**Shared Parental Leave**

The purpose of these guidance notes is to provide information to managers where a member of staff makes a request for Shared Parental Leave.

**Responsibilities**

It is the responsibility of the manager to review and respond to requests for Shared Parental Leave (SPL).

**Introduction**

Shared Parental Leave is part of a suite of legislation intended to provide both parents with the opportunity to consider the best arrangements to care for their child during the child's first year.

Subject to eligibility, the right to SPL applies to staff who become parents (the child's mother and father, or spouse or partner of the child's mother (if not the father), including partner or same sex partner), who have the main responsibility for the care of the child with the other parent/partner.

The regulations give parents the right to take SPL and place a duty on employers to ensure that their staff are not penalised for using their entitlement or put under pressure to cancel/change a leave notification.

The amount of leave available is calculated using the mother’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. This means their partner could begin to take SPL while the mother / main adopter is still on maternity/adoption leave.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible members of staff can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave (although an employer may allow more).

Up to 50 weeks' leave and 37 weeks' pay can be shared between parents if the mother / main adopter brings maternity / adoption leave and pay to an end early.

SPL can be taken by one parent or taken together.

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 main adopter can take SPL after taking at least two weeks of adoption leave.

The father/partner 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).

**Definitions**

**Continuous** leave: a period of leave that is taken in one block e.g. four weeks’ leave.

**Discontinuous** leave: a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months.

**Eligibility**

A member of staff must have worked for the same employer for a continuous period of at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which the carer was notified of having been matched with a child for adoption) and be still employed in the first week that SPL is to be taken. The other parent must have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the current maternity leave threshold in 13 of the 66 weeks.

Staff can apply for one period of continuous leave i.e. four weeks or one period of discontinuous leave i.e. in blocks of one week SPL in June, one week SPL in July, two weeks SPL in August.

**Managing Requests**

Staff should submit a request for SPL via the relevant forms available on StaffNet.

Upon receiving a request for SPL, it is good practice to arrange a meeting with the individual. This meeting can provide an opportunity both parties to talk about their preferences. Even when the notification is for continuous leave and cannot be refused, holding a meeting can help ensure mutual understanding and avoid any confusion regarding the notification.

This meeting (and final response) should take place within two weeks of receiving the request.

At this early stage you should consider:

* What leave arrangements the individual has indicated they are considering taking?
* What impact might their absence have on the organisation and what steps can be taken to mitigate this?
* Might other considerations help achieve a mutually beneficial agreement?
* How might the leave be covered in the employee’s absence?

Depending on the circumstances involved, there are three possible outcomes to a request for SPL:

* Unconditionally accept a leave notification.
* Discuss and agree a modification to a leave notification. (You may suggest arrangements and periods that suit the organisation better than the original request and see if the member of staff is agreeable.)
* Refuse a leave notification (discontinuous leave only).

If a period of discontinuous leave is refused, then the default arrangements will apply – a continuous period of leave.

The meeting can also cover:

* Initial discussions about keeping in touch during leave.
* Arrangements for covering their work during their period of leave. (Staff on shared parental leave can, with the agreement of their manager, work up to 20 days during SPL. SPLIT days are designed to allow contact with the workplace and can include work, training or any other activity to assist them in keeping in touch. SPLIT days can be taken at any time during shared parental leave).

In the event that you refuse a period of discontinuous leave, this should be confirmed in writing. Before refusing a period of discontinuous leave, wherever possible, consider whether alternative dates / modified arrangements could be made.

HR can provide advice at all stages, and will attend meetings on request.

Keep a record of all discussions and update HR accordingly.