

Shared Parental Leave Policy

Contents

1. Introduction	2
2. Aims	2
3. Scope	2
4. Compliance	2
5. Principles.....	2
6. Entitlement	2
7. Taking Periods of Leave.....	2
8. Conditions of Employment	3
9. Right to Return	3
10. Keeping in Touch	3
11. Leave & Curtailment Notice.....	3
12. Notice of Entitlement	4
Declaration	4
False Declaration	4

Document History

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Reviewed & Adopted -

1. Introduction

Gainsborough Town Council complies with the Shared Parental Leave Regulations 2014, which provides a statutory right for an employee to take shared parental leave (ShPL) in connection with the birth of a child, or placement of an adopted child born on or after 5th April 2015.

2. Aims

The aims of the policy are to explain:

- a) the provisions of shared parental leave;
- b) who is eligible;
- c) how to apply.

3. Scope

This policy applies to full and part time members of staff.

4. Compliance

This policy is governed by the:

- a) Employment Rights Act 2002
- b) Children and Families Act 2014
- c) Shared Parental Leave Regulations 2014

5. Principles

Shared parental leave (ShPL) is available to all members of staff and allows a mother / primary adopter and her partner to share the responsibility of working and caring for a child provided that the mother/primary adopter returns to work prior to using all of her entitlement to maternity / adoption leave and / or statutory pay.

Shared parental leave is regarded as a period of unpaid leave.

Eligibility To qualify for shared parental leave you must:

- a) be the child's mother or primary adopter;
- b) be the biological father of the child; or
- c) be the mother's husband, or partner (including same sex relationships) or civil partner, or be the husband or partner (including same sex relationships) of the primary adopter;
- d) have 26 weeks continuous service with Gainsborough Town Council

6. Entitlement

Eligible parents will be able to share a maximum of 50 weeks leave and 39 weeks statutory pay, for the purpose of caring for a child within the first year of the child's life or in the year after the child is placed for adoption. Shared parental leave cannot be taken until after the birth/placing of the child.

Partners do not have to work for Gainsborough Town Council, but they must satisfy minimum employment and earnings criteria.

7. Taking Periods of Leave

Shared Parental Leave (ShPL) must be taken in complete weeks, it can be taken:

- a) as one continuous block;
- b) in multiples of complete weeks

The minimum ShPL that can be taken is one week.

Provided that both parents qualify for ShPL you can choose to take leave at the same time as your partner or you can take your leave separately.

You may take one or more periods of shared parental leave per pregnancy or adoption.

8. Conditions of Employment

Terms and conditions

During a period of shared parental leave individuals will be entitled to the same terms and conditions that would have applied had they not taken the leave, with the exception of remuneration.

All shared parental leave will be:

- a) pensionable;
- b) reckonable for incremental pay; and
- c) included in any probationary period

9. Right to Return

You have the right to return to the same job if you have been on shared parental leave plus any other type of leave for 26 weeks or less.

If you have been on leave for more than 26 weeks you have the right to return to the same job unless this is not reasonably practicable. If due to organisational change your role no longer exists you would be managed in accordance with the organisational change policy.

10. Keeping in Touch

Both parents who are eligible for shared parental leave may take up to a maximum of 20 keeping in touch (KIT) days between them. This is in addition to the 10 KIT days available during a period of maternity leave.

Keeping in Touch days must be approved by the Town Clerk or the Chairman of the Personal Working Group.

Taking KIT days, which are days when you attend work, will not end your entitlement to shared parental leave or statutory pay. On a KIT day you will be paid for the number of hours that you work.

11. Leave & Curtailment Notice

Anyone eligible and intending to take shared parental leave must submit a maternity / adoption leave curtailment notice, giving at least 8 weeks' notice stating that they wish to end their maternity or adoption leave early.

Once you have ended your maternity/adoption leave and have returned to work you will only be entitled to statutory pay during periods of shared parental leave and at that point you cannot revert back onto maternity leave.

Employees are encouraged to and should give careful consideration to the financial implications of ending your maternity / adoption leave early while still in receipt of occupational maternity / adoption pay.

12. Notice of Entitlement

Before taking leave, a notice of entitlement and intention to take shared parental leave, must be submitted. This may be submitted at the same time as the maternity / adoption curtailment notice or at a later date but it cannot be later than 8 weeks before the date of the first period of shared parental leave.

Requests for a **single** block of leave must be agreed by the Town Council.

If a request is for more than a single block the Town Council may:

- a) Agree the request;
- b) Decline the request due to organisational need;
- c) Propose alternative dates

Up to three separate requests for periods of shared parental leave and three withdrawal notices may be submitted. Any periods of leave that have been declined to not count towards these totals.

A completed self-certificate (SC) form must be provided, as evidence of entitlement to ShPL. This form acts as a declaration.

The declaration must state that the individual:

- a) meets all the criteria to be eligible for shared paternity leave and pay;
- b) has met the notification requirements as detailed above

Declaration

Each parent must submit a signed declaration to their line manager with the notice of entitlement and intention, stating:

- a) their full name;
- b) their partners full name;
- c) the name and address of their partners employer;
- d) confirmation that they are eligible for shared parental leave;
- e) a statement that the information contained within the declaration is accurate;
- f) details of the amount of leave each partner is to take (this is non-binding);
- g) the consent of their partner, that they agree to the amount of shared parental leave each partner is to take.

False Declaration

False declarations may subject the employee to the Town Council's disciplinary procedure.