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## Purpose and scope

This policy and procedure applies to all current employees, whether full or part-time, temporary or fixed-term.

The purpose of this policy and procedure is to provide clear information about Swillington Village Council's Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) provisions. This document sets out the Council's policy on Shared Parental Leave and Shared Parental Pay, and arrangements surrounding taking SPL and returning to work after SPL. It also sets out the procedures which we need to follow at various stages before, during and after Shared Parental Leave.

This document should be read in conjunction with the Council's Maternity Leave & Pay Policy, Paternity Leave & Pay Policy and Adoption Leave Policy.

## Procedure

Shared Parental Leave enables eligible parents to share up to 50 weeks of leave and up to 37 weeks of statutory pay during the first year following the birth or adoption of a child.

SPL is created when the mother or primary adopter chooses to end their maternity or adoption leave and/or pay early. The untaken balance may then be shared between both parents, provided the eligibility criteria are met.

Employees wishing to take SPL must:

- Provide a written notice of entitlement and intention to take shared parental leave.
- Provide a written period of leave notice at least 8 weeks before the requested start date.
- The Council may, within 14 days of your application for SPL/ShPP, request a copy of the child's birth certificate or adoption placement documentation, the name and address of the partner's employer, and a declaration from the partner confirming eligibility.

Employees may submit up to three period of leave notices requesting leave blocks.

## **Entitlements**

### **Eligibility**

You may be eligible for Shared Parental Leave if:

- You share responsibility for the care of the child at birth or placement
- The mother/adopter is eligible for maternity or adoption leave
- The mother/adopter has curtailed their maternity/adoption leave and/or pay
- You have at least 26 weeks' continuous service with the Council by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) or placement
- Your partner meets the employments and earnings test (worked at least 26 weeks in the 66 weeks prior to the EWC/placement and earned at least the statutory minimum in 13 of those weeks).

### **Amount of Shared Parental Leave**

Up to 50 weeks of SPL is available in total, less:

- Any compulsory maternity leave taken (the first 2 weeks following childbirth)
- Any maternity or adoption leave already taken before curtailment

SPL must be taken within 52 weeks of the child's birth or placement. Leave can be taken in one continuous block, or in multiple blocks (discontinuous leave) subject to agreement. If a request for discontinuous leave cannot be agreed, the employee may take the leave as one continuous block.

You can choose to be off work together with your partner or to stagger the leave and pay.

### **Shared Parental Pay (ShPP)**

Up to 37 weeks of statutory Shared Parental Pay may be available, less any statutory maternity/adoption pay already received.

You are eligible for ShPP if you meet all of the following:

- You meet the continuity of service requirement (26 weeks by the qualifying week)
- Your average weekly earnings in the relevant 8-week period are at least equal to the lower earnings limit for National Insurance contributions
- The mother/adopter has curtailed their maternity/adoption pay.

Statutory rates are set by law and are subject to tax and National Insurance deductions.

ShPP is paid at the statutory rate or 90% of the average weekly earnings, whichever is lower.

If you do not qualify for ShPP, you will be informed in writing. The Council does not currently provide enhanced Shared Parental Pay.

## **Notice requirements**

You should contact the Clerk regarding all instances of providing the notices below, who will provide you with a suitable template.

### **Notice of entitlement and intention**

You must provide this notice at least 8 weeks before the intended start of SPL. This notice must include:

- The expected week of childbirth (or placement date)
- The total amount of SPL and ShPP available
- How much leave each parent intends to take
- A non-binding indication of when leave is expected to be taken

### **Period of leave notice**

This is a formal request for specific dates of SPL and must be given at least 8 weeks before the leave is due to start. You may submit up to three such notices (including any variations). You can only start SPL or ShPP once the child has been born or placed with your family for adoption.

### **Variations or cancellation of leave**

If you wish to vary or cancel a period of leave notice, you must provide at least 8 weeks' written notice. Variations will usually count towards the three-notice limit unless the variation is due to early birth, or the Council agrees otherwise.

### **Effect of Shared Parental Leave on contractual benefits**

During SPL, your contract of employment continues (except for remuneration). You will continue to receive contractual benefits (except salary). Annual leave continues to accrue and occupational pension contributions continue during periods of paid SPL.

On returning to work, you are entitled to benefit from any general improvements to pay or terms and conditions that would have applied had you not been absent. Leave accrued may be taken in a block before or after SPL, subject to agreement.

### **Maintaining contact during Shared Parental Leave**

Before SPL begins, we will discuss reasonable contact arrangements with you. You may wish to be informed of:

- Important meetings or announcements affecting staff
- Internal vacancies
- Significant changes in working practice

- Training opportunities

There may be occasions when we need to contact you regarding significant developments that may affect your role.

### **Shared Parental Leave In Touch (SPLIT) days**

You may work up to 20 SPLIT days during Shared Parental Leave without bringing the leave to an end. SPLIT days must be agreed in advance between you and the Council. Payment arrangements for SPLIT days will be agreed beforehand and any payment will be offset against ShPP in accordance with statutory rules.

SPLIT days are in addition to the 10 Keeping In Touch (KIT) days available to those on maternity or adoption leave.

### **Returning to work**

If you return from a total period of family leave (including maternity, paternity, adoption and SPL) of 26 weeks or less, you are entitled to return to the same job on the same terms and conditions.

If the total period of leave exceeds 26 weeks, you are entitled to return to the same job or, if this is not reasonably practicable, to another suitable job on terms and conditions not less favourable.

If you wish to return earlier than a notified return date, you must provide at least 8 weeks' written notice.

If you decide not to return to work, you must resign in accordance with your contractual notice period.

### **Requesting a change to your pattern of work**

You have the right to request that we consider changing your pattern of work following SPL, subject to eligibility criteria – see the [Flexible Working Policy](#).

### **Data protection**

When managing your shared parental leave and pay, we will process personal data collected in accordance with the [HR Data Protection Policy](#). Personal and/or sensitive information is held securely and accessed by, and disclosed to, those who need to manage shared parental leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policies and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

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