Shared Parental Leave

An employee entitled and intending to take SPL must give their line manager (copy to HR) notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL. (**Appendix 1**)

Part of the eligibility criteria requires the employee to provide the organisation with correct notification. Notification must be in writing and requires each of the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- 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 been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take
- an indication of when the employee expects to take the leave.

The employee must provide the organisation with a signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL; ie Sharing responsibility for the care of the child; they meet the continuity of employment test;
- The mother/adopter has given eight weeks' notice of ending their Maternity/Adoption leave
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the organisation.

The employee must provide the organisation with a signed declaration (**Appendix 1**) from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child or they are 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' (see "Who is eligible for Shared Parental Leave?" above No??), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- 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
- (If the mother) they are entitled to SML/SMP or MA and that they have given notice to end that leave and pay/allowance
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

## **8. Requesting further evidence of eligibility**

The Council will within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-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 of having been matched with the child and the date on which the agency expects to place the child for adoption.

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request. (**Appendix 2 or 3**).

## **9. Fraudulent claims**

The Council can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

## **10. Discussions regarding Shared Parental Leave**

An employee considering/taking SPL should contact the HR department to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.

Upon receiving a notification of entitlement (**Appendix 1**) to take SPL, HR will arrange an informal meeting with the employee (the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative) to talk about their intentions and how they currently expect to use their SPL entitlement.

Upon receiving a SPL booking form HR will arrange a meeting to discuss the information with regards to a single period of continuous leave, or a request for discontinuous leave.

Where a meeting is arranged it should take place confidentially. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the organisation, and what the outcome may be if no agreement is reached.

## **11. Booking Shared Parental Leave**

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the SPL (**Appendix 2 or 3**). In many cases, notice to take SPL will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends 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 of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

## 12. Early Birth

If the child is born before their expected due date and the employee had booked to take SPL within the first eight weeks of the due date, they 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 their leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of the employee's three notifications.

Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave.

If the child is born more than eight weeks before their expected 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. The notices should be given as soon as is reasonably practicable after the actual birth.

## 13. Continuous leave notifications

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has 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 of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

## 14. Discontinuous leave notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns 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, HR will arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Council (see "Discussions regarding Shared Parental Leave" section 10).

The organisation will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

<b>The Default Provisions (discontinuous leave only)</b>
Understanding the default provisions is essential because they could make the difference between an employee withdrawing their notification (and possibly applying again) or taking a continuous block of SPL instead.

**Within 14 calendar days of the original notification...**

If an agreement is reached regarding when the employee will take their leave, no default provisions will apply. If no agreement is reached or the employer refuses the discontinuous leave notification or the employer makes no response to a discontinuous leave notification, the default provisions will apply.

**Within 15 calendar days of the original notification...**

If no agreement is reached, the employee may withdraw their discontinuous leave notification. If the employee does withdraw the request it will not count as one of their three notices to book leave. If the employee does not withdraw their request, the discontinuous leave notification automatically defaults to a period of continuous leave.

**Within 19 calendar days of the original notification...**

The employee can choose when the continuous leave will commence but it cannot start sooner than eight weeks from the date the original notification was given. If the employee does not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started

**15. Outcomes**

Depending on the circumstances involved, there are three outcomes once a request for SPL has been received, considered and discussed. **Continuous SPL cannot be refused.**

- A) Confirm a continuous leave period or accept a discontinuous leave request.
- B) Agree a modification to a leave request (an employee is under no obligation to modify a continuous leave notice and should never be put under any pressure to do so).
- C) Refuse a discontinuous leave notification.

For outcome C, the employee can withdraw their notification on or before the 15th day after the notification was originally made and it will not count as one of their three notifications. If not, they must take the total amount of leave notified in one continuous block. The employee can choose when this leave period will begin within 19 days of the date the notification was given to the employer but it cannot start sooner than the initial notified start date. If they don't, the leave will begin on the starting date stated in the original notification.

**16. Responding to a Shared Parental Leave notification**

If it is your intention to take SPL, please complete a SPL – Period of leave notice form (Mother or Partner) (**Appendix 2 or 3**) and send it to your line manager and copy to HR. Once HR receives this form, your request 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.

All notices for continuous leave will be confirmed in writing.

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

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.

The employee 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 may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or 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.

## **17. Variations to arranged Shared Parental Leave**

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise their manager 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.

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

Any variation will be confirmed in writing by HR.

## **18. Statutory Shared Parental Pay (ShPP)**

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. 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 the leave.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive ShPP they must give written notice to their line manager and HR, at least eight weeks before receiving any ShPP, advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement and intention to take SPL. **(Appendix 1)**

In addition, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform their manager and HR should they cease to be eligible.
- It must be accompanied by a signed declaration from the employee's partner their agreement to the employee claiming ShPP and the Council to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

## **19. Terms and conditions during Shared Parental Leave**

During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary.

Pension contributions will continue to be made during any paid period i.e. when the employee is receiving ShPP, but not during any period of unpaid SPL. Employee contributions are made be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking SPL. Upon return to the workplace the Payroll team will write to the employee with regards to making any Additional Pension Contributions (APC) For further information with regards to Pension contribution please contact Essex County Council Pension Services on 01245 431912.

## **20. Annual Leave**

SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken by the end of the leave year in which the employee returns to work.

## **21. Contact during Shared Parental Leave**

Before an employee's SPL begins, their manager will discuss the arrangements for them to keep in touch during their leave. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

## **22. Shared Parental Leave in Touch days (SPLIT days)**

An employee can agree to work or attend training for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

HDC has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the Council and the employee. An employee taking a SPLIT day will receive full pay for any day/hours worked. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of their line manager, may use SPLIT days/hours to work part of a week during SPL. The Council and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern. Employees must discuss SPLIT days with their line manager before they take place (completion of an overtime form (paid at flat rate) should be completed which requires management authorisation before it is sent to Payroll for payment).

## **23. Returning to work after Shared Parental Leave**

The employee will have been formally advised in writing by the organisation of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise. If they are unable to attend work due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Council at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

Where it is not practicable for reason of redundancy for the Council to permit the employee to return to work in their job, the employee shall be entitled to be offered a suitable vacancy where one exists provided the work to be done in the post is suitable and appropriate to the circumstances and that the capacity and place in which the employee is to be employed and their terms and conditions of employment are not substantially less favourable to them than if they had been able to return in the job in which they were originally employed (for more information please refer to HDC's Organisational Change Procedure).

## **24. Special Circumstances and further information**

### **Death of the child before or during birth, or within the first year**

Should the child die before the parents have submitted a notice of entitlement to take SPL then they cannot opt into SPL because a qualifying condition is caring for a child. The mother will remain entitled to maternity leave and the mother's partner could still qualify for statutory paternity leave.

If the parents have opted into SPL and they have booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

An employee who is absent on SPL may cancel agreed SPL and return to work by giving their employer eight weeks' notice of their return to work.

### **Partner no longer caring for the child**

If the circumstances of an employee who has booked SPL change so that they will no longer be responsible for caring for the child (unless it is because the child has died), their entitlement to both SPL and ShPP will immediately cease and they must tell their employer.

If the employee has any SPL arranged within eight weeks of their entitlement ceasing, their employer can still require them to take it as SPL if it is not reasonably practicable for the employer to have their employee in work, for example because cover has been arranged. Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled.

If the remaining parent will be continuing to care for the child then they will still be eligible to take their SPL entitlement. If the other parent, who is no longer caring for the child had any SPL leave entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

### **Death of a parent during the child's first year**

If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL.

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

### **Multiple births/adoptions**

An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are, like maternity leave, the same as if the employee was expecting one child. This also applies to multiple adoptions that occur in a single placement.

In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the organisation will abide by any statutory obligations and an employee should refer to related legislation below:

### **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