

SHARED PARENTAL LEAVE & STATUTORY SHARED PARENTAL PAY – BECOMING A PARENT (BIRTH & ADOPTION)



Becoming a Parent

If you want to take additional time off work to look after your baby you may be entitled to Shared Parental Leave (ShPL) and/or Statutory Shared Parental Pay (ShPP), if the mother of the baby is entitled to:

- Maternity Leave, or
- Statutory Maternity Pay (SMP), or
- Maternity Allowance (MA) or
- Adoption Leave, or
- Statutory Adoption Pay (SAP)

Shared parental leave is available if your baby is due on or after **5 April 2015**. ShPL and ShPP must be taken between the baby's birth and first birthday or within 1 year of being placed for adoption.

Terms and Conditions

To qualify for ShPL, you must share care of the child with either:

- Your husband, wife, civil partner or joint adopter
- The child's other parent
- Your partner (if they live with you and the child)
- You or your partner must also be eligible for **maternity leave or pay** or **Maternity Allowance or adoption leave or pay**.
- You must also have been employed by the Council continuously for at least 26 weeks by the end of the 15th week before the due date (or the week in which you are informed of an adoption match), and
- Be still employed by the Council in the week before any ShPL is due to start.

Your partner's eligibility: During the 66 weeks before the baby is due your partner must:

- Have been working for at least 26 weeks (which can be discontinuous) – they can be employed, self employed or an agency worker.
- Have earned at least £30 a week on average in 13 of the 66 weeks.

Sometimes only one parent in a couple is eligible to get ShPL and ShPP. This means that they can't share the leave between them.

You and your partner can only start ShPL once the child has been born or adopted. The mother or joint adopter must have either:

- Ended any maternity or adoption leave by returning to work.
- Given "binding notice" (a decision that cannot normally be changed) to their employer of the date when they plan to end any maternity or adoption leave. If the mother is an employee of North Lanarkshire Council, this can be achieved through completion of the Mat 8 form, available from your HR team.
- Ended maternity pay, Maternity Allowance or adoption pay.

A mother cannot return to work before the end of the compulsory 2 weeks of maternity leave following birth. ShPL can begin as soon as this two week period has ended; provided 8 weeks' notice of this has been given (i.e. notice would have been given six weeks before the birth/date of placement). You can start ShPL while your partner is still on maternity or adoption leave as long as they have given binding notice to end it. All ShPL must be taken in **whole weeks**.

Next Steps

You must give at least 8 weeks' notice of any leave you wish to take. If the child is born more than 8 weeks early, this notice period can be shorter. You have the right to request up to a maximum of 3 separate blocks of leave rather than taking it in one continuous block. While the Council cannot refuse a continuous block, please be aware that discontinuous blocks may not always be able to be accommodated. This should be discussed with your line manager in the first instance.

You and your partner must complete the declaration HR08, giving written notice of your entitlement to ShPL and ShPP and how you would like to take this leave. After receiving this notice, the Council has 14 days if they want to ask for any supporting information.

You must provide this information within 14 calendar days. You will receive confirmation of your entitlement to ShPL and/or ShPP within 14 calendar days of submission of your application.

If you change your mind

You can change your mind about taking ShPL and ShPP, but you need to give your line manager at least eight weeks notice before the original start date or the new start date, whichever is earlier.

If you do change your mind a new application form should be completed to replace the existing one. If you need to change the dates of your leave and pay with less than eight weeks notice, please discuss this with your line manager. Please be aware that any variation to leave already booked will normally count as one of the three notices permitted. If after applying for ShPL or ShPP you no longer satisfy any of the conditions, or the mother of the child no longer intends to return to work, you need to tell your line manager in writing as soon as possible.

When ShPP can be paid

ShPP is only payable during the mother's maternity pay or adoption pay period. That is the 39 consecutive weeks in which SMP or MA would be payable if the mother had not returned to work.

How much ShPP can you get?

You will get the current weekly rate of ShPP at the time of your payment, or 90% of your average weekly earnings, whichever is less.

Disagreements

If you are not entitled to ShPP, and believe that you have been treated unfairly, you can raise a grievance through the Council's formal Grievance Procedure. If you need further assistance, you can contact the Statutory Payments Disputes Team on 0191 225 5221.

Penalties may be charged where a person either fraudulently or negligently gives incorrect information or makes a false statement or declaration for the purpose of claiming entitlement to statutory adoption, ordinary paternity, additional statutory paternity, statutory maternity or statutory sick pay.

For further information on ShPL and ShPP speak to your line manager or go to www.direct.gov.uk/workandfamilies

SHARED PARENTAL LEAVE/STATUTORY SHARED PARENTAL PAY REQUEST FORM – BIRTH & ADOPTION

Applicant Details

Surname Employee Number

First name(s) Payrun Number

National Insurance Number

Address (incl postcode)

Give the expected date the baby was due/placed for adoption.

Due date - DD/MM/YYYY / /

Actual date of birth/placement for adoption – DD/MM/YY / /

Start date of maternity/adoption leave/pay – DD/MM/YYYY / /

Expected end date of maternity/adoption leave/pay – DD/MM/YYYY / /

Total amount of maternity/adoption leave taken to be used

Total amount of ShPL available in whole weeks.

I would like to request the following periods of Shared Parental Leave (up to a maximum of 3 blocks) DD/MM/YYYY

Block 1

/ /

to

/ /

Block 2

/ /

to

SHARED PARENTAL LEAVE/STATUTORY SHARED PARENTAL PAY REQUEST FORM – BIRTH & ADOPTION

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Block 3

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to

		/			/				
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Your declaration

I declare that:

- I confirm that I am eligible for Shared Parental Leave; **and**
- I confirm that I am eligible for ShPP and meet the requirements for entitlement, **and**
- I share, or expect to share responsibility with my partner for the upbringing of the child, **and**
- The information I have provided is correct
- I agree the information I have provided will be used by the Council to work out entitlement to ShPL/ShPP.

Employment details

I have been/will have been employed for at least 26 weeks by the end of the 15th week before the due date (placement for adoption date)

Signature

Date – DD/MM/YYYY

Partner's details (if the applicant is the mother then the partner/spouse details should be completed here)

Surname

First name(s)

Address

Postcode

Name & address of your employer (including contact telephone number)

SHARED PARENTAL LEAVE/STATUTORY SHARED PARENTAL PAY REQUEST FORM – BIRTH & ADOPTION

Date your SMP, SAP or MA period started – / /
DD/MM/YYYY

Date you intend to return to work – *this must not be less than two weeks after the birth of the child* – / /
DD/MM/YYYY

Date you stopped or intend to stop receiving SMP, SAP or MA – / /
DD/MM/YYYY

National Insurance Number

Partner's declaration

You need to be able to tick all the boxes for your spouse, partner or civil partner to get ShPL or ShPP

I declare that:

- I confirm that I am eligible for Shared Parental Leave; **and**
- I confirm that I am eligible for ShPP and meet the requirements for entitlement, **and**
- I share, or expect to share responsibility with my partner for the upbringing of the child, **and**
- I agree that the information I have provided will be used by the employer to work out entitlement to SHPL/ShPP
- The information I have provided is correct

Signature

Date –*DD/MM/YYYY* / /

Give this form to your line manager, but keep a copy of the terms and conditions for your records

Office Use Only

Human Resources		Payroll	
Date notice received:		Basic Pay	
		Week ShPP applied	
		Date applied	
		Applied by	