



Shared Parental Leave Policy

The purpose of this policy is to provide information and resources about shared parental leave arrangements.

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Relevant forms and information:

- [F090 Shared Parental Leave Partner Declaration Form](#)
- [F089 Notification of Entitlement and Intention to Take SPL Form](#)

Related policies:

- [Maternity Policy](#)
- [Paternity Policy](#)
- [Adoption Policy](#)

If you have any questions about this policy or require any further support, please contact the HR team by emailing hr@southkesteven.gov.uk

For independent support, our Employee Assistant Support service offer a completely confidential helpline for employees. Call 0800 716 017 to receive support for mental health, legal signposting, practical help, manager coaching and much more.

1.0 Policy Statement

This policy sets out the Council's stance on employee entitlement to take shared parental leave (SPL), an explanation of the available entitlements and the procedures employees should follow in order to take leave. SPL may be taken in the case of both births and adoptions. This policy uses the word "parent" to describe employees in both birth and adoption circumstances.

2.0 Scope

Shared parental leave (SPL) is a legal entitlement for eligible parents of babies due, or children placed for adoption. It provides parents with the opportunity to consider the best arrangement to care for their child during the child's first year.

Eligible parents will be able to share a maximum of 50 weeks' shared parental leave (SPL) and 37 weeks of statutory shared parental pay (ShPP), for the purpose of caring for a child within the first year of the child's life or in the year after the child is placed for adoption.

To take advantage of SPL and ShPP a mother or primary adopter has to reduce their entitlement to maternity or adoption leave by returning to work before the full entitlement of 52 weeks has been taken. This is done by "curtailing" their maternity or adoption leave.

This policy applies to eligible employees of South Kesteven District Council. Employees on fixed-term or temporary contracts, if eligible, are covered by this policy for the duration of their contract. The policy does not apply to casual workers or agency staff.

This policy is supported by similar guidance:

- Paternity Leave Policy
- Adoption & Surrogacy Policy
- Maternity Leave Policy

3.0 Guiding principles

The council's shared parental leave policy is based on the following guiding principles:

- SKDC aim to support the holistic well-being of our employees and acknowledge the significance of family life.
- Employees who apply for shared parental leave will be supported and not subjected to a disadvantage or unfair treatment.
- We recognise and value the diversity of our workforce and the different family structures and needs of our employees.
- We aim to facilitate a smooth transition for our employees who return to work after shared parental leave, and to provide them with the necessary support and resources.

4.0 Essential features of Shared Parental Leave

Any employee wishing to take SPL should inform their line manager and HR at the earliest possible opportunity so that their entitlement can be explained to them. Due to the flexibility of the SPL system, it is essential that employees understand the procedural requirements involved in taking such leave.

The essential features of SPL are:

- eligible employees will be able to bring maternity/adoption leave to an early end and share the remaining leave entitlement
- eligible employees will have a certain amount of flexibility to decide which parent takes leave and when, including being on leave at the same time
- the maximum amount of leave to be shared is 50 weeks
- leave may be taken in minimum blocks of one week
- eligible employees may make up to three requests for leave, including any changes to previously booked leave
- a request for a continuous period of leave becomes fixed
- a request for discontinuous leave is subject to agreement with SKDC.

In addition to shared parental leave, eligible employees who are responsible for a baby born on or after 6 April 2025 who requires neonatal care are entitled to neonatal care leave. For details on your entitlement to time off, pay during leave and support available, you should refer to SKDC's Neonatal Care Leave Policy.

5.0 Overview of Benefits

You will be able to share a maximum of 50 weeks of SPL and 37 weeks of ShPP with your partner if you are both eligible.

- You must give a minimum eight weeks of notice to take SPL either all in one go (continuous leave) without requiring SKDC's approval or you can request a number of weeks with breaks between SPL where you return to work (discontinuous leave), subject to the agreement of SKDC
- You and your partner can take SPL at different times, or both at the same time.
- You may each take up to a maximum of 20 "shared parental leave in touch days" (SPLIT days), subject to the agreement of SKDC

Please note that only three notifications to book SPL are allowed, including any amendments you may wish to make.

6.0 Types of Shared Parental Leave

Continuous leave

Assuming you meet the eligibility criteria, you have 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 you and your partner and you have given SKDC at least eight weeks of notice. A notification for a period of continuous leave means a set number of weeks taken in a single unbroken period of leave (e.g. six weeks in a row).

Discontinuous leave

Assuming you meet the eligibility criteria, you may request to take discontinuous blocks of leave, so long as it does not exceed the total number of weeks of SPL available to you and your partner and you have given SKDC at least eight weeks of notice. This notification may be in a single notification or up to three notifications, including any changes.

Discontinuous leave means asking for a set number of weeks of leave over a period of time, with breaks between SPL where you return to work.

SKDC must consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, you can either withdraw it within 15 days of submitting it or take SPL in a single continuous block starting from the first start date of discontinuous leave you have submitted.

7.0 Eligibility requirements for Shared Parental Leave

In order to take SPL, both the employee and their partner must meet certain eligibility criteria. You must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- have 26 weeks' service at the end of the 15th week before the expected week of childbirth (EWC) or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the "relevant week")
- have a partner who meets the employment and earnings test (see below)
- share the primary responsibility for the child with the other parent at the time of the birth/adoption
- have made the required notifications in respect of their entitlement and have provided the necessary declarations and evidence
- be working for SKDC until the week before any leave is taken.

Employment and earnings test

Your partner must have, in the 66 weeks before the EWC, worked for at least 26 weeks and earned on average at least £30 a week in any 13 weeks.

8.0 Amount and timing of Shared Parental Leave

Parents cannot take more than 52 weeks of leave in total made up of maternity or adoption leave and SPL but excluding paternity leave which is a standalone entitlement. This includes the minimum of two weeks' leave that must be taken after the birth of the baby, known as 'compulsory maternity leave'.

Partners (i.e. the baby's father or the mother's husband/civil partner/partner, etc) are still entitled to take two weeks' paternity leave, subject to qualifying conditions.

If the mother is entitled to statutory maternity/adoption pay/maternity allowance but not maternity/adoption leave, the maximum number of weeks of SPL to be taken is the remainder of 52 weeks minus the number of weeks' pay received.

Mothers are not able to share compulsory maternity leave entitlement of two weeks (or four weeks if the mother works in a factory environment). This is a statutory requirement enabling the employee to recover from the birth and is to be taken exclusively by her. Correspondingly, adopters may share a maximum of 50 weeks' leave.

SPL can only be taken in minimum blocks of one week; it is not possible to take a day's SPL. The minimum amount that can be taken is one week.

9.0 Statutory Shared Parental Pay

Eligible employees may be entitled to up to 37 weeks of Shared Parental Pay (ShPP) whilst taking SPL. The number of weeks will depend on the amount by which the mother or primary adopter reduces their maternity or 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 wishing to claim ShPP must meet the following criteria:

- the mother or primary adopter must be/have been entitled to statutory maternity or adoption pay or maternity allowance and must have curtailed their maternity/adoption pay period or maternity allowance period
- you must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date of not less than the lower earnings limit in force for national insurance contributions
- you and your partner must remain in continuous employment until the first week of ShPP has begun
- you must give proper notification

Where you are entitled to receive ShPP you must give your line manager at least eight weeks' written notice advising of your entitlement to ShPP before receiving any ShPP. This may be done by indicating this on the F089 Notification of Entitlement and Intention to take Shared Parental Leave Form.

10.0 Notification requirements

Notice of entitlement and intention to take leave and pay

At least eight weeks before any leave is to be taken, employees must provide notice of their entitlement and intention to take shared parental leave. F089 Notification of Entitlement and Intention to take Shared Parental Leave Form.

Curtailment notice

Maternity/adoption leave must be curtailed (ended early) if SPL is to be taken. The mother/main adopter must inform HR that maternity/adoption leave will be brought to an end by providing a curtailment notice at the same time as the notice of entitlement is provided. The curtailment notice will give eight weeks' notice of leave (or pay in the event that the employee is not entitled to leave) being brought to an early end.

A notice of curtailment can only be revoked in the following specific circumstances:

- where it is discovered in the eight weeks following the notice that neither the mother/adopter nor their partner has any entitlement to SPL or pay
- in the event of the death of the partner
- if the notice was given before the birth, and the mother revokes her maternity leave curtailment notice in the six weeks following the birth.

Notice of curtailment must be provided to Jobcentre Plus if the mother is not entitled to maternity pay but instead received maternity allowance.

Notice to take a specific period of SPL and ShPP

Although an indication of leave dates will have been given in previous notices, a period of leave is not fixed (unless stated to the contrary) until a period of leave notice is submitted. A maximum of three period of leave notices are permitted, which will include any notices to amend a period of leave already booked. A period of leave notice gives eight weeks' notice to the Organisation that you intend to take leave on the specified dates. The date that leave will start should be given unless the period of leave notice is given before the birth of a child, in which case the start date may be expressed as, e.g. "two weeks" after the birth, to last for "four weeks".

You should also indicate in this notice whether you intend to allocate ShPP to the period of leave.

There may be circumstances where SKDC permits more than three period of leave notices to be submitted, e.g. where SKDC asks you to change a period of leave already booked.

It is important that all of the relevant information is provided according to the set timelines. If it is not, the SKDC cannot guarantee that the leave will be granted.

11.0 Confirmation of SPL and ShPP

If you request one continuous block of leave in a period of leave notice, you are entitled to take this period of leave, and we will confirm the dates to you in writing.

However, if you request more than one period of leave, i.e. discontinuous blocks of leave in one period of leave notice, SKDC will make a decision on whether this can be accommodated. A meeting will be

arranged with you to discuss the request with you. The outcome of the request will be one of the following:

- agreement to the request
- proposal of alternative leave dates
- refusal of the request.

If no agreement can be reached within two weeks of the period of leave notice being submitted, the default provisions will apply which means you are able to withdraw the request any time up to the 15th day after it was made.

If the request is not withdrawn, you can take the leave in one continuous block to start on the first date of leave specified in the notice. Alternatively, the leave can be taken in one block on a new date notified by you within 19 days of the original request.

Varying a period of leave

Once a period of leave notice has been submitted, you may change the dates on which leave is to be taken by submitting a request to vary a period of leave giving eight weeks' notice. These notice provisions are waived in the event of an early birth and your leave will start the same length of time after the birth as it would have started had the baby not come early. In this case, notice should be given as soon as reasonably practicable. In all other cases, the following applies:

- in this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child
- in order to change the start date of leave, you must give eight weeks' notice counted back from the earlier of either the original date or the new date
- to change the duration of a period of leave, you must give eight weeks' notice of the original start date.

You may also request that a continuous period of leave is separated into a discontinuous period, or that a discontinuous period is consolidated into a continuous period.

Submitting a variation notice will count towards your maximum three notices unless it is made as a result of the child being born earlier or later than the expected week of childbirth.

If you are submitting a variation notice subsequent to a request to do so by SKDC, it will not count as one of the maximum three notices.

Evidence requirements

In order for us to verify the information you have provided, you may be required to produce:

- a copy of the child's birth certificate
- the name and address of the other parent's employer.

If the other parent is not employed, a declaration must be signed to this effect.

Within 14 days of our receipt of your notice of entitlement in relation to an adoption, you may be required to produce documents from the adoption agency which show the following:

- the adoption agency's name and address
- the date you were notified of being matched with the child
- the expected date of placement.

Where requested, the information above must be provided within 14 days. Where you are unable to provide a birth certificate because it has not yet been issued, you will be required to sign a declaration to that effect which also includes the date and location of the child's birth.

12.0 Contact during Shared Parental Leave

You may request up to 20 shared parental leave in touch (SPLIT) days subject to the agreement of SKDC without bringing your period of SPL to an end or impacting your right to claim statutory ShPP for the week. Any work carried out on a day or part day shall constitute a SPLIT day for these purposes.

Your partner is also eligible for up to 20 SPLIT days subject to the agreement of their employer. The mother or primary adopter is still eligible to use up to ten "KIT" days during their period of maternity or adoption leave taken prior to starting SPL, subject to the agreement of their employer.

SKDC reserves the right to maintain reasonable contact with you from time to time during your SPL. This may be to discuss your plans to return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

13.0 Terms and conditions during SPL

You will continue to receive all contractual benefits (with the exception of salary) during SPL. For clarity, your holiday entitlement will continue to accrue during SPL in the same way as if you were not absent. Prior to taking your leave, a discussion will take place between you and your line manager regarding arrangements on taking annual leave around your SPL.

14.0 Returning to work after Shared Parental Leave

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

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

After SPL, provided the total amount of leave taken by you (including maternity or adoption leave) does not exceed 26 weeks, you are entitled to return to the same job, or equivalent, on the same terms and conditions of employment as if you had not been absent.

For further information about this policy, please contact the HR Team at hr@southkesteven.gov.uk.

- This policy applies to all employees within South Kesteven District Council unless stated otherwise within the policy.
- This policy does not form part of contracts of employment.
- The Council reserves the right to amend this policy from time to time.