



Shared Parental Leave Policy

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This document requires the following committee approvals:

Committee	Date of meeting pending approval
CDC Personnel Committee	17 October 2022 (16:00)

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1 November 2025 but sooner if impacted by legislative changes

REVISION HISTORY

Version	Revision date	Summary of revision

SHARED PARENTAL LEAVE

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1 Entitlement to Shared Parental Leave

This policy does not form part of any employee's contract of employment or other contract to provide services and the Council may amend it at any time.

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

This policy outlines the statutory right to take Shared Parental Leave (**SPL**) to care for a child due to be born or placed for adoption by a UK adoption agency or where fostering a child with a view to possible adoption. It also outlines the arrangements and notification requirements before a period of SPL and the entitlement to pay during SPL.

SPL gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 50 weeks' leave should they wish to do so. Parents taking SPL can take leave in separate blocks, returning to work in between blocks, and can be on leave at the same time.

Employees and managers should where possible have an informal discussion prior to employees giving formal notification of intention to take SPL so that statutory entitlements to other types of leave and pay can be discussed, and to ensure that plans for any discontinuous periods of leave can be considered as early as possible.

Requests for SPL which are not made in accordance with the statutory notification requirements will be given reasonable consideration but may not be granted.

You will find a helpful flow chart detailing important events and dates to remember for SPL requests at Appendix 1.

Please seek further guidance from your HR Business Partner or another member of the HR team.

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.

3 Who is eligible for Shared Parental Leave?

To qualify for SPL in relation to the birth of a child you must:

- be the child's mother and share the main responsibility for the care of the child with the child's father or with your partner, or
- be the child's father and share the main responsibility for the care of the child with the child's mother; or
- be the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The following conditions must also be fulfilled in relation to the birth of a child:

- you must have at least 26 weeks continuous employment with Cherwell District Council (previous continuous service from another employer will not be counted) by the end of the **Qualifying Week** (i.e. the fifteenth week before the expected week of childbirth, ("**EWC**"). The EWC is the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.). You must also still be employed by CDC in the week before the leave is to be taken;
- the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (**SMP**) or maternity allowance (**MA**) periods.

You may be entitled to SPL in relation to the adoption of a child if:

- a UK adoption agency places a child with you and/or your partner for adoption, or
- a child in local authority care is placed with you and/or your partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme, or

The following conditions must also be fulfilled in relation to the adoption of a child:

- You and your partner must intend to share the main responsibility for the care of the child.
- You must have at least 26 weeks continuous employment with Cherwell District Council by the end of the week the adoption agency notifies you that you have been matched with a child for adoption and still be employed by CDC in the week before the leave is to be taken.
- Your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the week the adoption agency notifies you that you have been matched with a child for adoption and had average weekly earnings of at least £30 during 13 of those weeks.
- Either you or your partner must qualify for statutory adoption leave and/or statutory adoption pay (**SAP**) and must take at least two weeks of adoption leave and/or SAP.
- You and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or SAP.

Partner means your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is born or placed with you

for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

4 Shared Paternity Leave and Pay Details

Birth cases

The total amount of SPL available in birth cases 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 SMP or MA if she is not entitled to maternity leave). If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth. If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

You may be able to claim Statutory Shared Parental Pay (**ShPP**) of up to 39 weeks (less any weeks of SMP, MA or SAP) if you have at least 26 weeks' continuous employment with CDC 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. If you intend to claim ShPP during your leave, you should tell us in writing at least eight weeks before you want ShPP to start.

Adoption cases

The total amount of SPL available in adoption cases is 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave). If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see our Paternity Leave Policy). You should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.

You may be able to claim ShPP of up to 39 weeks (less any weeks of SAP claimed by you or your partner) provided you have at least 26 weeks' continuous employment with us at the end of the week the adoption agency notifies you that you have been matched with a child for adoption and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year. If you intend to claim ShPP during your leave, you should tell us in writing at least eight weeks before you want ShPP to start.

Shared parental leave cannot be taken until after the birth/placing of the child.

Partners do not have to work for the Council, but they must satisfy minimum employment and earnings criteria.

How can periods of leave be taken?

SPL must be taken in complete weeks, it can be taken:

- *as one continuous block, or;*
- *in multiples of complete weeks.*

The minimum SPL that can be taken is one week and, as you can give up to three period of leave notices, this may enable you to take up to three separate blocks of SPL.

Provided that both parents qualify for SPL you can choose to take leave at the same time as your partner or you can take your leave separately.

You may take one or more periods of shared parental leave per pregnancy or adoption.

Notice of Entitlement

Not less than eight weeks before the date you intend your SPL to start, a notice of entitlement and intention to take shared parental leave, must be submitted (Appendix 3). This may be submitted at the same time as the maternity/adoption curtailment notice or at a later date, but it cannot be later than 8 weeks before the date of the first period of shared parental leave.

Curtailment Notice

Anyone eligible and intending to take shared parental leave must submit a maternity/adoption leave curtailment notice, giving at least 8 weeks' notice stating that they wish to end their maternity or adoption leave early. This form is at Appendix 2. You must also give us a notice to opt into the SPL scheme (see above) or a written declaration that your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice. In adoption cases, if your partner is eligible to take SPL from their employer they cannot start it until you have given us your curtailment notice. In birth cases, the other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.

Once you have ended your maternity/adoption leave and have returned to work you will only be entitled to statutory pay during periods of shared parental leave and at that point you cannot revert back onto maternity or adoption leave.

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

- (a) if you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given;
- (b) if you gave the curtailment notice before giving birth, you can revoke it in writing up to six weeks after birth; or
- (c) if the other parent has died.

Ending your partner's maternity/adoption leave or pay

In birth cases, if you are not the mother, but the mother is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once she has 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).

In adoption cases, if your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:

- (a) returned to work;
- (b) given their employer a curtailment notice to end adoption leave; or
- (c) given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

Right to return to work after a period of SPL

You have the right to return to the same job if you have been on shared parental leave plus any other type of leave for 26 weeks or less.

If you have been on leave for more than 26 weeks you have the right to return to the same job unless this is not reasonably practicable and we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

5 Keeping in Touch Days

You may be asked to attend work on occasional days during your SPL period. These days could be for training, to attend department meetings, or just for keeping in touch (KIT). You may work for up to 20 days without bringing the SPL to an end but work during SPL will not have the effect of extending your SPL period. If you do work, you will be paid your normal rate of pay inclusive of any ShPP entitlement. You are under no obligation to work during SPL, and the Council is under no obligation to offer work.

The 20 KIT days available during SPL are in addition to the 10 KIT days available during maternity and adoption leave.

6 Booking your SPL dates and request for Blocks of Leave

Having opted into the SPL system, you must book your leave by giving us a

period of leave notice. 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.

The period of leave notice can either give the dates you want to take SPL or, if the child has not yet been placed with you or not yet been born, it can state the number of days after the placement or birth that you want the SPL to start and end. This may be useful if you intend to take paternity leave or adoption leave starting on the date of placement or birth and wish to take SPL straight afterwards.

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. In such circumstances particular rules apply – please speak to a member of HR.

Requests for a single block of leave must be agreed by the Council and will need to meet the needs of the business.

If a request is for more than a single block the Council may:

- *agree to your request*
- *decline your request due to organisational need or propose alternative dates*

Up to three separate requests for periods of shared parental leave and three withdrawal notices may be submitted. Any periods of leave that have been declined do not count towards these totals.

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. 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. You can also 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.

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 or the variation is a result of the child being placed with you earlier or later than the expected placement date; ;
- (b) you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period (as referred to below);
- (c) it is at our request; or
- (d) we agree otherwise.

7 Declaration

Each **parent** must submit a signed declaration (*Appendix 2*) to their line

manager with the notice of entitlement and intention, stating:

- *their full name;*
- *their partner's full name*
- *the name and address of their partner's employer*
- *confirmation that they are eligible for SPL*
- *a statement that the information contained within the declarations is accurate.*
- *details of the amount of leave each partner is to take (this is nonbinding and*
- *the amount of shared parental leave each partner is to take (start/end date).*

8 Fraudulent Claims

The Councils can, where there is a suspicion that fraudulent information may have been provided or where the council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual disciplinary procedures, and may lead to gross misconduct if the allegations are found to be true.

9 Annual leave during a period of SPL?

Your entitlement to annual leave remains unaffected by SPL leave.

Subject to agreement by your manager, you should take your accrued annual leave prior to the commencement of your SPL. Any holiday entitlement for the year that cannot reasonably be taken before starting your SPL can be carried over to the next holiday year and must be taken within three months of returning to work unless your line manager agrees otherwise.

Please discuss your holiday plans with your line manager in good time before starting SPL. All holiday dates are subject to approval by your line manager.

10 Local Government Pension Scheme

Any absence, which is unpaid, will be treated as a break in service for occupational pension purposes unless you choose to pay voluntary contributions.

You must write to Payroll and state your intention to pay voluntary contributions no later than 30 days after your return to work. You may pay these contributions as a lump sum or in instalments. For further advice, please contact Payroll.

Appendix 1

Note

Please think very carefully before you submit this form. Once the form is submitted,

SHARED PARENTAL LEAVE CURTAILMENT NOTICE	
Name of employee	
Department	
Job title	

you can withdraw your maternity/adoption leave curtailment notice only in limited circumstances.

I wish to bring my **[ordinary/additional]** maternity/adoption leave **[and statutory maternity/adoption pay]** to an end to be able to take shared parental leave.

The date on which you end your maternity/adoption leave must be at least:

eight weeks after the date on which you provide this notice to the organisation;

two weeks after you give birth; and

one week before what would have been the end of your additional maternity/adoption leave

I wish to end my leave on:

I wish my statutory pay period to end on:

I have also completed a form providing a notice of entitlement and intention to take shared parental leave.

My partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer.

I consent to the amount of leave that my partner intends to take.

Signed Employee

Date

Appendix 2

SHARED PARENTAL LEAVE: NOTICE OF ENTITLEMENT AND INTENTION TO TAKE SHARED PARENTAL LEAVE

Name of employee

Department

Job title

I wish to provide the organisation with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.

(* indicates to delete as appropriate throughout the form)

Section A: Information to be provided by employee

<p>I am the child's mother*/child's father*/mother's partner*</p> <p>"Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>	
<p>My partner's name is:</p>	
<p>My maternity*/adoption leave* started/is expected to start on:</p>	
<p>My maternity*/adoption leave* ended/is expected to end on:</p>	
<p>My statutory maternity pay*, maternity allowance* or statutory adoption pay* start date:</p>	
<p>My statutory maternity pay*, maternity allowance* or statutory adoption pay* end date:</p>	
<p>My partner is taking maternity leave*/adoption leave* which started/is expected to start on and ended/is expected to end on:</p>	
<p>My partner is not entitled to statutory maternity leave*/statutory adoption leave* but is receiving or will receive statutory maternity pay or maternity allowance* or statutory adoption pay* from and to the following dates:</p>	
<p>My child's expected week of birth is/child was born on*</p> <p>or</p> <p>The date the adoption agency notified me of being matched with the child, the expected date of placement and the actual date of placement. If your child</p>	

<p>has not yet been placed with you please give the date of placement as soon as possible after placement and before starting SPL)*</p>	
<p>Shared parental leave</p> <p>The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this opt-in notice and a period of leave notice. Shared parental leave must be taken in blocks of at least one week.</p> <p>This notice is to allow the organisation to check that you are entitled to shared parental leave and to provide the organisation with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the organisation a period of leave notice at least eight weeks before the first period of shared parental leave that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the organisation a variation notice.</p>	
<p>The total amount of shared parental leave my partner and I have available is:</p>	
<p>I intend to take the following number of weeks shared parental leave:</p>	
<p>My partner intends to take the following number of weeks shared parental leave:</p>	
<p>I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):</p>	
<p>I intend to take the following number of weeks' shared parental pay:</p>	
<p>Section B: Declaration to be completed by employee</p>	
<p>I satisfy/will satisfy the following eligibility requirements to take shared parental leave:</p>	
<p>I am the child's mother and I am entitled to statutory maternity leave. I have submitted a curtailment of maternity leave notice (or will submit it before my partner takes SPL and at least eight weeks before the first date on which I intend to take SPL).*</p> <p>or</p> <p>I am the child's father or the child's mother's partner.*</p> <p>or</p>	

A child has been placed or will be placed with me for adoption and I am entitled to statutory adoption leave. I have submitted a curtailment of adoption leave notice (or will submit it before my partner takes SPL and at least eight weeks before the first date on which I intend to take SPL).*

or

My partner is entitled to statutory adoption leave because of the placement of a child with us/him/her* for adoption.*

I have/will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth* or at the end of the week in which we were notified that we had been matched with the child*, and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation

I expect to share the main responsibility for the care of the child with the person who has completed the declaration in Section C.

I intend to care for the child during each week that I am on shared parental leave

I have complied with the organisation's maternity/adoption leave curtailment requirements/returned to work before the end of my statutory maternity/adoption leave period, and will comply with the organisation's shared parental leave notice and evidence requirements

The information that I have provided in this notice is accurate

I will immediately inform the organisation if I cease to care for the child or if I no longer satisfy the other conditions for entitlement to SPL

I have given no less than 8 weeks' notice of my intention to take SPL

Section C: Declaration to be completed by employee's partner

My name is:

My address is:

My National Insurance number is:

My employer's name and address (if employed) or business address (if self-employed).

I have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth or the week we were

notified that we had been matched with a child.			
<input type="checkbox"/> I have average weekly earnings of at least £30 for any 13 of those 66 weeks			
<input type="checkbox"/> I expect to share the main responsibility for the care of the child with the employee			
<p>I am the father of the child*,</p> <p>or</p> <p>I am the partner of the child's mother*</p> <p>or</p> <p><input type="checkbox"/> I am the mother of the child and I am (or was) entitled to maternity leave, statutory maternity pay or maternity allowance. I have curtailed my maternity leave, statutory maternity pay or maternity allowance or will have done so by the time your employee starts parental leave.*</p> <p>or</p> <p>The employee is my partner</p>			
<input type="checkbox"/> I am (or was) entitled to statutory adoption leave and/or statutory adoption pay. I have curtailed my statutory adoption leave or pay, or will have done so by the time the employee starts parental leave. (<i>Delete if not applicable.</i>)			
<input type="checkbox"/> I consent to the employee taking shared parental leave as set out in this notice			
<input type="checkbox"/> I consent to your organisation processing the information provided in this form and to the information in this declaration being used for the purposes of administering shared parental leave			
<input type="checkbox"/> I will immediately inform the employee if I cease to satisfy any of the conditions in this declaration.			
Section D: Signatures			
Signed (employee)		Date	
Signed (employee's partner)		Date	

