

TITLE OF DISCUSSION PAPER: SHARED PARENTAL LEAVE

What is Shared Parental Leave?

Shared parental leave is designed to allow parents/adopters to take leave flexibly during the first year after birth or adoption. It applies to children expected to be born or placed for adoption on or after 5th April 2015.

What does it comprise?

Up to 50 weeks' leave (SPL) and 37 weeks pay (ShPP) can be shared between parents if the mother/adopter brings their maternity/adoption leave and pay to an end early. The amount of shared parental leave available is normally calculated by deducting the number of weeks' maternity/adoption leave taken by the mother/adopter on the date they returned to work or ended their maternity/adoption leave early from 52. The amount of shared parental pay available is normally calculated by deducting the number of weeks' statutory maternity/adoption pay taken by the mother/adopter on the date they returned to work or ended their maternity/adoption leave early from 37.

The available shared parental leave and pay can then be allocated between the parents as they agree. One parent can take the full amount of available shared parental leave and pay, if this is what is agreed. Both parents do not have to work for NHDC to claim the leave and pay but both must satisfy the relevant eligibility criteria.

Shared parental leave and pay must be requested in accordance with complex notification requirements set out in statute. Shared parental leave must be taken in blocks of at least one week but does not have to be taken as a single period of leave and both parents can elect to be on leave at the same time (either one on maternity leave and one on shared parental leave, or both on shared parental leave). Employees are entitled to 3 periods of SPL during the first year after the baby's birth or the adoption.

Shared parental leave and pay must be taken before the child's first birthday or the first anniversary of their adoption.

The right to shared paternity leave and pay is in addition to the right to take statutory maternity, adoption, ordinary paternity leave and parental leave. The right to take additional paternity leave is abolished.

Statutory shared parental pay will be paid at the rate of lower rate statutory maternity pay. Terms and conditions of employment during a period of shared parental leave have to mirror those applicable during maternity leave, i.e. continue in force except in relation to pay.

Employees may be asked to attend work on occasional days during their SPL period. These are known as "Shared Parental Leave in Touch" (SPLIT) days. Employees may work for up to 20 days without bringing their SPL to an end, but work during SPL will not have the effect of

extending their SPL period. If an employee does any work, they will be paid their normal rate of pay inclusive of any statutory ShPP entitlement.

Employees returning to work immediately after a period of SPL which was 26 weeks or less (including any statutory maternity/adoption leave they may have taken to care for the same child) are entitled to return to work in the same job that they left.

Employees returning to work from a period of SPL which was 26 weeks or more (including any maternity/ adoption leave they may have taken to care for the same child) will normally be entitled to return to the job in which they were employed before any absences. If that is not reasonably practicable, then employees will return to another job which is both suitable and appropriate in the circumstances.

What is NHDC doing about Shared Parental Leave?

A Shared Parental Leave Policy outlining the statutory provisions has been drafted and will be circulated for consultation following the usual process.

Procedures, Guidance Notes and FAQs to support the Policy are under development and will be communicated as appropriate and published on the intranet.

The Council's current Maternity, Adoption, Paternity, Paternity Adoption and Special Leave, Dependant and Parental Leave Policies will all also be amended as required in the light of the provisions of the new Shared Parental Leave Policy.

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