

Shared Parental Leave

FREQUENTLY ASKED QUESTIONS

Q1 – Who is eligible for Shared Parental Leave?

Employees who meet the eligibility requirements and share the main responsibility for caring for their child are able to opt into the shared parental leave system.

Q2 – With whom can I share leave and pay with?

You may share any shared parental leave with the “other parent” with whom you share the main responsibility for the care of your child

Q3 – Do both parents always qualify for shared parental leave?

Not always sometimes only one parent will qualify.

Q4 – What are the eligibility requirements I have to meet to qualify for shared parental leave?

To qualify for shared parental leave you must satisfy a number of conditions:

➤ **Maternity/Adoption entitlements**

You must be entitled to maternity/adoption leave or (if you are not entitled to maternity/adoption leave) to statutory maternity/adoption pay or maternity allowance. In addition, you must have curtailed your entitlement to maternity/adoption leave before you have taken your full entitlement.

➤ **Care of the child**

You must be sharing the main responsibility for the care of your child with your partner.

➤ **The qualification test for the employee: Continuity of employment test**

The continuity of employment test is as follows

You must have been continuously employed by the same employer for 26 weeks at the end of the 15th week before the expected week of childbirth/matching date and remain employed by that employer at the start of the week in which shared parental leave is to be taken.

HR & OD POLICIES

human resources and organisational development

Q&A

The continuity of employment test is similar to the test for statutory maternity/adoption pay and statutory paternity pay. So if employees are entitled to statutory maternity/adoption pay or statutory paternity pay then it is likely they will meet the continuity of employment test for shared parental leave.

➤ **The qualification for the other parent: Employment and earnings test**

The other parent – who must be your partner (your partner or the baby's father - even if the father is not in a relationship with you) must satisfy an employment and earnings test and must make a declaration that they meet this test. The employment and earnings test requires that in the 66 weeks leading up to the week in which the baby was due, they have worked in Great Britain for at least 26 weeks and in 13 weeks in that 66 week period they have earned an average of £30 a week and have paid either class 1 or class 2 national insurance contributions in those weeks (or hold an exemption certificate for those weeks).

The employment and earnings in the period could have been as an employee, a worker or agency worker, or on a self-employed basis.

Q5 - Who is eligible for statutory shared parental pay?

Only a mother/adopter who qualified for statutory maternity/adoption pay will be entitled to shared parental pay.

Where a mother/adopter qualified for statutory maternity/adoption pay or maternity allowance, her partner would be entitled to shared parental pay if he (or she) qualified for statutory paternity pay.

Q6 – How will I know if I meet the 'continuity of employment test' and if my partner meets the 'employment and earnings test' for shared parental leave?

You will probably know if you meet the continuity of employment test, if you know your date of commencement with the Council.

Since the continuity of employment test for statutory maternity/adoption pay or paternity pay is similar to the test for shared parental leave, if you are eligible for statutory maternity/adoption pay or paternity pay you will know you meet the continuity of employment test for shared parental leave.

You will need to ask your partner/the baby's father if they meet the employment and earnings test. Your partner will know from their payslips (if they are employed) or their National Insurance Contributions (if they are self-employed) when they worked and what they earned.

HR & OD POLICIES

human resources and organisational development

Q&A

Q7- What happens if both myself and my partner are employees of the Council?

If both yourself and your partner work for the Council and meet the eligibility criteria, then both of you are entitled to shared parental leave and you then need to decide how you will share the available leave between you.

If you bring forward the date on which your maternity/adoption leave period ends, the untaken maternity/adoption leave would be available for both yourself and your partner to share as shared parental leave. You may request to take the leave concurrently and both take time off work together.

Q8- I am only entitled to maternity allowance and maternity leave-am I entitled to shared parental leave and/or pay?

You may qualify for shared parental leave, but you will not be entitled to shared parental pay. If you did not meet the qualifying requirements for statutory maternity pay you cannot meet the qualifying requirements for shared parental pay. However, your employed partner/the baby's father may be entitled to shared parental leave and shared parental pay if you curtail your maternity leave and maternity allowance (and your partner satisfied the qualifying conditions for shared parental leave and shared parental pay). Your partner/baby's father would be able to take the balance of your maternity leave as shared parental leave and the balance of your maternity allowance as shared parental pay.

Q9- How much shared parental leave is available?

The maximum amount of leave available to you and your partner/the baby's father is 50 weeks. You are required to be off work on maternity leave for at least the first 2 weeks after giving birth

Q10-How do I opt in to shared parental leave and pay?

If you are eligible for maternity/adoption leave, with your partner with whom you are sharing the care of your baby, you may be able to reduce the weeks of maternity/adoption leave below 52, in order to create some weeks of shared parental leave.

You can do this by returning to work or, alternatively, you can give notice that you will end your maternity/adoption leave at a future date. In either case, the number of

weeks that have been taken, or will have been taken, as maternity/adoption leave can be calculated. That number of weeks of maternity/adoption leave are deducted from the total of 52 weeks to calculate the number of weeks of shared parental leave created. These weeks of shared parental leave will be available to you and your partner if you both satisfy the eligibility criteria.

Q11- What does curtailment of maternity/adoption leave and curtailment of maternity/adoption pay mean?

Curtailment of maternity/adoption leave means bringing forward the date on which your maternity/adoption leave period ends before the whole entitlement of 52 weeks of maternity/adoption leave is taken.

Curtailment of maternity/adoption pay means cutting short your entitlement to maternity/adoption pay before 39 weeks of that pay has been taken.

Q12- What if I change my mind about opting for shared parental leave?

Once you returned to work you cannot restart your maternity/adoption leave. Other than in very limited circumstances you cannot change your decision to end your maternity/adoption leave after a curtailment notice has been given to your employer.