

SOLIHULL METROPOLITAN BOROUGH COUNCIL

SHARED PARENTAL LEAVE SCHEME

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.

SMBC can provide information in a range of different ways, for example via the use of large print, audio, summarising large documents, interpretation, translation and British Sign Language interpreting services.

If you require this information in an alternative format or need assistance because English is not your first language, please contact your line manager or nominated Human Resources Advisor in the first instance for further support.

SHARED PARENTAL LEAVE SCHEME POLICY

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2	April 2018	Updated rates of pay and GDPR statement added
2.1	May 2019	Updated with new details of Employee Assistance Programme & new ShPP rates
2.2	March 2020	Updated rates of pay
2.3	November 2020	Changed reference from grievance procedure to new Resolution procedure on p3.
2.4	April 2021	Updated rates of ShPP pay
2.5	April 2022	Updated rates of ShPP pay and EAP telephone number
2.6	April 2023	Updated rates of ShPP pay
2.7	21 March 2024	General refresh and additional sections added to mirror Maternity/Adoption policies including additional protection from redundancy. New FAQs added in appendix.

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1. INTRODUCTION

Shared Parental Leave (SPL) is a way for working parents to share statutory leave and pay following the birth or adoption of their child, or if they are having a baby through a surrogacy arrangement. It is aimed at giving parents more flexibility over how they share childcare between them during the first year of their child's life. Shared parental leave can be taken at the same time as an eligible mother/adopter/partner or separately.

Shared Parental Leave enables a mother to end their maternity leave early and share the remaining weeks of leave with a partner, or for the main adopter to end their adoption leave early and share the remaining weeks of leave with a partner.

This policy outlines the arrangements for Shared Parental Leave and aims to guide you through what can appear complex and explain how Shared Parental Leave works and what leave and pay you are entitled to.

Shared Parental Leave should not be confused with Ordinary Parental Leave, which is the separate entitlement to up to 18 weeks' unpaid leave. For further details, please refer to the [Ordinary Parental Leave policy](#).

The Council/School recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. Therefore, the Council/School wishes to encourage open discussion with employees to ensure questions and problems can be resolved as quickly as possible.

Nothing in this guidance shall be construed as providing less favourable terms than statutory rights, is in line with the NJC (National Joint Council) Green Book and will ensure that no-one receives less favourable treatment on the grounds of being pregnant, during maternity or shared parental leave or on return to work as a new parent.

If considering requesting Shared Parental Leave you may also wish to refer to related SMBC policies for working parents:

- Maternity Leave Scheme
- Maternity Support Scheme
- Adoption Scheme
- Adoption Support Scheme
- Paternity Leave Scheme
- Parental Leave
- Flexible Working
- Leave of Absence
- Carers Policy
- Career Break Scheme

Human Resources (HR) will always be happy to help with any particular questions or queries you may have.

In addition, professional and trade union associations are also able to offer support and information.

If you work for **Core** Council, i.e. you get paid on the 15th of the month, the HR team's contact details are:

Payroll & HR Administration – Corporate Services
Employee Service Centre
Council House, Manor Square
Solihull
West Midlands B91 3QB

Tel: 0121 704 8730 (hunt number)
Email: payandhradminand@solihull.gov.uk
payandhradminchildrens@solihull.gov.uk
payandhradminadults@solihull.gov.uk
payandhradminpublichealth@solihull.gov.uk
payandhradminresources@solihull.gov.uk

Or if you work in a **school**:

Payroll & HR Administration – School Services
Employee Service Centre
Council House
Manor Square
Solihull
West Midlands B91 3QB

Tel 0121 704 8726 or 8727
Email schoolshrea@solihull.gov.uk or schoolshreb@solihull.gov.uk

2. DEFINITIONS

The following outlines some of the terms that are used in this document:

SPL	Shared Parental Leave.
ShPP	Shared Parental Pay – this amount is set annually by the Government.
Parent/ other Parent	One of two people who will share the main responsibility for the child’s upbringing (and who may be either the mother, the father, or the mother’s partner.
Partner	Spouse, civil partner or someone living with the parent in an enduring family relationship, but not a sibling, child, grandchild, grandparent, aunt, uncle, niece or nephew.
Adopter	One of two people who is adopting a child from a GB adoption agency or if adopting from Overseas to have received ‘official notification’ issued by or on behalf of the UK Authority.
Intended Parents	A couple who are having a baby through a surrogacy arrangement and have a parental order to do so
EWC	Expected Week of Childbirth. This is the expected week the baby will be born.
SSP	Statutory Sick Pay
OMP	Occupational Maternity Pay
SMP	Statutory Maternity Pay
MA	Maternity Allowance
SAP	Statutory Adoption Pay
LEL	Lower Earnings Limit
MATB1 form	A Maternity certificate issued from your midwife or medical practitioner confirming that you are pregnant and your EWC. This is usually issued around the 20 th week before EWC.
Job	The nature of the work which you are employed to do and the capacity and place in which you are employed.
Childbirth	Childbirth means the birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy.
Average Weekly Pay	The amount payable to you under your current contract of employment. If there are significant variations in your salary, please contact HR
Qualifying week	15 th week before the Expected Week of Childbirth
HR	Human Resources
Continuous Leave	A single period of weeks of unbroken leave
Discontinuous Leave	Two or more periods of leave where the employee intends to return to work between these periods of leave.
SPLiT Day	Shared Parental Leave in Touch Day

2024-2025 rates (from 6 April 2024)

ShPP (standard rate)	£184.03
LEL	£123.00

3. SCOPE

This policy applies to employees. It does not apply to agency workers, casual staff, contractors, consultants or any self-employed individuals working for the Council/School.

Agency workers may qualify for Shared Parental Pay (ShPP) but individuals should refer to the agency as the employer.

4. ENTITLEMENT TO SHARED PARENTAL LEAVE

You are entitled to SPL in relation to the birth of a child if:

- You are the child's mother or adopter, and share main responsibility for the care of the child with the child's father (or your partner, if the father is not then your partner) or :
- You are the child's mother, father or other parent (in case of adoption and surrogacy) and share the main responsibility for the care of the child with the other parent; or
- You are the mother's spouse, civil partner or partner and share the main responsibility for the care of the child with the mother (where the child's father or other parent does not share the main responsibility).

SPL can only be used by two people.

Additionally, you must also satisfy each of the following criteria:

- If you are the mother/adopter of the child, you must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave you must be/have been entitled to statutory maternity/adoption pay (SMP/SAP) or maternity allowance (MA);
- You must have at least 26 weeks' continuous employment with Solihull MBC by the end of the Qualifying Week before the child's expected due date/ matching date;
- You will still be employed by us in the week before each period of SPL is to be taken;
- The father, other parent or partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before EWC/ matching date and had average weekly earnings of not less than £30 (or as set out in Section 35(6A) of the Social Security Contributions Act 1992) a week in any 13 of those weeks; and
- You and the other parent must give the necessary statutory notices and declarations summarised below, including notice to end any maternity/ adoption leave, SMP, SAP or MA periods.

4.1 Shared Parental Leave entitlement

If you meet the eligibility criteria, the amount of Shared Parental Leave that you can split between you is 52 weeks, minus the amount of maternity leave taken by the mother.

If you are a mother, you must take compulsory maternity leave immediately after the child is born. This means that you cannot start your shared parental leave until two weeks after the birth of your child.

Similarly, if you are adopting, you cannot curtail your adoption leave within 2 weeks of starting adoption leave.

If you are the child's father, the other parent or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your Ordinary Paternity Leave entitlement.

Shared Parental Leave only becomes available once the mother or adopter has given notice to end entitlement to maternity or adoption leave. The portion of maternity or adoption leave that is untaken by the mother/adopter can be converted into Shared Parental Leave.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to SMP, SAP or MA, they must reduce their entitlement to less than 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 SMP, SAP or MA taken by the mother/adopter.

All shared parental leave must be taken within the first 52 weeks following the birth of the child.

*a total of 52 weeks SPL may be available in the event of the death of the Mother

5. NOTIFICATION OF LEAVE

The period of SPL available is the balance of weeks following any period of maternity/adoption leave taken by the mother/adopter deducted from the period of 50* weeks Shared Parental leave.

The remaining period of leave can be shared between the parents, subject to the following requirements:

- The minimum period of leave must be one week
- The leave must be taken in complete weeks, and
- The leave may be taken as one continuous period or discontinuous periods subject to appropriate notice requirements.

5.1 NOTIFICATION FROM YOU

You are encouraged to notify Human Resources (HR Advisor) and your line manager/ Headteacher of your intention to take SPL as soon as possible, but not less than **eight** weeks' before you intend your SPL to start.

The notice periods set out in this policy are the minimum required by law. However, the earlier you inform us of your intentions, the more likely it is that we will be able to accommodate your wishes, particularly if you want to take periods of discontinuous leave.

You will be required to provide the Council/School with the correct notifications and this must be done so in writing and requires the following: (All forms are available on the [Intranet](#)/ [Extranet](#)).

- Your name and the name of the other parent;
- If you are the child's mother/adopter, the start and end dates of your maternity/ adoption leave or pay, or maternity allowance,
- If you are the child's father, other parent or the mother/adopter's partner, the start and end dates of the mother/adopter's maternity/adoption leave, or if she is not entitled to maternity/adoption leave, the start and end dates of any SMP, SAP or MA period;
- The total SPL available, which is 50* weeks minus the number of weeks' maternity leave, SMP, SAP or MA period taken or to be taken.
- 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 you and your partner each intend to take and when this might be taken.
- *Excluding 2 weeks' compulsory maternity/adoption leave

You must provide the organisation with a signed declaration stating:

- Declarations by you and the other parent, that you meet the statutory conditions for entitlement to SPL and ShPP;
- That the information you have given is accurate.
- If you are not the mother/adopter, you confirm that you are either the father of the child or the spouse, civil partner or partner of the mother/ adopter.
- That should you cease to be eligible you will immediately inform the Council/ School.

You must provide the Council/ School with a signed declaration from your **partner** confirming:

- Their name, address, and national insurance number
- That they are the mother/ adopter of the child or 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' (please see Section 2), and had at the date of the child's birth or placement for adoption the main responsibility for the child,
- That they consent to the amount of SPL that the employee intends to take.
- That they consent to the organisation processing the information contained in the declaration form; and
- (In the case whether the partner is the mother/adopter), that they will immediately inform you should they cease to satisfy the eligibility conditions.

5.2 Requesting further evidence of eligibility

The Council/ School may, within 14 days of the SPL entitlement notification being given, request.

- The name and address of your partner's employer (where your partner is self-employed or no longer 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 as having been matched with the child and the date on which the agency expects to place the child for adoption.
- In the case of surrogacy arrangements, a copy of the parental order.

In order to be entitled to SPL, you must produce this information within 14 days of the request.

5.3 Fraudulent claims

The Council/School can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by HMRC that a fraudulent claim was made, investigate the matter further under the Council/ School's Disciplinary Procedure.

5.4 Discussions regarding Shared Parental Leave

Early discussion is encouraged with your line manager/ Headteacher; this may include:

- If you are considering/ intending to take SPL to arrange an informal discussion as early as possible regarding your potential entitlement, what your plans might be and to enable any support.
- When receiving notification of entitlement to take SPL to talk about your intentions and how you currently expect to use your SPL entitlement.
- When receiving a leave booking notice. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in your notice booking leave, a meeting may not be necessary.

Where a meeting is arranged, you may, if you wish, be accompanied by a trade union representative or workplace colleague.

The purpose of the meeting will be to discuss in detail the leave proposed and what will happen while you are away from work. Where you are requesting discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement can be agreed, and what the outcome might be if agreement cannot be reached.

5.5 Booking Shared Parental Leave

In addition to notifying us of your entitlement to SLP/ShPP, you will also be required to give notice to take the leave. This will, in many cases, be at the same time as the notice of entitlement to SPL.

You must book SPL by giving notification of at least **eight** weeks before the date on which you wish to start leave and (if applicable) receive ShPP.

You have the right to submit **three** notifications specifying leave periods you intend to take. Each notification may contain either:

- a) A single (continuous) period of weeks of leave; or
- b) Two or more periods of discontinuous leave, where you intend to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week began on a Wednesday it would finish on a Tuesday. Where you return to work between periods of SPL, the next period of SPL can start on any day of the week.

Continuous leave notifications - is for several weeks taken in a single unbroken period of leave (for example, six weeks in a row). You have 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 SPL available to you (as specified in your notice of

entitlement) and you have given at least eight weeks' notice. You may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications – this may also be a single notification but it may contain a request for two or more periods of leave, which means asking for a set number of weeks of leave over a period of time, with breaks in between the leave where you return 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).

Where there is concern over accommodating the notification, a meeting should be arranged to discuss the notification with a view to agreeing an arrangement that meets both you as the employee and the Council/ School's needs.

The Council/ School will consider a discontinuous leave notification but has the right to refuse it. If the pattern of leave is refused, the employee can either withdraw it within 15 days of giving it or can take the leave in a single continuous block. **Please note that this would need to be subject to and in consideration of eligibility for SPL and ShPP.**

5.6 Responding to a Shared Parental Leave notification

Once the leave booking notice has been received, 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.

5.6.1 Continuous Leave

All notices for continuous leave will be confirmed in writing.

5.6.2 Discontinuous Leave

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Council/ School against any adverse impact to the business.

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.

You 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/ School may propose a modified version of the request.

If a discontinuous leave pattern is refused, then you may withdraw the request without detriment on or before the 15th day after the notification was given; or you may take the total number of weeks in the notice in a single continuous block. 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.

5.7 Variations to arranged Shared Parental Leave

You are permitted to vary or cancel an agreed and booked period of SPL, provided that you advise the Council/ School 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, unless otherwise agreed.

Any variation or cancellation notification made by you, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one. However, a change because of your child being born early, or as a result of the Council/ School requesting it be changed, and you being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Council/ School.

5.8 Ending Maternity or Adoption Leave (Curtailed Notice)

If you are the child's mother and on maternity leave or the Adopter on adoption leave, you must give us at least **eight** weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity or adoption leave will end. You can give notice before you give birth but you cannot end your maternity leave until at least two weeks after birth or placement following adoption.

You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see above) or a written declaration that the child's father or your partner has given his or her employer an opt-in notice that you have given the necessary declarations in that notice.

The other parent may be eligible to take SPL from their employer before your maternity or adoption leave ends provided you have given the curtailment notice.

The curtailment notice is usually binding and cannot be revoked. You can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies.

- If you or the other parent are not eligible for SPL or ShPP you can revoke the curtailment notice in writing up to eight weeks after it was given; or
- If the other parent has died; or
- You gave the curtailment notice before giving birth, you have until the end of the 6th week following the birth to revoke and ONLY in these circumstances may opt into SPL at a later date.

If you are the child's father, other parent or the mother's partner, you will only be able to take SPL once the mother or adopter has either.

- Returned to work;
- Given her or his employer a curtailment notice to end her maternity or adoption leave;
- Given her or his employer a curtailment notice to end her SMP or SAP; or
- Given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP)

6. PAY

Shared Parental Pay (ShPP) is a rate set by the Government for the relevant tax year. The rate for ShPP is a flat weekly rate and is adjusted annually.

You may be eligible to take up to 37 weeks ShPP while taking SPL, but this will be dependent on you meeting the earnings and employment criteria (see below).

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.

ShPP may be payable during some or all of SPL, depending on the length and timing of your leave.

In addition to meeting the eligibility requirements for SPL, if you wish to claim ShPP you must also meet the following criteria:

- The mother/ adopter must be/ have been entitled to SMP, SAP or MA and must have reduced their maternity/ adoption pay period or maternity allowance period;
- intend to care for the child during the week in which ShPP is payable;
- have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/ matching date are not less than the lower earnings limit in force for national insurance contributions (current rate and definitions on page 4);
- remain in continuous employment with SMBC until the first week of ShPP has begun.
- give proper notification in accordance with the rules set out in Section 3

6.1 Pay increments

You will not receive less favourable treatment because of your shared parental leave. Depending on the date you go on leave and where you are in the Performance Development Review Framework (PDRF) year, it may be necessary for your manager to hold a performance review meeting with you **before** you go on leave if you have worked at least 4-6 months of the PDRF year. This can review your key achievements but also discuss your performance development plan, career goals and possible flexible working options which can help you both to plan for your return from leave.

7. DURING SHARED PARENTAL LEAVE

7.1 Keeping in touch days

You or the Council/ School may wish to make contact from time to time during your Shared Parental Leave. These days are known as “Shared Parental Leave in Touch” (SPLiT) days and can be up to a maximum 20 days (regardless of whether you work on a full or part time basis). 20 days is available to each person taking SPL.

There is no obligation on the Council/School to offer these days or for you to agree them.

SPLiT days are useful for updating or refreshing an employee's knowledge and skills if they are invited to training sessions and professional development events and can help ensure that the logistics are in place for the employee's return to work. It is also a good way of maintaining or re-establishing the employee's relationships with key contacts and colleagues. or to work part of the week to help you to return to work in a gradual way.

Any work carried out on a day or part of a day shall constitute a day's work for these purposes. For example, if you attend a three-hour training session to “keep in touch”, you will have used one of your 20 SPLiT days.

You will receive your normal pay for these SPLiT days on a pro rata basis, even during unpaid shared parental leave. If you decide to attend a SPLiT day whilst you are receiving ShPP, then this will be offset against your normal pay for the day. This should not add to more than full pay on any of these days.

Any SPLiT days worked does not extend the period for SPL.

Your line manager/ Headteacher will need to send your SPLiT dates to the Pay & HR Admin team so that your pay can be adjusted appropriately.

It would be good practice prior to starting SPL to have a conversation with your manager to investigate the opportunities and protocol that may arise for any opportunities for SPLiT days in the future. You may wish to consider using SPLiT days as part of a phased return to work e.g. work two days a week, by using SPLiT days before returning to work, if you and your line manager agree.

7.2 Reasonable contact

You and your line manager/ Headteacher, or designated member of staff, are actively encouraged to make reasonable contact during SPL to discuss such issues as your return to work, special arrangements to be made or update you on opportunities at work.

Reasonable contact does **not** constitute ‘work’ and does not count towards the twenty SPLiT days.

7.3 Restructure/ Reorganisation

If, whilst you are on shared parental leave and your department is involved in any restructure or reorganisation, you must be informed of this and given the opportunity to become involved in the process in accordance with the Management of Change policy available on the School's Extranet.

If your role is being made redundant, we will try to re-deploy you. Whenever possible you will be offered a suitable alternative vacancy on no less favourable terms. Employees who are on Shared Parental Leave (or on Maternity or Adoption leave), or have recently returned from leave, have priority over other employees who are also at risk of redundancy if they have returned to work after a period of at least six consecutive weeks' statutory shared parental leave. The right applies for a period of 18 months from the child's date of birth or placement for adoption. This would also be the case if any other exceptional circumstances, such as reorganisation, occur whilst you are on Shared Parental Leave, and which require a change in the job to which you have been previously employed. In these situations, alternative jobs will be sought that are suitable to you and to the circumstances.

Shared Parental Leave counts as continuous service for redundancy purposes and does not affect the right to a redundancy payment.

7.4 Pensions

If you are a member of the Local Government Pension Scheme (LGPS)/Teachers Pension Scheme (TPS)/ NHS Pension Scheme, we will make employer pension contributions during any period of paid SPL. This will be based on the contribution rate effective at the time and will be based on assumed pensionable pay (APP). APP is calculated on the contractual pay that would have been received if the employee was on normal unreduced pay and is based on 3 months' pay (full months) received prior to the date the employee went on to reduced pay annualised up. The employee will pay contributions on the amount of pay actually received.

During any unpaid period of SPL, LGPS/NHS employees may elect to buy any or all 'lost' pension through an Additional Pension Contribution (APC). If this is done within 30 days of returning to work the Council/ School shall pay two thirds of the cost of the APC (a shared cost APC) and you will pay the remaining one third. If you make your election past the 30-day deadline the Council/ School will not make a contribution to the APC and the full cost has to be met by yourself. Where you choose to stop contributions during the same period this will not count towards reckonable service for pension purposes until contributions are resumed.

You can contact the HR Pensions team for further information on pensions@solihull.gov.uk.

For employees who are members of Teachers Pensions Scheme, with respect to the unpaid period of maternity, adoption or shared parental leave, should discuss this in further detail with Teachers' Pensions on 0845 6066166 or view their website on www.teacherspensions.co.uk.

7.5 Contractual benefits:

You are entitled to all normal contractual benefits during paid SPL (except normal pay/salary and sick pay – see below). The position during the unpaid period the contractual rights and obligations that will remain are those applicable as if you had exhausted occupational sick pay. The main requirements would be:

- Notice periods
- Redundancy payments
- Disciplinary and Resolution procedures
- Duty of trust and confidence
- Duty of good faith
- Leave (see below)

All statutory rights will be upheld.

7.6 Salary sacrifice arrangements

If you are in the closed Childcare vouchers scheme, you will continue to benefit from the vouchers when deductions can no longer be made from salary throughout the full shared parental leave period. This applies even where you are no longer entitled to receive pay.

If you are in the Cycle 2 Work scheme, repayments will be frozen when deductions can no longer be made from salary until you return to work. Salary sacrifice reductions will therefore re-commence when you return from leave if the hire period has not expired. If you do not return to work, you will be considered an early leaver and any remaining balance left shall be paid by you within 14 days of your employment ceasing.

The Council might have to stop your participation in a salary sacrifice AVCs arrangement during your shared parental leave to comply with the duty to pay you at least the National Minimum Wage.

Please contact the Pay & HR Admin team for more information.

7.7 Other deductions from pay

- **Travel Pass Loans** - repayments will be frozen when deductions can no longer be made from salary until you return to work. Repayments will therefore re-commence when you return from leave. If you do not return to work, you will be considered an early leaver and any remaining balance left on your loan shall be paid by you within 14 days of your employment ceasing.
- **Birmingham Hospital Saturday Fund (BHSF) membership** - should an employee wish to continue with their membership of the health cash plan scheme during their shared parental leave, they must make their own arrangements for payments to be made directly to BHSF via direct debit, as this cannot continue to be paid via payroll.
- **Trade Union Membership** - should an employee wish to continue their trade union membership during their shared parental leave, they must make their own arrangements for subscriptions to be paid by direct debit as this cannot continue to be paid via payroll. Please contact your trade union for advice on how to do this.

- **Advance Credit Union membership** - if the employee is a member of the Advance credit union and participates in a savings scheme or loan repayments scheme via their salary, arrangements must be made with Advance to make payments direct as they cannot continue to be paid via the payroll during your shared parental leave.
- **Purchased additional annual leave** - If the employee has taken the option to purchase additional annual leave, their annual leave allowance will be calculated on a pro-rata basis up until their last day at work before shared parental leave plus any additional bought leave. Any outstanding leave must normally be taken before the shared parental leave starts. Any balance of monies to be repaid in respect of the days bought will be recovered from the employee's pay when they return from leave.

7.8 Leave

Annual leave entitlement will continue to accrue at the rate provided under your contract.

It is important that you discuss your holiday plans with your line manager/ Headteacher in good time before starting SPL.

You are encouraged to take any outstanding holiday due to you before the commencement of SPL.

If your SPL continues into the next holiday year, any holiday entitlement that cannot be reasonably taken before starting your SPL can be carried forward to the new leave year but must be taken immediately before returning to work from SPL or unless otherwise agreed with your line manager/ Headteacher.

7.9 Sickness

Sickness payments will automatically and immediately cease whenever Shared Parental Leave and Shared Parental Pay commences.

8. RETURNING TO WORK

We recognise that returning to work from shared parental leave after a period away from work can be challenging. We will take steps to ensure that your return to work is as smooth as possible and work will be handed back to you on a gradual basis.

Your line manager will be in touch with you before returning to work to help you with the transition back to work and make arrangements for your return.

If you want to end a period of SPL early, you must give us eight weeks' prior notice of the return date in writing.

If you want to extend your SPL you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three periods of leave notices. If you are unable to request more SPL you may be able to request annual leave, flexi, or ordinary parental leave, which will be subject to business need.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms and conditions of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- If your SPL and any maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively);

A Manager's checklist for managing a return to work is available on the HR Intranet or from your HR Advisor.

8.1 Risk assessment

If you have ended maternity leave but commenced SPL a risk assessment must be undertaken if you return to work within six months of birth or are breastfeeding. If you continue breastfeeding beyond six months, then notify your line manager/ Headteacher so that any risks can be assessed and thus avoided.

8.2 Unable to return to work- medical reasons

If you are unable to attend work at the end of your SPL because of sickness, then you will need to produce a medical certificate and normal reporting and contractual arrangements for sickness absence will apply (see Sickness Absence Management Policy on the School Extranet).

8.3 Part Time and Flexible Working

The Council offers a variety of flexible working arrangement options to parents. Any changes in working arrangements can be agreed on a short-term or long-term/permanent basis.

All employees have the right to **request** flexible working. This request must be in writing and should identify the proposed hours, work pattern or working arrangement, the intended start date of this new work arrangement and provide a rationale on how the new working pattern can be accommodated.

However, it is not an automatic right for you to work flexibly as there can be circumstances where your department cannot accommodate your desired working arrangement.

The aim of the request is to facilitate discussion and encourage both yourself and your manager/ Headteacher to consider flexible working arrangements and find a solution that suits you both.

If you are considering requesting a change to your working hours when you return from shared parental leave, then it is recommended that you speak to your manager/ Headteacher and complete the flexible working form as soon as possible. It can take up to two months to consider your request and to decide, so it is important to plan ahead.

The flexible working policy and form is available on the Schools Extranet; however you are welcome to contact your HR Advisor for further advice.

8.4 Career Breaks

The Council's Career Break scheme is available if you want to apply for an unpaid break from work following your period of shared parental leave.

The Career Break scheme guidance can be found on the Intranet / School's Extranet.

8.5 Resignations

If you decide that you do not want to return to work, you should give notice of resignation in accordance with your contract of employment.

9. OTHER CONSIDERATIONS

SHPL and ShPP cannot start before the birth of the child or the placement of a child for adoption.

9.1 Early Birth

If your child is born before their expected due date and you had booked to take SPL within the first eight weeks of the due date, you may take the same period off after the actual birth without having to provide eight weeks' notice, by submitting a notice to vary your leave (Shared Parental Leave Form F) as soon as is reasonably practicable. This will not count as one of your variation notifications.

Any leave that you have booked after the first eight weeks of the due date will still be bound by the eight-week notice required to vary the leave.

If your child is born more than eight weeks before the 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. You should give notice as soon as is reasonably practicable after the actual birth.

9.2 Neonatal care leave

If your baby is born before 37 weeks and is required to stay in hospital for specialist neonatal care for at least 7 days within the first 28 days of birth, you will also be entitled to receive neonatal care leave. This is for up to a maximum of 12 weeks and must be taken in the first 68 weeks after the baby's birth. Neonatal care leave can be taken in days and not necessarily in blocks of one week. It is important that you keep your line manager updated as to when the baby's specialist care is completed.

Parents will have a day one right to time off from work in these circumstances and would be in addition to any shared parental leave entitlements.

9.2.1 Neonatal care pay

If you need to take neonatal care leave, the Council will ensure you are paid at full pay during this time, up to a maximum of 12 weeks. There is no qualifying period for this enhanced rate. Your normal entitlement to shared parental leave will continue to apply and will not be affected by neonatal leave. This should hopefully provide some peace of mind so that your focus can be on your baby without having to worry about pay or using up your leave.

9.3 Death of a child or breakdown in adoption

We recognise that the sad situation of the death of a child or breakdown in an adoption is upsetting for all those involved. If you have submitted a notification to take SPL and ShPP, you are entitled to take and SPL/ShPP that you have booked to take before the child died or in the case of adoption, the adoptive child is returned after placement.

Unfortunately, any entitlement to SPL or ShPP that had not been booked at the time of the child's death will no longer be available.

However, if you are the mother, you remain entitled to maternity leave and pay/ allowance or if you are the father/ other parent you are entitled to paternity leave/pay subject to any qualifying criteria being met.

Adoption leave/ pay will end after 8 weeks.

Please also refer to the sections on Parental Bereavement Leave and Compassionate leave in the Leave of Absence policy on the Intranet / Extranet.

9.4 Death of the mother/adopter

In the sad circumstance that the mother or adopter dies then in general the same arrangements apply that would have applied had she not died.

If the mother dies without curtailing her maternity leave or pay or adoption leave or pay, as long as the partner or other parent meets the eligibility criteria, they will be entitled to take up 52 weeks of SPL and 39 weeks of ShPP. The 8 week's notice will not be required.

Where the mother has curtailed her maternity leave and pay, any SPL or ShPP allocated to the mother will default to the eligible partner or other parent.

Should it be necessary for the other parent to take a further period of SPL or vary pre-agreed leave then notice should be given as soon as is reasonably practicable (where eight weeks cannot be given). If they have already given three notices to take leave, they will be allowed to submit one further notice to book/amend SPL.

9.5 Death of the partner/ other parent

If in the sad situation your partner or other parent dies before you have curtailed your maternity/ adoption leave and/or is entitled to SPL then you/they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to you. If you had already given notice to curtail your maternity/ adoption leave and pay then you may revoke this notice and continue to take maternity/ adoption leave and pay.

9.6 Partner no longer caring for the child

If the circumstances where your partner or if you are the partner, who has booked SPL changes so that they/you will no longer be responsible for caring for the child (unless it is because the child has died), their/your entitlement to both SPL and ShPP will cease and they must tell their employer or you must inform the Council/ School immediately.

9.7 Multiple births/adoptions

You will not be entitled to extra SPL or ShPP if you are expecting more than one child. The entitlements are the same as if you were expecting one child. This also applies to multiple adoptions that occur in a single placement.

9.8 Children with disabilities / specialist needs

Knowing that your child has a disability can be life changing. The Council/school will support parents when their child has a disability and/or specialist learning needs and show flexibility and compassion. Our Carer's policy details how parents of children with a disability and/or specialist learning needs can request paid time off from work to attend to their caring responsibilities. We would encourage parents to complete a Carers Agreement with their line manager on return to work to document the support that can be put in place to help balance their work and caring responsibilities.

Our Employee Assistance Programme offers practical and emotional support for you and your family 24/7. The details for the helpline and other charities can be found in section 10.

9.9 Parental leave

There is a further opportunity, dependant on your length of service, for you to take advantage of the right to unpaid parental leave of up to 4 weeks at the end of shared parental leave; the parental leave scheme is on the Schools Extranet or is available from HR / School Office.

9.10 Fixed Term Contract Employees

If you are employed on a fixed term contract, your period/s of Shared Parental Leave is dependent on your contract being extended beyond your current fixed term contract end date.

If your contract is to be renewed whilst you are on Shared Parental leave or will continue after you would be due to return from your leave, then you maintain your right to return. However, if the contract is not due to be renewed (e.g. you were covering a period of sickness absence or maternity leave etc) then you may not have the right to return.

Please contact a member of the HR Advisory Team for advice and guidance.

9.11 Special circumstances and further information

In certain situations, an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the Council/ School will abide by any statutory obligations and an employee should refer to the documents listed below and/ or clarify any issues or queries with their line manager/ Headteacher/ HR Advisor.

Law relating to this document.

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023

10. DATA PROTECTION

When managing your shared parental leave and pay, the Council processes personal data that has been collected in accordance with its data protection policy. Data collected from the point at which you inform the Council that you plan to take shared parental leave, is held securely, and accessed by, and disclosed to, individuals only for the purposes of managing your shared parental leave and pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the Council's disciplinary procedure.

11. FURTHER SUPPORT

11.1 Employee Assistance Programme

Solihull MBC offer a free and confidential information, support and counselling service for employees, the Employee Assistance Programme run by Health Assured. The service gives employees a place to turn for support any time of day or night, 365 days a year. Support is available for whatever issues you might be facing; personal or work-related problems including parenting issues, stress, depression, medical issues, marriage and relationship issues, financial and tax problems and more. To use the confidential service employees can contact the freephone number **0800 028 0199**, or via the live web chat facility or request a call back via the website: [Wisdom \(healthassured.org\)](https://www.healthassured.org). You will need to create a new account with an email address and password of your choice.

There is also the **‘Wisdom’** Mobile App that offers employees access to online webinars, podcasts, factsheets and tailored programmes online, allowing them to take control of their wellbeing independently, or alongside their counselling support. The Wisdom app provides an enhanced set of wellbeing tools and features designed to improve your mental and physical health by using personal metrics to set goals and achievements. It is available on the Apple Store and Google Play store and you will need to use the **employer code which is MHA109491**.

11.2 Trade Unions

If you are a trade union member, you can seek help and guidance from your trade union representative.

11.3 Employee Wellbeing

The Employee Wellbeing section of the Intranet has links to lots of local and national resources charities and campaigns and a suite of wellbeing tools. A Wellbeing Action Plan can be a useful tool to identify what helps you to have good wellbeing at work, what might trigger you to have poor wellbeing and how you can manage your wellbeing more effectively.

11.4 External links:

[Solihull Council’s Parenting Team](#) provides a range of supportive groups and workshops for parents and carers in Solihull, taking place both face-to-face and virtually, and all free of charge.

[Childcare Choices](#) Information on childcare costs

Family & Childcare [Daycare Trust](#) Information on childcare

[Maternity Action](#) Promotes wellbeing of pregnant employees, new parents and families, also information on parental rights and benefits.

[Gingerbread](#) Information for lone parents

[Working Families](#) Information for working families and carers

The charity [Contact](#) has advice and information for families with disabled children.

Appendix 1

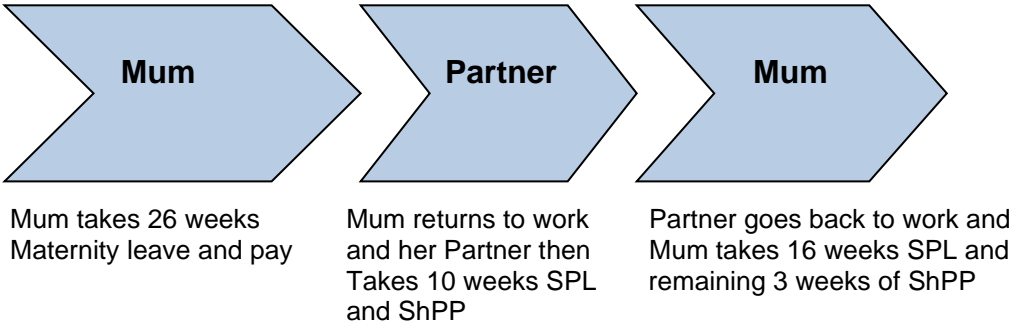
Examples

Please find below some examples of how couples may choose to take and allocate leave and pay between themselves.

These examples assume that the eligibility requirements for leave and pay have been met.

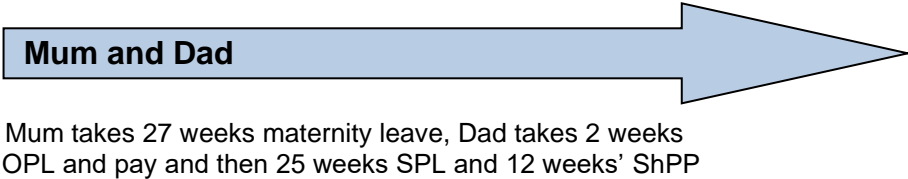
Example 1

Mum takes 26 weeks' maternity leave and pay and converts the rest into SPL and ShPP. Her partner takes 10 weeks' SPL and ShPP while Mum goes back to work: Her partner then goes back to work and Mum takes the remaining 16 weeks' SPL and remaining 3 weeks' ShPP at that point. This means in total, Mum has had 42 weeks leave and 29 weeks pay, while her partner has taken 10 weeks leave and pay.



Example 2

Mum and Dad want to take time off together to care for the new baby. *Do remember that the right to take Shared Parental Leave is only triggered once Mum has returned or indicated an intention to return to work on a specified date.* So if Mum says at week 1 that she is going to return to work at week 26, Dad is then eligible to take Shared Parental Leave consecutively with the mother on maternity leave.



Mum takes 27 weeks' maternity leave. She commits at the outset to end her maternity leave after 27 weeks, meaning 25 weeks' SPL and 12 weeks' ShPP is available for Dad.

Dad takes 2 weeks' OPL when the baby is born, then goes onto SPL and ShPP after OPL. Both parents return to work at week 26. This means that Mum has had 27 weeks' leave and pay, while Dad has taken 25 weeks' leave and 12 weeks' pay.

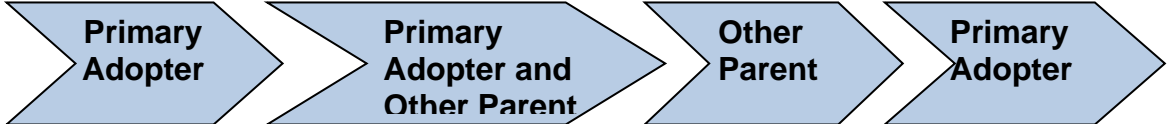
Example 3

The primary adopter takes 10 weeks adoption leave and pay. He then commits to going back to work at week 22; and by doing so frees up 30 weeks to be taken as SPL and 17 weeks of ShPP. The other parent takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the adoption leave.

Then he takes a further 8 weeks' leave and last 5 weeks of pay while the primary adopter returns to work.

Then when the other parent goes back to work the primary adopter takes the final 10 weeks of SPL. In total the Primary Adopter has taken 32 weeks' leave and 22 weeks' pay, while the other parent has taken 20 weeks' leave and 17 weeks' pay.

It looks certain that this sort of scenario is going to be quite difficult to administer – but in practice the Council/ School will be obliged to allow each employee to take up three separate periods of SPL.



Adopter takes first 10 weeks of adoption Leave and pay

Adopter commits to going back to work after weeks 22; he takes another 12 and weeks Adoption leave and pay and other parent takes 12 weeks of SPL

Other parent takes another 8 weeks of SPL and 5 weeks of pay and Adopter returns to work

Other parent goes back to work and Adopter takes remaining 10 wks of SPL

APPENDIX 2 – FREQUENTLY ASKED QUESTIONS

Q Can a mother's partner begin a period of shared parental leave while the mother is still on maternity leave?

Yes, if the mother has provided us with a maternity leave curtailment notice, and all the relevant eligibility criteria and notice requirements are satisfied, the mother's partner can begin a period of shared parental leave while the mother is still on maternity leave.

For example, the mother could submit a leave curtailment notice stating that their maternity leave will end three months from the date of the notice. The mother's partner can take shared parental leave (with at least eight weeks' notice) at any time after the mother has submitted their leave curtailment notice; they do not have to wait until those three months have passed.

Q. Can employees take paternity leave as well as shared parental leave?

Yes, eligible employees can take one or two weeks' paternity leave within the child's first year and one or more periods of shared parental leave at any time before the child's first birthday. However, an employee cannot take paternity leave if they have already taken a period of shared parental leave in relation to the same child. Therefore, an employee can choose to take both paternity leave and shared parental leave, but the period of paternity leave **must come first**.

Q. Can both parents take shared parental leave at the same time?

Yes, both parents can be absent from work on shared parental leave at the same time.

The amount of shared parental leave that the parents can share is 52 weeks, minus the amount of maternity leave taken by the mother, or adoption leave taken by the primary adopter. All leave must be taken before the child's first birthday, or before the first anniversary of the day on which the child was placed for adoption. For example, the mother could take two weeks' compulsory maternity leave followed by 40 weeks' shared parental leave. This would leave 10 weeks' shared parental leave for the father (or the mother's partner) to take at any time before the child's first birthday, either at the same time as the mother or when they have returned to work.

Q. Can both parents have a period back at work at the same time, before taking further periods of shared parental leave?

Yes, under the shared parental leave rules, both parents can be back at work at the same time and still retain the right to take further periods of shared parental leave. It is not the case that one parent has to remain on leave.

Shared parental leave is aimed at giving parents more flexibility over how they share childcare between them during the first year of their child's life. The leave does not have to be taken in one continuous block; one or both parents can return to work and then take a further period of shared parental leave, provided that they comply with

the notice requirements. The parents could decide to arrange alternative childcare and both return to work for a period at the same time.

Q. If an employee who is eligible to take shared parental leave works in a school, can they take periods of leave during term time and "return to work" during school holidays?

Yes, as long as an employee meets the eligibility requirements and gives the correct notice, they can choose when to take their shared parental leave. This means that an employee who works in a school and who would not be required to attend work during school holidays could take periods of shared parental leave during term time only, leaving more leave available for their partner to take. The parents can share up to 50 weeks' shared parental leave between them during the first year after the child's birth or placement for adoption and can take leave at the same time as each other.

Q. Can an employee use periods of shared parental leave to reduce their hours over a period, for example by working for two days a week and taking shared parental leave for three days a week?

No, shared parental leave must be taken in blocks of at least one week at a time. Therefore, an employee could not take shared parental leave in blocks of one or two days to reduce their working hours.

However, each parent can agree with their line manager to use up to 20 "shared-parental-leave-in-touch" (SPLIT) days to carry out work without bringing a period of shared parental leave to an end. If the employee and manager agree, SPLIT days can be used to enable the employee to attend work on a regular basis during a period of shared parental leave. For example, the employee could take shared parental leave for 10 weeks and use two SPLIT days each week to attend work.

Working a SPLIT day will not affect the employee's entitlement to statutory shared parental pay. Contractual pay should be agreed between the Council and employee. For example, the employee could be paid their full contractual pay for the day, offsetting any entitlement to statutory pay.

Q. Can an employee take shared parental leave if their partner is self-employed?

Yes, an employee can be eligible to take shared parental leave if their partner is self-employed, as long as the partner meets the relevant requirements relating to employment and earnings. The employee's partner must have:

- been engaged in employment either as an employed or self-employed earner for any part of the week in at least 26 of the 66 weeks immediately before the expected week of birth (or the week of notification of matching for adoption); and
- average weekly earnings of at least £30 in any 13 of those 66 weeks.

For example, if the mother of a child is self-employed and eligible for maternity allowance (the test for entitlement to maternity allowance is the same as the employment and earnings test above for shared parental leave), the father, or the mother's partner, can take shared parental leave, provided that they meet the eligibility requirements. The mother would have to curtail their entitlement to maternity allowance. The mother would not be entitled to take shared parental leave in their own right if they are not an employee.

Similarly, if the father of a child, or the mother's partner, is self-employed and meets the employment and earnings test, the mother can take shared parental leave provided that they meet the eligibility requirements. While the mother will not be able to share the leave with their partner if they are not an employee, the mother may choose to curtail their maternity leave and take shared parental leave instead, so that they can take their leave in a more flexible way, i.e. in more than one block.

Q. Do both partners have to take Shared Parental Leave or can just the mother take SPL?

SPL can be taken in three ways; both parents take leave, just the mother takes SPL or just the father/partner takes SPL. The father/partner does not have to take a single day of SPL in order for the mother to.

Both parents have a legal entitlement to take three blocks of SPL. These blocks can be taken at any time (for the mother after curtailing mat leave, for the father/partner anytime after the mother has given notice to curtail, so a father/partner can take SPL whilst the mother remains on maternity leave.)

Q. As I am expecting twins, am I or my partner entitled to more Shared Parental Leave?

No. There is no increase in entitlement in the case of multiple births.

Q. Once I have booked my period of Shared Parental Leave, can I change my start date?

Yes, you are able to submit three notifications to take or vary your period of leave. However, any variation should be made at least 8 weeks before the date of variation, unless otherwise agreed with your line manager.