



Pontypool Community Council
Cyngor Cymuned **Pont-Y-Pŵl**

SHARED PARENTAL LEAVE

A) INTRODUCTION

Shared Parental Leave will allow you to take leave in a much more flexible manner to care for your child(ren) and allows you to take a period of leave much earlier than under the maternity and paternity provisions.

B) ELIGIBILITY FOR SHARED PARENTAL LEAVE

If you meet the following criteria you are eligible for Shared Parental Leave:

- a) 26 weeks service at the 15th week prior to expected week of childbirth (the qualifying week), or notification of a match in terms of adoption, and still be employed by us in the week before any shared parental leave is due to start;
- b) have a partner who has worked (employed/self-employed) for 26 of the 66 weeks prior to the EWC/placement week and who has earned on average at least £30 per week in any 13 weeks;
- c) Share the primary responsibility for the child with the other parent at the time of the birth/adoption;
- d) Have properly notified us of their entitlement and have provided the necessary declarations and evidence.

C) HOW MUCH SHARED PARENTAL LEAVE CAN BE TAKEN

You can decide how you wish to split Shared Parental Leave provided that your partner takes her compulsory maternity leave entitlement because this is a legal requirement. The remaining 50 weeks of leave can be split as decided by employees (subject to our approval in certain circumstances). Leave must be taken in minimum blocks of one week. Leave must end 52 weeks after the date leave started.

Partners (i.e. baby's father/mother's husband/mother's civil partner/mother's partner) are still entitled to take 2 weeks Ordinary Paternity Leave subject to qualifying conditions.

D) BOOKING LEAVE

You must submit various notices in order to take Shared Parental Leave:

- a) the mother or primary adopter must provide a Curtailment Notice to end Statutory Maternity or Adoption Leave. This must be given after the 11th week prior to the EWC but at least 8 weeks prior to the start date of the first period of Shared Parental Leave;
- b) You must provide a Notice of Entitlement setting out both their eligibility, and their partners eligibility to take Shared Parental Leave;
- c) You must submit an approximate indication of how periods of Shared Parental Leave will be taken;
- d) You must provide the following details if requested within 14 days of such request;
 - (i) In relation to a birth, the birth certificate and their partner's employer's details;
 - (ii) In relation to an adoption, the name and address of the adoption agency; the date that the employee was notified of having been matched for adoption with the child; and the date on which the adoption agency expects to place the child with the employee.
- e) You must submit a Period of Leave Notice in order to book a period of shared parental leave, giving at least 8 weeks written notice of the period of leave. The Period of Leave Notice must contain the start and end date of the leave requested. A Period of Leave Notice may notify details of one period of leave, or more than one period of leave.

The Curtailment Notice may only be revoked in limited circumstances. A Period of Leave may be amended providing that the amendment notice is given at least 8 weeks before leave starts/was due to start.

Period of Leave Notices, and amendments to Period of Leave Notices, may only be submitted on a maximum of 3 occasions.

E) ACCOMMODATING THE NOTIFICATIONS/REQUESTS

If you request one continuous block of leave in a Period of Leave Notice, you are entitled to take this period of leave.

However, if you request more than one period of leave i.e. discontinuous blocks of leave in one Period of Leave Notice, the Council reserves the right to refuse this request. Discontinuous leave is, for example, where a period of 6 weeks Shared Parental Leave

is requested, then you return to work for a period of 4 weeks and then take a further 6 weeks of Shared Parental Leave.

When discontinuous leave is requested, the Council will arrange to discuss the request with you. The outcome of the request will be one of the following:

- a) Agreement to the request;
- b) Proposal of alternative leave dates; or
- c) Refusal of the request.

Should the Council refuse a request, the default provisions will apply which means you are able to withdraw the request. If the request is not withdrawn, the leave requested will be taken one continuous block, rather than in discontinuous blocks.

F) WORKING DURING SHARED PARENTAL LEAVE

During Shared Parental Leave, you may work for up to 20 days without statutory payments being affected. These days are called SPLIT days i.e. Shared Parental Leave In Touch days. We recognise the benefit of SPLIT days and encourage you to use them, however, they are optional and you are not obliged to use them and we are not obliged to permit them.

You will be paid at normal rate for work on a SPLIT day. Any work done on one day will count as one SPLIT day.

G) SHARED PARENTAL PAY

Shared Parental Pay (SHPP) can be paid to both parents to a maximum of 39 weeks in total. This includes any Statutory Maternity or Adoption pay, and will be decided between the parents.

Only 37 weeks of paid leave will be shared to allow for the mother to take 2 weeks Compulsory Maternity Leave.

To be eligible to receive SPP, you must:

- a) have been continuously employed for at least 26 weeks up to and including the “qualifying week” (the 15th week prior to the expected week of childbirth or placement for adoption).
- b) have average earnings not less than the lower earnings limit for the payment of national insurance contributions in the 8 weeks prior to the qualifying week.
- c) comply with the notification requirements.

H) HOLIDAYS AND BENEFITS

The Council encourages you to take any outstanding annual leave due in the current holiday year before the commencement of Shared Parental Leave, or during periods of work in between periods of Shared Parental Leave.

You will continue to receive all contractual benefits (with the exception of salary) during Shared Parental Leave.

I) CONTACT WHILST AWAY FROM WORK

For the benefit of both parties, the Council encourages communication during periods of leave. You should agree with the Clerk (before leave is due to start) the level of contact and how you would prefer to be contacted (phone call, letter, home visit, workplace visit etc.). The Council reserves the right in any event to maintain reasonable contact from time to time with you.

Near the end of your leave period, the Clerk may contact you. This may be to discuss plans for return to work, to discuss training that may be available, or simply to update you on developments at work during the absence.

If there are any business changes that impact your role whilst on leave, you will be considered in the same way as any other employee and this will be communicated with you.

J) RIGHTS ON OR AFTER RETURNING FROM SHARED PARENTAL LEAVE

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

When you are considering your return to work, for reasons of childcare, you may request a change to your previous working arrangements. Any such request will be considered in line with the operational requirements of the Council and there is no automatic right to return to work on altered conditions.

K) SURROGACY AND SHARED PARENTAL LEAVE/PAY

If you are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order and is eligible for adoption leave and pay, you may be entitled to Shared Parental Leave and Pay.

You must take at least two weeks of adoption leave before it can be curtailed. The remaining 50 weeks of leave can be split as decided by employees (subject to our approval in certain circumstances).

The above eligibility criteria apply to you.