

# Shared Parental Leave Guidance

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## SECTION 1: INTRODUCTION

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### **Purpose**

This guidance is part of the Council's Family Leave provisions, supporting the diverse needs of families and promoting a compassionate, inclusive workplace.

The Council recognises that employees who feel supported and valued within a compassionate workplace are more likely to openly discuss wellbeing concerns or life events, seek support when needed, and successfully transition back to work. Managers who foster trust and demonstrate effective leadership play a crucial role in creating an environment that is open, respectful, and kind, enabling their teams to thrive.

The purpose of this guidance is to provide employees and managers with relevant information on Shared Parental Leave (SPL), including details on the available provisions, any eligibility criteria, application requirements and support options.

Core to this guidance is that no employee will be adversely treated in the workplace due to taking shared parental leave.

The council is committed to ensuring family leave provisions are inclusive, equitable, and accessible to all employees, regardless of family structure. We respect and value each employee's circumstances and will provide support without discrimination based on age, sex, sexual orientation, pregnancy and maternity, gender reassignment, marriage or civil partnership, race, religion or belief, disability. Our aim is to create a workplace where everyone feels supported in balancing work and family life.

This guidance should be read in conjunction with the Council's Family Leave Policy and Family Leave Planning Toolkit.

### **Application and Scope**

This guidance applies to all employees of the Council except teachers and those other employees under SNCT terms and conditions who have a separate local agreement covering teachers leave of absence.

### **Responsibility of Managers**

Managers should ensure that they are familiar with the provisions of this guidance and are supportive of any employee seeking to request shared parental leave.

### **Responsibility of Employees**

Employees should familiarise themselves with this guidance and engage with their line manager at the earliest opportunity when planning to take shared parental leave. This can help the line manager to provide support accordingly and also plan how they may cover any leave, where this is required.

Employees should ensure that they meet any criteria required before requesting Shared Parental Leave or Statutory Shared Parental Pay.

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## **SECTION 2: SHARED PARENTAL LEAVE (SPL) AND STATUTORY SHARED PARENTAL PAY (ShPP)**

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### **What is Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP)**

Shared Parental Leave (SPL) allows the mother/birth parent to end maternity leave/pay early so that they and their partner can take leave in a more flexible way during their baby's first year. The mother/birth parent can choose to share a portion of their maternity leave with their partner to care for children from birth until their first birthday. Parents can take time off at the same time or separately.

Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) may also apply to parents who are:

- using a surrogate to have a baby
- adopting a child
- fostering a child who they are planning to adopt

This guidance details how SPL/ShPP applies to maternity, surrogacy, adoption and fostering with a plan to adopt.

### **Eligibility for Shared Parental Leave and Pay**

To be eligible for Shared Parental Leave and Pay, the following provisions / criteria apply:

- Any shared parental leave or pay only applies to the first year after the child is born or placed with the family.
- SPL can be taken:
  - All in one go; or
  - In blocks, with periods of work in between; or
  - In blocks, with other periods of absence in between (such as annual leave); or
  - a mix of the above options.
- Once shared parental leave has started it is not possible to return to another leave process such as maternity or adoption leave.
- The mother/birth parent/adopting parent/surrogate parent can share up to 50 weeks of leave and up to 37 weeks of pay with their partner. The mother/birth parent is required to take the first 2 weeks after the birth of the baby as maternity leave.

SPL is only available to employees who meet the required criteria above.

Parents eligible for shared parental leave can decide how they want to use the leave and pay available to them. When deciding if Shared Parental Leave is beneficial to them, parents may wish to consider:

- Are there dates they need to be absent from work?

- Are there any work projects or events coming up they want to be involved with?
- What are their childcare options and availability?
- How their work will be covered while they're off?
- Do they want to use the time to be off together with their child, separately, or a mix?

An employee is **not eligible** for Shared Parental Leave if they started sharing responsibility for the child after it was born.

To establish if eligible for SPL and ShPP, the employee will need to know:

- the child's due date or birth date
- theirs and their partner's employment status and earnings
- if they and their partner can get Statutory Maternity Pay or Statutory Paternity Pay

The Government's shared parental leave / shared parental pay [planning tool](#) can be used by employees to confirm if they are eligible; and how these could be arranged to suit their specific circumstances.

The above tool uses a Monday as the start for each calculation, however if maternity leave begins on another day of the week this will be reflected in the arrangements for an employee accessing SPL/ShPP, when processed by People Services.

Please see the [Shared Parental Pay and Leave](#) guidance on the government website for further information.

### **Shared Parental Leave Pay**

Shared Parental Pay is paid at the rate of statutory pay or 90% of average weekly earnings, whichever is lower.

Please see the [Shared Parental Leave and Pay](#) on the government website for further information on statutory pay.

### **Starting Shared Parental Leave or Shared Parental Pay**

An employee can only start Shared Parental Leave or Shared Parental Pay once the child has been born or placed with the family for adoption.

For SPL to start the mother / birth parent must either:

- return to work, which ends any maternity or adoption leave  
Or
- Give 'binding notice' of the date when they plan to end their (maternity/ adoption) leave (you cannot normally change the date you give in binding notice)

Please note, the Council provides for Paternity Leave to be taken after shared parental leave.

Please see the [Shared Parental Leave and Pay](#) information on the government website for further information along with information on changing the decision to end maternity or adoption leave.

### **Booking blocks of leave**

Parents can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if they are not sharing the leave with their partner.

If the partner/other parent is also eligible for SPL, they can also take up to 3 blocks of leave. This leave can be taken at different times or both at the same time.

Requests for more than 3 blocks of leave can be made; however, these will only be approved where service delivery allows. Such requests must be for at least a week.

Employees must tell their manager about any plans for leave when they apply for SPL. While these plans can be changed later, managers will need at least 8 weeks notice prior to a block of leave starting.

### **Shared Parental Leave in touch (SPLIT) days**

The mother / birth parent /adoptive parent and their partner can each work up to 20 days while taking SPL. These are called 'Shared Parental Leave in touch' (or SPLIT) days.

These days are in addition to the 10 'keeping in touch' (or KIT) days available during maternity leave.

KIT and SPLIT days are not mandatory, and employees do not have to use these, however they can be useful opportunities to attend training courses, catch up on what is happening at work or contribute to an area of work.

When an employee wishes to use KIT / SPLIT days they must discuss and agree this with their manager. Managers should actively seek out appropriate events and activities to make best use of these days.

Please see the [Shared Parental Leave and Pay](#) guidance on the government website for further information on booking blocks of leave and SPLIT Days.

### **Applying for Shared Parental Leave and Shared Parental Pay**

Shared Parental Leave forms and templates created by [ACAS](#) are currently used for:

- employees to give notice that they plan to take SPL and ShPP

- for giving notice of when the mother/birth parent/adoptive parent/surrogate parent is going to end their maternity/ adoption leave, and when they intend to stop maternity/adoption pay
- for booking any leave dates (as well as confirming dates when the employee intends to be in work, taking annual leave, or other arrangements)

It is important to include all the required information, otherwise this may affect the SPL or ShPP.

The Council can ask an employee for more information within 14 days of them applying for SPL or ShPP.

An employee may be asked for:

- a copy of the birth certificate
- a declaration of the place and date of birth (if the birth has not been registered yet)
- the name and address of their partner's employer or a declaration that their partner has no employer

An employee must provide this information within 14 days of being asked for it.

## SECTION 3: FURTHER INFORMATION AND SUPPORT

### Flexible working arrangements

If an employee would like to return to work on a flexible working basis (e.g. part time hours), they should make an application on the standard form, in accordance with the Flexible Working Guidance, to their line manager as far in advance of their planned return date as possible. This will allow the service sufficient time to consider their request and to make the necessary arrangements. The application should include details of the hours/days the employee would wish to work and should suggest how their flexible working arrangement could operate in practice.

Please see the Council's [Flexible Working Policy](#) and [Flexible Working Guidance](#) for further information.

### Career Break

A career break may be taken immediately after a period of maternity, adoption or shared parental leave where the employee meets the qualifying criteria. The employee will be required to take any annual leave accrued during the maternity, adoption or shared parental leave period immediately prior to commencing the career break. The career break will thereby commence on the date immediately following any such period of annual leave, where so requested.

If the employee has received the 12 weeks maternity/adoption pay at 50% of their pay and fails to return to work for at least three months at the end of the maternity, adoption, shared parental leave or at the end of the career break which follows immediately after, they will be required to pay back the 12 weeks at 50% of normal pay. For further information please see the Council's [Career Break Policy](#).

### Breastfeeding

Employees who are breastfeeding and returning to work should inform their line manager giving appropriate notice before returning so that arrangements and facilities for breastfeeding or expressing milk can be identified and put in place. A suitable private location should be identified, with it not being appropriate to use toilets for this purpose. Employees can also request reasonable time off during working hours to breastfeed their baby (depending on the location), or to express milk. The line manager will consider the request and normally grant this, assuming the time off is reasonable. The employee could also consider using flexible hours for this purpose.

There are dedicated rest rooms available to book at Marischal College and the Town House (i.e. First Aid-Parent Rooms) for breastfeeding employees. This is done through the normal electronic room booking system (please note that medical

emergencies would take priority over any booked time). Rest areas will be identified at other Council sites as required.

## **Annual leave and public holidays accrued during leave**

Employees continue to accrue annual leave and public holidays when on leave. Annual leave and public holiday entitlement will be calculated and employees will be able to take the accrued annual leave.

The line manager and employee should discuss when leave can be taken in line with operational requirements of the Service

## **Support and advice**

- [Employee Assistance Programme](#) – The Council provides a free, confidential 24-hour counselling service offering a helpline for general advice and guidance, psychological and emotional support and/or individual counselling.
- [Mental Health and Wellbeing Support](#) – These resources provide a variety of information for employees including details about the councils mental health first aiders network.
- [Financial Wellbeing](#) - Sign posting to resources which can help with managing financial wellbeing, including budgeting advice and tools, Money Advice Team and employability support for parents.
- [ABZ Works](#) – Resources to support employees to take care of themselves, physically, emotionally, and mentally. Sometimes, a change in one area can positively impact change in other areas.
- [Tax-Free Childcare](#) - Employees who wish to find out more about joining a Childcare Scheme can look into the Government's Tax-Free Childcare (TFCC).

## **Related policy and guidance**

- Family Leave Policy
- Maternity Leave Guidance
- Paternity Leave Guidance
- Adoption Leave Guidance
- [Flexible Working Policy](#)
- [Flexible Working Guidance](#)
- [Career Break Policy](#)
- Risk Assessment Guidance

- The Family Leave Planning Toolkit
- [Support Attendance and Wellbeing Policy](#)
- Special Leave Policy

## **Further Advice**

For advice and guidance on the application of this guidance please contact People Services - [askhr@aberdeencity.gov.uk](mailto:askhr@aberdeencity.gov.uk).

## **Gathering and Providing Feedback**

As part of the Council's ongoing commitment to supporting employees, those who have accessed the Family Leave provisions may be contacted to collect feedback on their experiences. These insights are invaluable in helping to understand what works well and where improvements could be made, directly contributing to enhancing the support offered to all employees.

At any time, employees and managers can communicate feedback on this guidance or suggestions for improvement to People Services.