



MALDON DISTRICT  
COUNCIL

# Shared parental leave policy and procedure

April 2015



**Maldon District  
Shared Parental Leave Policy and Procedure**

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Document Control Sheet

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**Validity Statement**

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

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## **Section one – Policy and Procedure Overview**

### **1 What is Shared Parental Leave?**

- 1.1 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.
- 1.2 All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.
- 1.3 This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).
- 1.4 It is Maldon District's (MDC) policy to encourage open discussion with employees to ensure that questions can be resolved as quickly as possible. Employees should clarify the relevant procedures with Human Resources to ensure that they are followed.

### **Who is eligible for Shared Parental Leave?**

Mothers, fathers and partners of mothers of babies due on or after 05 April 2015 are entitled to statutory shared parental leave if they meet certain eligibility requirements. The right is also available to adoptive parents of children who are placed for adoption on or after 05 April 2015.

SPL can only be used by two people:

- The mother/adopter **and**
- One of the following:
  - the father of the child (in the case of birth)or
  - the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

In addition an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the Council at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;

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- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;

Continuity of employment test	Employment and earnings test
The individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each leave period.	In the 66 weeks leading up to the baby's expected due date/ matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks

- the employee must correctly notify the Council of their entitlement and provide evidence as required.

### What you'll get

If you're eligible i.e. continuity of employment test and their partner must meet the employment and earnings test and you or your partner end maternity or adoption leave and pay (or Maternity Allowance) early, then you can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as Shared Parental Leave (SPL)
- take the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

The mother must take a minimum of 2 weeks' maternity leave following the birth.

### How much pay you'll get

ShPP is paid at the rate of £139.58 a week (from 05 April 2015) or 90% of your average weekly earnings, whichever is lower. This lasts up to 39 weeks minus any weeks of maternity pay or maternity allowance the mother has received.

This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

#### Example

A woman decides to start her maternity leave 11 weeks before the due date and gives notice that she'll take SPL from 2 weeks after the birth (taking a total of 13 weeks maternity leave). She normally earns £200 a week.

She's paid £180 (90% of her average weekly earnings) as SMP for the first 6 weeks, then £139.58 a week (from 5 April 2015) for the next 7 weeks. Once she goes onto SPL, she's still paid £139.58 a week (from 5 April 2015)

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### 2 The Shared Parental Leave entitlement

- 2.1 Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter'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.
- 2.2 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
- 2.3 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.
- 2.4 SPL can commence as follows:
- 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 adopter can take SPL after taking at least two weeks of adoption leave
  - The father/partner/spouse 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 or ShPP).
- 2.5 Where a mother/adopter gives notice to end their maternity/adoption entitlement then the mother/adopter's partner can start SPL while the mother/adopter is still using their maternity/adoption entitlements, as long as the mother/adopter has given the Council notice to end it.

#### Shared Parental Leave Example

A mother and her partner are both eligible for SPL.

The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives notice to her employer.

Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born up to a maximum of 36 weeks (i.e. 52 in total, as long as they've given at least 8 weeks' notice).

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- 2.6 SPL will generally commence on the employee's chosen start date specified in their SPL booking notice, or in any subsequent variation notice (see *Booking Shared Parental Leave* and *Variations to arranged Shared Parental Leave* below).
- 2.7 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see *Shared Parental Pay* below).
- 2.8 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

### **3 Scope of this Policy**

- 3.1 This procedure applies to all eligible Council employees.

### **4 Links to Other Policies / Procedures**

#### **Paternity Leave and Pay Policy and Procedure**

- 4.1 Employees should refer to the Paternity Leave and Pay Policy and Procedure for details of the rights of employees under this policy.

#### **Parental Leave Policy and Procedure**

- 4.2 Eligible employees may postpone their return to work after the end of the maternity leave period by taking unpaid parental leave which has previously been notified to their line manager. Please refer to the Parental Leave Policy for further information.

#### **Managing Attendance Policy and Procedure**

- 4.3 If an employee is absent due to sickness at the end of their Shared Parental Leave entitlement, the usual sickness reporting procedures and certification procedures should be followed.

#### **Flexible Working Policy**

- 4.4 Guidance on the right to request flexible working is contained within the Flexible Working Policy.

## **Section two - Procedure**

### **1 Notifying the Council of an entitlement to Shared Parental Leave**

- 1.1 An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.
- 1.2 Part of the eligibility criteria requires the employee to provide the Council with correct notification. Notification must be in writing and requires each of the following:
  - the name of the employee;
  - the name of the other parent;
  - the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
  - the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
  - the amount of SPL the employee and their partner each intend to take an indication of when the employee expects to take the leave.
- 1.3 The employee must provide the Council with a signed declaration stating:
  - that they meet, or will meet, the eligibility conditions and are entitled to take SPL; i.e. Sharing responsibility for the care of the child; they meet the continuity of employment test;
  - The mother/adopter has given eight weeks' notice of ending their Maternity/Adoption leave that the information they have given is accurate;
  - if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
  - that should they cease to be eligible they will immediately inform the Council.
- 1.4 The employee must provide the Council with a signed declaration from their partner confirming:
  - their name, address and national insurance number (or a declaration that they do not have a national insurance number);
  - that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
  - that they satisfy the 'employment and earnings test' (see Who is eligible for Shared Parental Leave? Section one) and had at the date of the child's birth or



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placement for adoption the main responsibility for the child, along with the employee;

- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the Council processing the information contained in the declaration form; and
- (if the mother) they are entitled to SML/Statutory Maternity Pay or Maternity Allowance and that they have given notice to end that leave and pay/allowance;
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

## 2 Requesting further evidence of eligibility

2.1 The Council may, within 14 days of the Shared Paternity Leave (SPL) entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth)
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

2.2 In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request. **(Appendix 1)**

## 3 Fraudulent claims

3.1 The Council 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 company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

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### **4 Discussions regarding Shared Parental Leave**

- 4.1 An employee considering/taking SPL should contact the HR department to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.
- 4.2 Upon receiving a notification of entitlement to take SPL, HR will arrange an informal meeting with the employee and the Line Manager (the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative) to talk about their intentions and how they currently expect to use their SPL entitlement.
- 4.3 Upon receiving a SPL booking form HR will arrange a meeting to discuss the information with regards to a single period of continuous leave, or a request for discontinuous leave.
- 4.4 Where a meeting is arranged it should take place confidentially. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.
- 4.5 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Council, and what the outcome may be if no agreement is reached.

### **5 Booking Shared Parental Leave**

- 5.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the SPL. In many cases, notice to take SPL will be given at the same time as the notice of entitlement to SPL.
- 5.2 The employee has the right to submit up to a maximum of three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 5.3 SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week again.
- 5.4 The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

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### **6 Early Birth**

- 6.1 If the child is born before their expected due date and the employee had booked to take SPL within the first eight weeks of the due date, they may take the same period of time off after the actual birth without having to provide eight weeks' notice, by submitting a notice to vary their leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of the employee's three notifications.
- 6.2 Any leave arranged after the first eight weeks of the due date is still bound by the eight-week notice required to vary leave.
- 6.3 If the child is born more than eight weeks before their expected due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give eight weeks' notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

### **7 Continuous leave notifications**

- 7.1 A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- 7.2 An employee has 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 them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.
- 7.3 An employee may submit up to three separate notifications for continuous periods of leave.

### **8 Discontinuous leave notifications**

- 8.1 A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).
- 8.2 Where there is concern over accommodating the notification, HR and the Line Manager will arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Council.
- 8.3 The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

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### The Default Provisions (discontinuous leave only)

Understanding the default provisions is essential because they could make the difference between an employee withdrawing their notification (and possibly applying again) or taking a continuous block of SPL instead.

#### **Within 14 calendar days of the original notification...**

If an agreement is reached regarding when the employee will take their leave, no default provisions will apply. If no agreement is reached or the employer refuses the discontinuous leave notification or the employer makes no response to a discontinuous leave notification, the default provisions will apply.

#### **Within 15 calendar days of the original notification...**

If no agreement is reached, the employee may withdraw their discontinuous leave notification. If the employee does withdraw the request it will not count as one of their three notices to book leave. If the employee does not withdraw their request, the discontinuous leave notification automatically defaults to a period of continuous leave.

#### **Within 19 calendar days of the original notification...**

The employee can choose when the continuous leave will commence but it cannot start sooner than eight weeks from the date the original notification was given. If the employee does not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started.

## 9 Outcomes

9.1 Depending on the circumstances involved, there are three outcomes once a request for SPL has been received, considered and discussed. Continuous SPL cannot be refused;

- Confirm a continuous leave period or accept a discontinuous leave request; or
- Agree a modification to a leave request (an employee is under no obligation to modify a continuous leave notice and should never be put under any pressure to do so); or
- Refuse a discontinuous leave notification.

9.2 Where a refusal is chosen, the employee can withdraw their notification on or before the 15th day after the notification was originally made and it will not count as one of their three notifications. If not, they must take the total amount of leave notified in one continuous block. The employee can choose when this leave period will begin within 19 days of the date the notification was given to the employer but it cannot start

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sooner than the initial notified start date. If they don't, the leave will begin on the starting date stated in the original notification.

### 10 Responding to a Shared Parental Leave notification

- 10.1 Once the HR department receives the leave booking notice, **(Appendix 2)** it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.
- 10.2 All notices for continuous leave will be confirmed in writing.
- 10.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and against any adverse impact to the business.
- 10.4 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- 10.5 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Council may propose a modified version of the request.
- 10.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.
- 10.7 If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

### 11 Variation/ Cancellation to arranged Shared Parental Leave

- 11.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Council in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 11.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the Council requesting it be changed, and the employee being agreeable to the change, will not count as a further notification.
- 11.3 Any variation will be confirmed in writing by the Council.

## 12 Statutory Shared Parental Pay (ShPP)

- 12.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 12.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 12.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
  - the employee must intend to care for the child during the week in which ShPP is payable;
  - the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
  - the employee must remain in continuous employment until the first week of ShPP has begun;
  - the employee must give proper notification in accordance with the rules set out below.
- 12.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager and HR written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL (**Appendix 1**).
- 12.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- the start and end dates of any maternity/adoption pay or maternity allowance
  - the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP
  - a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the Council should they cease to be eligible

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- 12.6 The notice of entitlement to take SPL must be accompanied by a signed declaration from the employee's partner confirming **(Appendix 1)** and
- their agreement to the employee claiming ShPP and the Council to process any ShPP payments to the employee
  - (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance
  - (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions
- 12.7 Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

### **13 Terms and conditions during Shared Parental Leave**

- 13.1 During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind such as use of a laptop, mobile phone and gym membership will continue and contractual annual leave entitlement will continue to accrue.
- 13.2 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the Council's contributions will be based on the salary that the employee would have received had they not been taking SPL.

### **14 Annual Leave**

- 14.1 SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken by the end of the leave year in which the employee returns to work.

### **15 Contact during Shared Parental Leave**

- 15.1 Before an employee's SPL begins, the Council will discuss the arrangements for them to keep in touch during their leave. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.



## **16 Pre-shared Parental Leave Interview**

- 16.1 The purpose of the pre-shared parental leave interview is to discuss the practicalities of the employee's shared parental leave. The employee should already have been informed by this stage of his/her shared parental leave and pay entitlement.
- 16.2 Pre-shared parental leave interviews will be arranged as a matter of course only for employees leaving work to go on shared parental leave. A pre-shared parental leave interview will not normally be arranged for employees already on maternity or adoption leave who are switching to shared parental leave.
- 16.3 The purpose of the interview will be to discuss the final arrangements for the employee's shared parental leave and it will also be an opportunity for him/her to raise any other issues that he/she would like to discuss.
- 16.4 The interview will be an opportunity to discuss with the employee how his/her work will be covered during the shared parental leave, including who will take over the employee's tasks, how the handover will be managed and any other practicalities that arise.
- 16.5 We will discuss the employee's right to shared-parental-leave-in-touch (SPLIT) days and whether or not he/she might be interested in exercising this right. We will also tell the employee how we plan to keep in touch with him/her while he/she is on shared parental leave, what information he/she might expect to receive from us and by what means.
- 16.6 One other important issue that will be discussed is how the employee's holiday entitlement will be managed while he/she is on shared parental leave. It is the Council's usual policy to use any outstanding annual leave for that holiday year, however, the holiday arrangements for employees on shared parental leave may vary depending on the circumstances and will be discussed during the meeting.

## **17 Shared-Parental-Leave-in-Touch days (SPLIT)**

- 17.1 An employee can agree to work or attend training for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as Shared-Parental- Leave-In-Touch days or SPLIT days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes. An employee taking a SPLIT day will receive full pay for any day worked. Any SPLIT days worked do not extend the period of SPL. These 20 days are in addition to the 10 keeping-in-touch days available during maternity leave or adoption leave.
- 17.2 The Council has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the Council and the employee. Similarly employees have no right to undertake any working during their SPL.



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- 17.3 An employee, with the agreement of the Council, may use SPLIT days to work part of a week during SPL. The Council and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

### **18 Returning to work after Shared Parental Leave**

- 18.1 The employee will have been formally advised in writing by the Council of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify otherwise. If they are unable to attend work due to sickness or injury, normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 18.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 18.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 18.4 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
- 18.5 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
- 18.6 If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.
- 18.7 Where it is not practicable for reason of redundancy for the Council to permit the employee to return to work in their job, the employee shall be entitled to be offered a suitable vacancy where one exists provided the work to be done in the post is suitable and appropriate to the circumstances and that the capacity and place in

## Maldon District Shared Parental Leave Policy and Procedure

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which the employee is to be employed and their terms and conditions of employment are not substantially less favourable to them than if they had been able to return in the job in which they were originally employed.

### 19 Special Circumstances and further information

#### **Death of the child before or during birth, or within the first year**

- 19.1 Should the child die before the parents have submitted a notice of entitlement to take SPL then they cannot opt into SPL because a qualifying condition is caring for a child. The mother may still remain entitled to maternity leave and the mother's partner could still qualify for statutory paternity leave.
- 19.2 If the parents have opted into SPL and they have booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.
- 19.3 An employee who is absent on SPL may cancel agreed SPL and return to work by giving their employer eight weeks' notice of their return to work.

#### **Partner no longer caring for the child**

- 19.4 If the circumstances of an employee who has booked SPL change so that they will no longer be responsible for caring for the child (unless it is because the child has died), their entitlement to both SPL and ShPP will immediately cease and they must tell their employer.
- 19.5 If the employee has any SPL arranged within eight weeks of their entitlement ceasing, their employer can still require them to take it as SPL if it is not reasonably practicable for the employer to have their employee in work, for example because cover has been arranged. Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled.
- 19.6 If the remaining parent will be continuing to care for the child then they will still be eligible to take their SPL entitlement. If the other parent, who is no longer caring for the child had any SPL leave entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

#### **Death of a parent during the child's first year**

- 19.7 If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL. Should it be necessary for the other parent to take a further period of SPL or to vary pre-agreed leave then notice may be given as soon as is reasonably practicable if eight weeks' notice cannot be given. If they have already given three notices to take leave they must be allowed to submit one further notice to book/amend SPL.

#### **Multiple births/adoptions**

- 19.8 An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are, like maternity/paternity leave, the same as if the employee was expecting one child. This also applies to multiple adoptions that occur in a single placement.

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Shared Parental Leave Policy and Procedure**

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**Summary**

In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the Council will abide by any statutory obligations and an employee should refer to related legislation below:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailement of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010
- Employment Relations Act 1999
- Maternity and Parental Leave etc. Regulations 1999
- Maternity and Parental Leave (Amendment) Regulations 2001
- The Maternity and Parental Leave etc. (Amendment) Regulations 2014

**Maldon District  
Shared Parental Leave Policy and Procedure**

## APPENDIX 1

**Shared parental leave: notice of entitlement and intention (mother)**

<b>Name of employee:</b>	
<b>Job title:</b>	
I wish to provide an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.	
<b>Section A: Information to be provided by employee</b>	
<b>My partner's name is:</b>	
<b>My maternity leave [started/is expected to start] on:</b>	
<b>My maternity leave [ended/is expected to end] on:</b>	
<b>My [child's expected week of birth is/child was born on]:</b>	
<b>The total amount of shared parental leave my partner and I have available is:</b>	
<b>I intend to take the following number of weeks' shared parental leave:</b>	
<b>My partner intends to take the following number of weeks' shared parental leave:</b>	
<b>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):</b>	
<b>The total amount of shared parental pay (if applicable) my partner and I have available is:</b>	
<b>I intend to take the following number of weeks' shared parental pay (if applicable):</b>	

**Maldon District  
Shared Parental Leave Policy and Procedure**

<b>My partner intends to take the following number of weeks' shared parental pay (if applicable):</b>	
<b>I intend to take shared parental pay on the following dates (if applicable):</b>	
<b>Section B: Declaration to be completed by employee</b>	
<p><b>I [satisfy/will satisfy] the following eligibility requirements to take shared parental leave, by signing here I confirm;</b></p> <ul style="list-style-type: none"> <li>• I [have/will have] 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the Council</li> <li>• At the date of the child's birth, I [have/will have] the main responsibility, apart from my partner, for the care of the child</li> <li>• I am entitled to statutory maternity leave in respect of the child</li> <li>• I have [complied with the Council's maternity leave curtailment requirements/returned to work before the end of my statutory maternity leave period], and will comply with the Council's shared parental leave notice and evidence requirements</li> <li>• The information that I have provided is accurate</li> <li>• I will immediately inform the Council if I cease to care for the child</li> </ul> <p>Signature: _____</p>	
<b>Section C: Declaration to be completed by employee's partner</b>	
<b>My name is:</b>	
<b>My address is:</b>	
<b>My national insurance number is/ do not have a national insurance number:</b>	
<p><b>I [satisfy/will satisfy] the following eligibility requirements to enable the mother to take shared parental leave:</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• I have average weekly earnings of at least £30 for any 13 of those 66 weeks</li> <li>• At the date of the child's birth, I [have/will have] the main responsibility, apart from the mother, for the care of the child</li> <li>• I am the father of the child, or am married to, the civil partner of, or the partner of, the mother</li> </ul>	

**Maldon District  
Shared Parental Leave Policy and Procedure**

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- I consent to the amount of shared parental leave that the mother intends to take
- I consent to the processing of information provided in this form

Signature: \_\_\_\_\_

**Notes**

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 notice.

Shared parental leave must be taken in blocks of at least one week.

This notice is to allow the Council 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 Council a period of leave notice at least eight weeks before the first period of shared parental leave in that notice 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 Council a variation notice.

**Maldon District  
Shared Parental Leave Policy and Procedure**

## APPENDIX 2

### Shared parental leave: period of leave notice

**Name of employee:**

**Job title:**

I wish to take the following period(s) of shared parental leave. Please complete either section A or section B.

**Section A: Please fill out if your child has already been born or if you know the exact dates on which you would like to take shared parental leave.**

**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):**

**Section B: Please fill out if your child has not been born yet and you wish your shared parental leave to start either on the day on which your child is born, or a specified number of days after the day on which your child is born.**

**I wish my shared parental leave to start [on the day on which my child is born/the following number of days after the date on which my child is born]:**

**I wish my shared parental leave to end the following number of days after the date on which my child is born:**

**Signed:**

**Dated:**

#### Notes

You can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case you need the organisation's agreement). The Council will agree up to a maximum of three requests for leave per child.

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 notice. Shared parental leave must be taken

**Maldon District  
Shared Parental Leave Policy and Procedure**

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in blocks of at least one week.

This notice is to confirm to the Council the shared parental leave that you intend to take. You must have already submitted a notice of entitlement and intention before using this form.

The Council recognises that employees' plans can change. However, it is recommended that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend requests for shared parental leave are limited to a maximum of three requests for leave per child.

You and your partner must take any shared parental leave within 52 weeks of the birth of your child.



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Shared Parental Leave Policy and Procedure**

## APPENDIX 3

### Shared parental leave: variation of notice of entitlement and intention

<b>Name of employee:</b>	
<b>Job title:</b>	
<p>I previously provided the Council with an initial indication, in my notice of entitlement and intention dated [date], of my proposed shared parental leave dates. I now wish to amend my proposed shared parental leave dates. My partner and I agree to this change.</p>	
<b>Section A: Information to be provided by employee</b>	
<b>I now intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you now intend to take):</b>	
<b>I have already notified the Council in any period of leave notice or a variation of period of leave notice (if applicable) that I will be taking the following periods of shared parental leave:</b>	
<b>My partner has already notified his/her employer in any period of leave notice or a variation of period of leave notice (if applicable) that he/she will be taking the following periods of shared parental leave:</b>	
<b>I have already notified the Council of the following periods of statutory shared parental pay (if applicable):</b>	
<b>My partner has already notified his/her employer of the following periods of statutory shared parental pay (if applicable):</b>	
<b>Signed (mother):</b>	
<b>Dated (mother):</b>	
<b>Signed (partner):</b>	

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<b>Dated (partner):</b>	
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**Notes**

The variation of notice of entitlement and intention is not binding. You must still provide a period of leave notice in relation to the period of leave that you are seeking o change. There is no limit on the number of variations of notice of entitlement and intention that you can make, although you can give a maximum of three period of leave notices.

## Maldon District Shared Parental Leave Policy and Procedure

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### Letter confirming continuous Shared Parental Leave dates approved

Date

**Private & Confidential**

**MALDON DISTRICT  
COUNCIL**

Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



Enquiries to: Human Resources  
Email: [human.resources@maldon.gov.uk](mailto:human.resources@maldon.gov.uk)

Dear xxxx

Thank you for your notice requesting a continuous period of shared parental leave. I can confirm that you are entitled to take the period of shared parental leave requested. Your period of leave will commence on [date] and finish on [date].

During your period of shared parental leave, all the terms of your contract of employment, except your salary, will continue.

*Option 1 - employee entitled only to statutory shared parental pay*

Instead of your normal salary during your shared parental leave, you will be paid statutory shared parental pay at the rate set by the Government for the relevant tax year. Your statutory shared parental pay period will commence on [date] and end on [date].

*Option 2 - employee not entitled to statutory shared parental pay*

You will not be entitled to statutory shared parental pay during your shared parental leave because [your normal weekly earnings are below the current lower earnings limit for national insurance contributions/you and your partner [have/will have] received the full 39-week statutory pay entitlement during other periods of statutory [maternity/adoption/shared parental] leave].

If you subsequently wish to cancel the leave or request a variation to the start and/or end date of your period of shared parental leave, you may do so by giving notice at least eight weeks before the original or new date, whichever is earlier. The Council provides a form for you to request a variation to your periods of shared parental leave.

You are eligible to work for the organisation for up to 20 days of work during your period of shared parental leave (known as "shared-parental-leave-in-touch" (SPLIT) days) without bringing your shared parental leave to an end and without the loss of a week's shared parental pay (where it is due in that week). For these purposes, work can also include work that you are required to do under your contract of employment and may include training or any activity done for the purpose of keeping in touch with the workplace such as attendance at conferences, appraisals or team meetings.

**Maldon District  
Shared Parental Leave Policy and Procedure**

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During your period of shared parental leave, the Council may contact you about the possibility of working SPLIT days. You may also write to the Council to request to work on SPLIT days. However, you are under no obligation to agree to attend work and the organisation is under no obligation to offer you SPLIT days. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree to work SPLIT days.

In any event, the Council reserves the right to maintain reasonable contact with you from time to time during your shared parental leave. This may be to discuss your plans for 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 in your absence.

If you have any questions about any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

## Maldon District Shared Parental Leave Policy and Procedure

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### Letter inviting an employee to a meeting to discuss a request for discontinuous period of shared parental leave

Date

**Private & Confidential**

**MALDON DISTRICT  
COUNCIL**

Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



Enquiries to: Human Resources  
Email: [human.resources@maldon.gov.uk](mailto:human.resources@maldon.gov.uk)

Dear xxxx

Thank you for your notice requesting the following discontinuous periods of shared parent leave [adapt as required]:

- You have requested that your first period of shared parental leave will start on [date] and finish on [date]
- You have requested that your second period of shared parental leave will start on [date] and finish on [date]
- You have requested that your third period of shared parental leave will state on [date] and finish on [date]

We would like to discuss your request with you to see how your proposed pattern of shared parental leave might work in practice, and also to discuss the potential implications of your suggested pattern of shared parental leave. I would like to invite you to a meeting on [date] at [time]. This will be held in [room] meeting room with an HR representative and [line manager]. You may be accompanied by a trader union representative or workplace colleague, and it is for you to arrange their attendance should you wish to have a companion.

We will endeavour to grant your request where possible, but we will also need to consider the effects of your proposed pattern of shared parental leave on the organisation, the work of your department and your colleagues. It would be helpful if you are willing at the meeting to discuss possible alternatives to the pattern of leave that you have requested with a view to seeking a compromise arrangement that suits both parties (if this is necessary).

Following the meeting, a decision will be made on the feasibility of your requested pattern of shared parental leave and the decision will be communicated to you in writing within 14 days. If we cannot agree to your original request or a compromise arrangement by [date that is two weeks from the date period of leave notice was submitted], you will still have the opportunity to take the leave as on continuous period of leave.

You can also withdraw your period of leave notice requested discontinuous period of leave, as long as you do so by [date that is 15<sup>th</sup> day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

**Maldon District  
Shared Parental Leave Policy and Procedure**

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You can also withdraw your period of leave notice requesting discontinuous periods of leave, as long as you do so by [date that is 15<sup>th</sup> day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

If you have any questions about the meeting or any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

XXXX  
XXXX

## Maldon District Shared Parental Leave Policy and Procedure

---

### Letter to reject a request for discontinuous periods of shared parental leave

Date

**Private & Confidential**

**MALDON DISTRICT  
COUNCIL**

Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



Enquiries to: Human Resources  
Email: [human.resources@maldon.gov.uk](mailto:human.resources@maldon.gov.uk)

Dear xxxx

Thank you for your notice requesting discontinuous periods of Shared Parental Leave [and your attendance at a meeting to discuss your request] that was given on [date].

Unfortunately, the Council cannot agree to the periods of shared parental leave that you have requested [and we were unable to reach a compromise]. You requested periods of leave as follows [adapt as required]:

- You have requested that your first period of shared parental leave will start on [date] and finish on [date].
- You have requested that your second period of shared parental leave will start on [date] and finish on [date].
- You have requested that your third period of shared parental leave will start on [date] and finish on [date].

Having given the matter thorough consideration, I regret that the organisation is unable to accommodate your proposed pattern of shared parental leave. The [reason/reasons] for this [is/are] set out below.

This pattern of shared parental leave would [adapt as required]:

- [have a detrimental effect on the organisation's ability to meet its customers' demands;
- have a detrimental effect on the organisation's ability to complete [details of project];
- create unacceptable difficulties for the organisation as it [would be/has been] unable to make arrangements to reorganise your work among other staff;
- create unacceptable difficulties for the organisation in finding suitable cover for you during your absences;
- be inappropriate due to planned structural changes.]

## **Maldon District Shared Parental Leave Policy and Procedure**

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The reason why this is relevant to your request for discontinuous periods of shared parental leave is [explain further why the employee's request is not workable].

You can still take the leave as one continuous period of leave. To do so, you must choose a start date no sooner than [date that is eight weeks from the date on which the period of leave notice was originally given]. You must notify the organisation of that date by [date that is five days after the end of the two-week discussion period]. If you do not choose a start date by this date, the period of continuous leave will start on [date of the first period of leave requested in the period of leave notice].

You can also withdraw your period of leave notice requesting discontinuous periods of leave, as long as you do so no later than [date that is 15th day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to Human Resources.

Yours sincerely

XXXX

XXXX



## Maldon District Shared Parental Leave Policy and Procedure

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### Letter agreeing to discontinuous periods of shared parental leave

Date

**Private & Confidential**

## MALDON DISTRICT COUNCIL

Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



Enquiries to: Human Resources  
Email: [human.resources@maldon.gov.uk](mailto:human.resources@maldon.gov.uk)

Dear xxxx

Thank you for your notice requesting discontinuous periods of shared parental leave [and your attendance at a meeting to discuss your request]. [The Council agrees to the periods of shared parental leave that you have requested. / Although we were not able to agree to your original request, I am pleased that we were able to reach a compromise.] Your periods of leave will be as follows [adapt as required]:

- Your first period of shared parental leave will start on [date] and finish on [date].
- Your second period of shared parental leave will start on [date] and finish on [date].
- Your third period of shared parental leave will start on [date] and finish on [date].

During each of your periods of shared parental leave, all the terms of your contract of employment, except your [salary/wages], will continue.

Instead of [salary/wages], during [some of] your shared parental leave, you will be paid statutory shared parental pay at the rate set by the Government for the relevant tax year. You will get statutory shared parental pay totalling [number] weeks.

For you, this means that you will be paid as follows [adapt as required]:

- Your first period of shared parental leave, starting on [date] and finishing on [date], will be paid at the statutory rate of [the rate set by the Government for the relevant tax year].
- Your second period of shared parental leave, starting on [date] and finishing on [date], will be paid at the statutory rate of [the rate set by the Government for the relevant tax year] for the first [number] weeks, and the subsequent [number] weeks will be unpaid.
- Your third period of shared parental leave, starting on [date] and finishing on [date], will be unpaid.

*Use below if employee is not entitled to statutory shared parental pay*

*You will not be entitled to statutory shared parental pay during your shared parental leave because [your normal weekly earnings are below the current lower earnings limit for national insurance]*

## Maldon District Shared Parental Leave Policy and Procedure

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*contributions/you and your partner [have/will have] received the full 39-week statutory pay entitlement during other periods of statutory [maternity/adoption/shared parental] leave].*

If you subsequently wish to cancel one or more periods of shared parental leave or request a variation to the start and/or end dates of any of your periods of shared parental leave, you may do so by giving notice at least eight weeks before the original or new date, whichever is earlier. [The Council provides a form for you to request a variation to your periods of shared parental leave.]

You are eligible to work for the organisation for up to 20 days of work during your periods of shared parental leave (known as "shared-parental-leave-in-touch" (SPLIT) days) without bringing your shared parental leave to an end and without the loss of a week's shared parental pay (where it is due in that week). For these purposes, work can also include work that you are required to do under your contract of employment and may include training or any activity done for the purpose of keeping in touch with the workplace such as attendance at conferences, appraisals or team meetings.

During your periods of shared parental leave, the Council may contact you about the possibility of working SPLIT days. You may also write to the Council to request to work on SPLIT days. However, you are under no obligation to agree to attend work and the Council is under no obligation to offer you SPLIT days. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree to work SPLIT days.

In any event, the organisation reserves the right to maintain reasonable contact with you from time to time during your shared parental leave. This may be to discuss your plans for 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 in your absence.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to Human Resources.

Yours sincerely

**Maldon District  
Shared Parental Leave Policy and Procedure**

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## Letter inviting employee to a pre-shared Parental Leave interview

Date

**Private & Confidential**

**MALDON DISTRICT  
COUNCIL**

Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



Enquiries to: Human Resources  
Email: [human.resources@maldon.gov.uk](mailto:human.resources@maldon.gov.uk)

Dear xxxx

As your shared parental leave is approaching and [your first period of leave] is due to begin on [date], I am writing to you to invite you to a pre-shared parental leave interview on [date] at [time].

The meeting will be to discuss the final arrangements for your shared parental leave and it will also be an opportunity for you to raise any other issues that you would like to discuss. Issues that we would like to discuss with you include [list the appropriate points and expand on them as necessary]:

- how your work will be handed over to [your colleagues/name of individual doing shared parental leave cover];
- how we will maintain contact with you while you are on shared parental leave;
- the possibility of you working shared-parental-leave-in-touch (SPLIT) days while you are on shared parental leave; and
- how your holiday entitlement will be managed while you are on shared parental leave.

I enclose a copy of our shared parental leave policy which sets out the structure of the pre-shared parental leave interview.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to Human Resources.

Yours sincerely

XXXX  
XXXX

**Maldon District  
Shared Parental Leave Policy and Procedure**

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**Letter from employer to employee on shared parental leave asking him or her to attend a shared-parental-leave-in-touch (SPLIT) day**

Date

**Private & Confidential**

**MALDON DISTRICT  
COUNCIL**

Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



Enquiries to: Human Resources  
Email: [human.resources@maldon.gov.uk](mailto:human.resources@maldon.gov.uk)

Dear xxxx

We hope that you are well and enjoying your shared parental leave.

In accordance with statutory shared parental leave provisions, you are eligible to work for up to 20 days during your shared parental leave without bringing your shared parental leave and pay to an end.

For these purposes, "work" can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

We would like to invite you to attend work on [date(s)] for the purpose of [details of what the employee will be doing during shared-parental-leave-in-touch day]. Please be aware that you are under no obligation to agree to attend work. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree. However, given that one of the purposes of coming to work is to enable you to keep in touch with the workplace during your absence, we would hope that you will agree. We would be grateful if you could let [name] know by no later than [date] whether or not you are willing to agree to work for us on [date(s)].

If you are entitled to receive statutory shared parental pay for the week in which we have asked you to attend work, you will still receive this in the usual way. In addition, we would also pay you for the number of hours that you work on [date(s)] at your normal rate of pay

We look forward to hearing from you.

Yours sincerely

xxxx  
xxxx

**Maldon District  
Shared Parental Leave Policy and Procedure**

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**Letter from employer to employee on shared parental leave asking him or her to attend a shared-parental-leave-in-touch (SPLIT) day**

Date

**Private & Confidential**

**MALDON DISTRICT  
COUNCIL**

Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



Enquiries to: Human Resources  
Email: [human.resources@maldon.gov.uk](mailto:human.resources@maldon.gov.uk)

Dear xxxx

We hope that you are well and enjoying your shared parental leave.

In accordance with statutory shared parental leave provisions, you are eligible to work for the organisation for up to 20 days during your shared parental leave without bringing your shared parental leave and pay to an end.

For these purposes “work” can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

We would like to invite you to attend work on [date(s)] for the purpose of [details of what the employee will be doing during shared-parental-leave-in-touch-day]. Please be aware that you are under no obligation to agree to attend work. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree. However, given that one of the purposes of coming to work is to enable you to keep in touch with the workplace during your absence, we would hope that you will agree. We would be grateful if you could let [name] know by no later than [date] whether or not you are willing to agree to work for us on [date(s)].

If you entitled to receive statutory shared parental pay for the week in which we have asked you to attend work, you will still receive this in the usual way. [In addition, we would also pay you for the number of hours that you work on [date(s)] at your normal rate of pay.

We look forward to hearing from you.

Yours sincerely

XXXX  
XXXX

**Maldon District  
Shared Parental Leave Policy and Procedure**

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**Letter responding to employee's request to attend a shared-parental-leave-in-touch (SPLIT) day**

Date

**Private & Confidential**

**MALDON DISTRICT  
COUNCIL**

Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



Enquiries to: Human Resources  
Email: [human.resources@maldon.gov.uk](mailto:human.resources@maldon.gov.uk)

Dear xxxx

We refer to your letter/email dated [date]. We are delighted to hear that you are enjoying your shared parental leave.

In accordance with the statutory shared parental leave provisions, you have requested to attend work on [date(s)] for the purpose of [details of what the employee wishes to do during shared-parental-leave-in-touch (SPLIT) day]. If the organisation agrees, you are eligible to work for up to 20 days during your shared parental leave without bringing your shared parental leave and pay to an end.

For these purposes, "work" can also include training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

[In the circumstances, the Council is happy to agree to your request to attend work on [date(s)]. Could you therefore please contact [name] as soon as possible to make the necessary arrangements for your attendance at work on [this date/these dates]. If you are entitled to receive statutory shared parental pay for the [week/weeks] in which we have agreed you can attend work, you will still receive this in the usual way. In addition, we will also pay you for the number of hours that you work on [date(s)] at your usual rate of pay.

Please be aware that, if you work for more than 20 days during your shared parental leave, you will lose entitlement to statutory shared parental pay for the week in which you work.]

**[OR]**

In the circumstances, having carefully considered the operational needs of its business, the Council is unfortunately unable to agree to your request to attend work on [date(s)].

Thank you for kindly offering to work for us during your shared parental leave. As we are unable to accommodate your request, we now look forward to your returning to work from shared parental leave on [date]. In the meantime, we hope you continue to enjoy the remainder of your shared parental leave.]

## Maldon District Shared Parental Leave Policy and Procedure

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Yours sincerely

### Letter informing an employee of ineligibility to take shared parental leave

Date

**Private & Confidential**

**MALDON DISTRICT  
COUNCIL**

Princes Road  
Maldon  
Essex CM9 5DL

[www.maldon.gov.uk](http://www.maldon.gov.uk)



Enquiries to: Human Resources  
Email: [human.resources@maldon.gov.uk](mailto:human.resources@maldon.gov.uk)

Dear xxxx

Thank you for notifying us that you wish to take shared parental leave. Unfortunately, you are not eligible to take this type of leave.

#### **Example 1 - expected date of childbirth was before 5 April 2015**

We understand that your child's [expected date of childbirth/date of placement/date of entry into Great Britain] was [date that is before 5 April 2015]. Shared parental leave is available only to employees whose child [is expected to be born/is placed for adoption with them/enters Great Britain] on or after 5 April 2015. As a result, you are not eligible for shared parental leave.

[You/your partner] may still be eligible for additional paternity leave details of which are shown in the Parental Leave Policy and Procedure, further your partner can ask his/her employer about this right.

#### **Example 2 - insufficient service or earnings**

The reason for your ineligibility to take shared parental leave is that your length of continuous service with the organisation, calculated as at the end of the [15th week before the baby's expected week of birth/week in which you are notified of having been matched for adoption with the child/week in which you received official notification in relation to an adoption from overseas], [was/will be] less than 26 weeks.

**OR**

Your partner has not been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the [expected week of childbirth/the week in which you were notified of having been matched for adoption with the child/the week in which the child entered Great Britain in relation to an adoption from overseas].

**OR**

Although your partner has been [employed/a self-employed earner] in at least 26 of the 66 weeks immediately preceding the [expected week of childbirth/the week in which you were notified of

**Maldon District  
Shared Parental Leave Policy and Procedure**

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having been matched for adoption with the child/the week in which the child entered Great Britain in relation to an adoption from overseas], he/she does not have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks.]

**Example 3 - lack of parental responsibility**

The reason for your ineligibility to take shared parental leave is that, at the date [of the child's birth/of the child's placement for adoption/entry into Great Britain in relation to an adoption from overseas], [you/your partner] did not have the required responsibility for the care of the child.

**Example 4 - mother/primary adopter not entitled to maternity/adoption leave**

The reason for your ineligibility to take shared parental leave is that [you are/your partner is] not entitled to statutory [maternity/adoption] leave in respect of the child.

If you would like to discuss your application for shared parental leave, the reasons for your ineligibility, or other types of leave to which you may be entitled, please contact [name] on [telephone number].

Yours sincerely



**Maldon District Council Equality Analysis**

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

<b>Title</b> <b>Shared Parental Leave Policy</b>	<b>Date</b> <b>August 2016</b>	<b>Officer Preparing</b> <b>Cally Darby</b> <b>Learning and Engagement Officer</b>
<b>1. Background</b>		
<p><b>1.1 Description of proposal / policy / service</b> (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)</p> <p>The Shared Parental Leave Policy enables eligible parents to choose to share the care of their child during the first year after the child's birth or adoption.</p>		
<p><b>1.2 Who are the users of the proposal / policy / service</b> (Refer to data held about the users of the service i.e. numbers of users, demographic breakdown. Having this information is important to understand which sectors of the community might be affected. If that is not available refer to the demographic data held on the intranet.)</p> <p>Any member of staff becoming a parent, including through adoption.</p>		
<p><b>1.3 Have users been consulted with?</b> (Have you carried out consultation with users or stakeholders while drawing up the proposal / policy / service? For example, have you carried out a formal consultation, discussed the issue with a Friends/User Group or consulted with stakeholders? If so, outline the results and how it has informed your plans. It's also important to show whether the target audience was reached during the consultation.)</p> <p>The union (Unison) has been consulted with.</p>		
<p><b>1.4 If the analysis is regarding an existing Service, what are users' views of that Service?</b> (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).</p> <p>Not applicable.</p>		

**Maldon District Council Equality Analysis**

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

**2. Equality Aims – consider how the proposal / policy / service meets the three Equality Aims listed in the Equality Act.**

<b>Aim</b>	<b>How does the proposal / policy / service meet the equality aim?</b>	<b>Action or addition needed in order that the proposal / policy / service meets the aim?</b>
<b>2.1 To eliminate unlawful discrimination, harassment and victimisation</b>	Ensuring that same sex couples are treated fairly and equally within the policy ensures that there is no discrimination and that there is equality of opportunity.	
<b>2.2 To advance equality of opportunity between people who share a protected characteristic and those who do not</b>	Allowing parents of both sexes to share their parental leave ensures equal treatment and opportunity for both sexes.	
<b>2.3 To foster good relations between those who share a protected characteristic and those who do not</b>		

**3. Equality Impacts – examine how the proposal / policy / service impacts on the community. Base the analysis on evidence. Attach additional documents if necessary.**

<b>Impacts</b>	<b>Positive impact (X)</b>	<b>Could adversely impact (X)</b>	<b>No impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Actions to reduce negative or increase positive impact</b>
<b>3.1 Age</b> (What will the impact be on different age groups such as younger or older people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

## Maldon District Council Equality Analysis

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
3.2 Disability (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3.3 Pregnancy and Maternity (Think about pregnancy, new and breastfeeding Mums)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The shared parental leave policy is a positive impact that puts those who have had (or adopted) a child in control of how they divide their maternity leave with a partner. There are no longer assumptions and instead the mother/adopter and father/partner have options to divide the parental leave in the best way to suit them.	
3.4 Sex (is the service used more by one gender and are the sexes given equal opportunity?)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is now equality between the sexes in terms of sharing leave so that the father of the child/male partner also has options to take parental leave.	
3.5 Gender Reassignment (Is there an impact on people who are going through or who have completed Gender Reassignment?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

**Maldon District Council Equality Analysis**

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

<b>Impacts</b>	<b>Positive impact (X)</b>	<b>Could adversely impact (X)</b>	<b>No impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Actions to reduce negative or increase positive impact</b>
3.6 Religion or belief (Includes not having a religion or belief)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3.7 Sexual Orientation (What is the impact on heterosexual, lesbian, gay or bisexual people?)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same sex couples are treated equally within the policy and have the same rights as male/female couples.	
3.8 Race (Includes ethnic or national origins including Gypsies and Travellers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3.9 Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<b>4. Is there a Cumulative Impact?</b> (If the same group is the subject of many changes or reductions the overall impact is much greater. Consider what else is happening within Maldon District Council that may have an impact and also what we know is happening elsewhere (such as Essex County Council). See Guidance for further advice.)  No					
<b>5. Outcome</b>					
<b>5.1 Consider all the analysis and evidence above and indicate</b>  <b>(1) No change needed</b> <input checked="" type="checkbox"/> <b>(2) Adjust</b> <input type="checkbox"/> <b>(3) Adverse impact but continue</b> <input type="checkbox"/> <b>(4) Stop, remove the proposal / policy / service</b> <input type="checkbox"/>					

**Maldon District Council Equality Analysis**

Please complete the questions below as fully as possible - the boxes will expand to accommodate your text. Please include the document version in the footer below.

<b>5.2 Adjustments</b> <b>If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (ie Committee, CMT).</b>
<b>5.3 Decision Making</b> (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?)
<b>6.0 Next Steps</b>
<b>6.1 If there was a lack of evidence or data held on which to base this assessment, how will that gap be addressed for the future?</b>
<b>6.2 Summary of actions highlighted within this analysis</b> (Include how this will be picked up within service/work plans)
<b>6.3 Arrangements for future monitoring of equality impact of this proposal / policy / service</b>
<b>6.4 Approved by (Manager or Head of Service signature and date)</b>
Once approved please forward this analysis to Cally Darby to arrange publication.