

Additional Information



Shared Parental Leave

URN: J-Pr-052

Version:	2.0
Effective Date:	26/10/2021
Version Date:	31/05/2024
Review Date:	31/05/2025
Host Force:	Dorset Police
Host Policy Unit:	Dorset Police Legitimacy Team
Policy Owner:	Alliance Head of Employee Relations – HR Operations
Policy Author:	Strategy & Policy Lead Employee Relations
Policy Area:	Family Leave
Associated Policy:	J-P-034 Family Leave Policy J-P-052 Shared Parental Leave Policy

Applicable to:

Devon & Cornwall Police	<input checked="" type="checkbox"/>
Dorset Police	<input checked="" type="checkbox"/>
OPCC Devon & Cornwall	<input type="checkbox"/>
OPCC Dorset	<input checked="" type="checkbox"/>
Officers	<input checked="" type="checkbox"/>
Staff	<input checked="" type="checkbox"/>

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VERSION CAN BE FOUND ON THE FORCE DOCUMENT LIBRARY.**

1.0 Introduction

Shared Parental Leave (SPL) is a statutory entitlement for eligible parents to share leave in the first year after the birth, adoption, or issuance of a parental order of a child. It provides both parents with the opportunity to choose the best arrangement to care for their child(ren) during the child(ren)'s first year. Please click to view the HR Privacy Notice ([D&C](#)) / ([Dorset](#)).

For the purpose of this document the following definitions will apply:

Mother / birth parent / primary adopter: The person who gives birth to a baby or the primary adopter / intended parent (surrogacy) (the primary adopter / intended parent means the person who is eligible for adoption leave and any associated pay).

The **Partner** may be one of the following:

- The mother / birth parent / primary adopters' husband, wife, or civil partner or partner with whom they are living in an enduring relationship,
- The child's other parent.

2.0 Associated Timescales

SPL must be taken between the baby's birth and their first birthday, within the first year of adoption or within the first year of obtaining a parental order in the case of surrogacy.

A new mother / birth parent / primary adopter is required to take a minimum of two weeks compulsory maternity / adoption leave following the birth (referred to as the 'protected period') / adoption of their child. Where the mother / birth parent / primary adopter opts to only take the two weeks compulsory maternity / adoption leave, this will leave a maximum of 50 weeks leave which, where eligibility criteria are met, can be taken as SPL. Of the 50 weeks, the mother / birth parent / primary adopter and the partner may be eligible to receive a maximum of 37 weeks of Shared Parental Pay (ShPP).

In order to convert maternity / adoption leave into SPL, the mother / birth parent / primary adopter must either end the maternity / adoption leave early and return to work or provide a 'notice of curtailment' to end maternity or adoption leave early.

Any remaining weeks of maternity / adoption leave can be taken as SPL which, where eligible, will be remunerated by the receipt of ShPP, where the individuals meet the eligibility criteria, for up to a maximum of 37 weeks.

3.0 Eligibility Criteria

The full eligibility criteria for SPL and ShPP are outlined within the Shared Parental Leave policy statement, however a summary of eligibility requirements provided by ACAS is detailed below:

Shared Parental Leave

To get Shared Parental Leave (SPL), there must be two parents or adopters sharing responsibility for a child.

For either parent to get SPL, the birth parent or primary adopter must do one of the following:

- end their maternity or adoption leave and return to work,
- give their employer notice to end ('curtail') their maternity or adoption leave early.

The birth parent must still take at least two weeks maternity leave by law.

The parent who is to take SPL must:

- be sharing responsibility with the other parent from the day of the child's birth or adoption placement,
- be legally classed as an employee,
- pass the 'continuity of employment test' and their partner must pass the 'employment and earning test'.

They then have to give their employer notice of SPL entitlement.

Continuity of employment test:

The parent who is to take SPL must:

- have worked for the same employer for at least 26 weeks by the end of the 15th week before their baby is due or their adoption match date,
- still be working for the same employer at the start of each block of leave they take.

Employment and earnings test:

Up to the expected birth date or adoption match date, the other parent must have:

- worked for at least 26 of 66 weeks,
- earned an average of at least £30 a week in any 13 weeks.

If both parents are eligible, they can choose how to use SPL between them.'

Source: The above extract is based on information provided by ACAS – 'Shared Parental Leave and Pay'

Sometimes only one parent will be eligible. For example, a self-employed parent will not be entitled to SPL themselves, but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

Agency staff are not entitled to SPL but may be eligible to get ShPP through their respective recruitment agency.

Where both parents are employees or in the service of the Force and both meet the qualifying requirements, there will be a joint entitlement and the parents will have to determine how to divide the leave once the mother or primary adopter has decided to curtail their maternity / adoption leave.

If an individual stops sharing responsibility for the child, they must notify the Force straight away as their entitlement to SPL or ShPP will cease and they may be required to return to work subject to operational requirement.

4.0 Shared Parental leave (ShPP)

Individuals can claim ShPP for any remaining weeks after the mother / primary adopter stops their maternity / adoption pay or maternity allowance so long as they provide written notice to the Force. For example, a mother is entitled to 39 weeks maternity pay but stops it after 30 weeks. They, or the other parent, could receive ShPP for the remaining nine weeks.

To qualify for ShPP, an individual must meet the 'continuity of employment test' and their partner must meet the 'employment and earnings test', just like SPL. In addition, the individual must also have earned above the 'lower earnings limit' in the eight weeks leading up to and including the 15th week before the baby's due date / matching date and still be employed with the same employer at the start of the first period of ShPP.

5.0 How Can the Leave be Taken?

Individuals can request SPL in either continuous or discontinuous blocks. Requests for continuous leave cannot be declined as this is a legislative entitlement, whereas requests for discontinuous leave can be declined (see discontinuous leave below). This guidance has been developed based on a default position of statutory 'continuous' leave which enables individuals to take SPL in up to three blocks.

a. Continuous Leave

The length of each leave block will be determined by the parents and separate leave notices will need to be submitted for each period. SPL can be taken in varying formats. Below are some examples based upon maternity and assume all eligibility criteria and notice periods have been met. These examples apply equally to adoption and surrogacy.

Example 1 – SPL in one continuous block

The mother / birth parent has 52 weeks maternity leave available (two of which must be taken immediately following the birth). They decide to take eight weeks maternity leave and convert the remaining 44 weeks to SPL. The mother / birth parent takes 22 weeks SPL and their partner takes 22 weeks SPL.

Please note: This can be taken either at the same time or the parents may choose to take leave at different times. If circumstances change and the individual wishes to take

their SPL in more than one block, they can submit up to three variation requests, with at least eight weeks' notice from the date on which they wish the change to take effect.

Example 2 – SPL taken in three blocks

The mother / birth parent has 52 weeks maternity leave available (two of which must be taken immediately following the birth). They decide to take eight weeks maternity leave and convert the remaining 44 weeks to SPL. The mother opts to take 15 weeks SPL in three blocks of five weeks; the remaining balance of 29 weeks will be taken by their partner.

Please note: This can be taken either at the same time or the parents may choose to take the leave separately.

Example 3 – Both parents taking SPL at the same time

Both parents opt to be off together for the first eight weeks following the birth to support each other and to share in the experience of becoming a family. The mother / birth parent takes two weeks compulsory maternity leave following the birth, followed by six weeks SPL. The balance of the 52 weeks maternity leave (50 weeks) is converted to SPL. The partner takes two weeks ordinary paternity leave, followed by six weeks SPL, alongside the mother. The mother then takes the balance of the SPL (38 weeks) when their partner returns to work.

Please note:

- SPL requests are legislatively bound. Provided the individual meets the eligibility criteria and has given the correct notice, line managers cannot decline a request for continuous leave,
- Where an individual is not sharing their leave, they can still choose to end their maternity or adoption leave early and take the balance as SPL, enabling them to take the remainder of the leave in up to three blocks.

b. Discontinuous Leave

Discontinuous leave is when parents request to take blocks of SPL on and off throughout the first year of a child's birth or placement, which can be requested under one leave notice.

Example – SPL in multiple discontinuous blocks

The mother / birth parent has 52 weeks maternity leave available (two of which must be taken immediately following the birth). They decide to take eight weeks maternity leave and convert the remaining 44 weeks to SPL.

Over the course of the next few months the mother takes a block of four weeks SPL and their partner then takes four weeks SPL; they repeat this pattern for a further three occasions, after which the mother and partner alternate taking blocks of two weeks until the leave is exhausted.

Individuals have the right to request SPL in discontinuous blocks and the Force will consider all requests. However, it should be noted that such requests can be declined based upon the same guidance provided by ACAS for considering flexible working applications:

- the burden of additional costs,
- an inability to reorganise work amongst existing staffing,
- an inability to recruit additional staff,
- a detrimental impact on quality,
- a detrimental impact on performance,
- a detrimental effect on ability to meet customer demand,
- insufficient work for the periods the individual proposes to work, or
- planned structural changes to the organisation.

(Source: ACAS, 2024)

It is the line managers responsibility to fairly assess the application against the criteria, ensuring no unlawful discrimination occurs when making the decision to approve or decline the request.

A summary of the process for considering SPL requests is detailed within the flowcharts available within Appendix One and Two of the Shared Parental Leave Step by Step.

6.0 Booking the Leave and Notice

A minimum eight weeks' notice is required in order to take any block of SPL (or to vary the existing agreement). However, if the baby is born eight weeks or more early, the notice period can be shorter. Each eligible parent can book a block of SPL or vary the dates of already booked SPL up to a maximum of three occasions. Under exceptional circumstances following referral by the line manager to HR Operations – Admin, the Force may allow for a further notice of variation to be submitted. The individual must provide eight weeks' notice for each occasion they want to book SPL and book their leave in blocks of weeks starting on any day of the week. For example, if the first day of a week's leave started on a Wednesday, the last day of leave would be the following Tuesday.

In the case of discontinuous leave, the individual and the Force should come to an agreement within 14 calendar days of the date of request. Where an agreement is not reached, the individual can either withdraw their request or take continuous leave instead. If the individual withdraws their request on or before the 15th day, it will not count as one of their three notices to book or vary leave. Withdrawing the request after the 15th calendar day will count as a notice to vary leave, totalling two notices used.

7.0 Cancellation of the Decision to End Maternity / Adoption Leave

The mother / primary adopter can change their mind, so long as the planned maternity or adoption leave end date has not passed and the individual has not already returned to work. To do this, one of the following criteria must also apply:

- The individual establishes during the notice period that neither they or their partner is eligible for SPL or ShPP,
- The mother or primary adopter's partner has died,
- When notice was given before the birth or adoption of the intent to take SPL, this request may be withdrawn without a reason in the six weeks following birth or adoption.

8.0 A – Z of Additional Information

Individuals will continue to benefit from all of the contractual terms and conditions that would have applied had they been at work with the exception of remuneration.

Annual and Public / Bank Holiday Leave

Individuals continue to accrue their annual leave entitlement whilst on SPL, including public / bank holidays as they arise. Accrual of annual leave and public / bank holiday leave entitlements during the period of SPL is based on the individual's hours immediately prior to the commencement of SPL.

For additional information on annual leave and SPL, please see 'Annual Leave – Maternity, Adoption and Shared Parental Leave' procedural guidance available via the People Portfolio intranet pages.

Attendance at Court

If an individual is required to attend court whilst on SPL, they must do so unless certified unfit by a doctor. **Please note:** This might apply in the case of maternity. Line managers should refer to the maternity leave step by step for guidance relating to risk assessments. Attendance at court as a police witness is classed as duty. The individual should contact Payroll to advise them of the requirement to attend court and to clarify pay arrangements.

Flexible Working Arrangements on Return from SPL

If the individual wishes to return to work on a part time basis or a flexible working pattern, they should complete a flexible working request (following the guidance set out in the flexible working procedure) ensuring the completed approved request reaches HR Operations – Admin for processing at least 28 days prior to the end of their SPL. Individuals should contact their line manager who will provide them with copies of the procedural guidance and associated forms.

Keeping in Contact

Line managers and individuals should, ahead of the leave commencing, agree the frequency and method of keeping in touch during the period of SPL. It is the responsibility of both parties to ensure reasonable contact is maintained.

Pay and Pensions

Subject to the required eligibility criteria being met, parents may be entitled to 37 weeks ShPP between them. ShPP is paid at the prevailing rate or 90% of your average weekly earnings, whichever is lower. (Source: [ShPP GOV.UK](https://www.shpp.gov.uk/))

a. Officers

The first 52 weeks of SPL is reckonable for the purposes of pay increments, leave and for inclusion in any period of probationary service. For pension purposes, any period of SPL when police officers are in receipt of ShPP shall be reckonable.

Please note:

- Where an officer upon returning to work opts to buy back any relevant service from a period of unpaid SPL, the period of service bought back is reckonable from a service perspective,
- Any unpaid leave within the first 26 weeks of SPL is automatically pensionable and does not need to be bought back,
- Where an officer opts to take one or more periods of SPL (for the same pregnancy / adoption), any return to duty (excluding SPLIT days) will not count towards the 52 weeks reckonable for pay and leave purposes, e.g., an officer chooses to take their SPL in two 20 week blocks (sharing the remaining 12 weeks with their partner), with an interim return to duty for 12 weeks in the middle of the two blocks, the period of return (12 weeks) will not count towards the 52 week period reckonable for pay and leave purposes.

During any unpaid SPL, an officer can elect to make up the pension contributions that would have been paid during this period. Where an officer elects to make such contributions, Payroll will write to the officer confirming arrangements for the repayment of the contributions in question. **Please note:** An opportunity for an officer to elect to pay pension contributions will be given prior to the officer commencing SPL.

b. Employees

The first 39 weeks of SPL will be regarded as continuous employment for pension purposes. Members of the Local Government Pension Scheme (LGPS) will continue to have their pensions contributions deducted during the period they receive ShPP (up to 39 weeks). During any period of unpaid SPL, an employee can elect to make the pension contributions that would have been paid during this time. Payroll will write to the employee to confirm whether they wish to make these contributions. **Please note:** An opportunity for the employee to elect to pay the pension contributions will be given prior to them commencing SPL.

Returning to Work from SPL

Following their return to work from SPL, the individual has the right to return to the same job under the same terms and conditions as applied prior to undertaking SPL.

In the case of a mother / birth parent, the line manager must undertake a risk assessment for new / breastfeeding mothers to identify any risks or requirements prior to their return. If any significant risks are identified that cannot be resolved via adjustments, the line manager would then need to liaise with their local health and safety representative to agree the way forward. Line managers should refer to the maternity leave step by step for guidance relating to risk assessments.

It is the line managers responsibility to either update GRS or inform the relevant Resource Management Unit (D&C) / Duties (Dorset) team of the individual's return from SPL.

Shared Parental Leave in Touch (SPLIT) Days

The individual and the partner may choose to take up to 20 paid voluntary SPLIT days each during the SPL period. SPLIT days are in addition to any 'KIT' days taken by the mother / birth parent / primary adopter whilst on maternity / adoption leave.

SPLIT days will be paid at the normal hourly rate for hours / days worked.

The work undertaken during a SPLIT day will count as one day of entitlement, including where the hours worked are less than a full day.

Pension benefits will accrue for the paid SPLIT day(s).

Where a SPLIT day is worked during a period of unpaid shared parental leave, the individual will receive the appropriate payment for the hours worked on the SPLIT day. The payment of SPLIT days during paid shared parental leave differs between officers and employees and is set out below.

Officers

Where an officer works a SPLIT day during a period of ShPP, they will receive payment for the SPLIT day in addition to the statutory ShPP for the week in which the SPLIT day occurs.

Employees

Where an employee works a SPLIT day during a period of ShPP, the payment for the SPLIT day will be offset against the daily payment of statutory ShPP.

Support

It is the line manager's responsibility to provide appropriate support for individuals who are on shared parental leave. Additional support can be accessed via the Family Support Group (D&C), Support Networks (Dorset), the Police Federation, trades unions and the Employee Assistance Programme (EAP).

The 'Family Leave Support Portal' is available on the Force external website, which enables individuals on SPL access to family leave provisions and resources such as

Force policies and procedures, guidance and forms, useful internal / external contacts and internal job opportunities

Tax-Free Childcare

Individuals may be eligible, subject to meeting the relevant criteria, to apply for [Tax-Free Childcare](#), a government scheme offering up to £500 every three months (£2,000 per year) per child, to help with the costs of childcare.

Temporary Family Friendly Hours

Temporary family friendly hours are an informal local arrangement to allow flexibility and support childcare needs on a return to the workplace. The arrangement provides an opportunity to trial a working pattern(s) to identify an arrangement that is suitable, prior to submitting a formal flexible working request.

Individuals demonstrating a commitment to returning to work may request temporary family friendly hours for a period of up to three months, and are encouraged to work a minimum of 50% of their standard weekly working hours. The request must be discussed and agreed with the line manager prior to the individual's return to work, with the arrangement commencing on the individual's physical return to the workplace.

Where the individual wishes to maintain their full contractual pay during this period, the reduction in their standard weekly working hours must be covered through the use of annual leave and / or time on card / flexitime. Alternatively, subject to meeting the eligibility criteria, unpaid leave or unpaid parental leave may be used, which will result in a reduction in pay. A combination of paid and unpaid leave may also be requested.

Where the individual chooses to take unpaid leave to support a temporary family friendly hours arrangement, they must submit an 'Unpaid Leave Request Form' to the line manager in accordance with J-Pr-278 Unpaid Leave Procedure (available within Section 11.0 'Other Associated Documents'). Up to 31 days per financial year (pro rata for part time) may be requested, where annual leave entitlement for the leave year in question has been exhausted.

Where the individual chooses to take unpaid parental leave to support a temporary family friendly hours arrangement, they must submit a 'Parental Leave Request Form' in accordance with J-Pr-084 Parental Leave (Unpaid) Procedure (available within Section 11.0 'Other Associated Documents'). Up to 12 weeks of the 18 week unpaid parental leave entitlement may be taken. A week is defined as the hours worked over seven days (40 hours for officers / 37 hours for employees (pro rata for part time)).

Where a request for temporary family friendly hours is not supported and the individual disputes this decision, the line manager will seek to resolve the matter informally, in liaison with local line management as appropriate.

Where the individual requires additional flexibility to support childcare needs for a period exceeding three months, they may wish to request a short term / temporary flexible working arrangement via the line manager in accordance with J-Pr-318

Flexible Working Procedure (available within Section 11.0 'Other Associated Documents').

9.0 Useful Links

[ACAS – Shared Parental Leave and Pay](#)
[GOV.UK – Shared Parental Leave and Pay](#)
[GOV.UK – Family Leave Eligibility Calculator](#)

Managers should contact [HR Operations - Admin \(D&C\)](#) or [.HR Ops Dorset – Admin \(Dorset\)](#) if the situation they are managing does not appear to be straightforward.

10.0 Monitoring and Review

Review and amendments will be coordinated by the Policy Unit.

The Alliance Head of Employee Relations is responsible for overseeing this document to ensure a consistent Force approach is maintained. Monitoring will be primarily carried out subject to force processes of continuing review and in line with force governance requirements.

This document will be reviewed annually subject to legislation / process changes.

Please note: Where legislation / guidance changes have occurred / scheduled to occur or operational needs demand it, ahead of the revised review date, Alliance People policies and associated procedures / step by steps will be applied in line with prevailing legislation / guidance.

We welcome any comments or suggestions you wish to share about the content or implementation of this procedure. If you would like to make contact to discuss further, please email: .Policies@dorset.PNN.police.uk

11.0 Other Associated Documents

Policy and Procedure

- [J-Pr-234 Annual Leave – Maternity, Adoption and Shared Parental Leave](#)
- [Family Leave Support Portal](#)
- [J-Pr-084 Parental Leave \(Unpaid\) Step by Step](#)
- [J-Pr-278 Unpaid Leave Step by Step](#)
- [J-Pr-318 Flexible Working Step by Step](#)

SharePoint

- [Our Purpose](#) (DCP)
- [Vision, Purpose & Priorities](#) (DP)
- [Human Rights Legislation](#)
- [Records Management](#) (DCP)
- [Records Management](#) (DP)

- [Freedom of Information Act 2000 \(FOIA\)](#)
- [Government Security Classification \(GSC\)](#)
- [UK General Data Protection Regulation / Data Protection Act \(2018\)](#)
- [Code of Ethics](#) (DCP)
- [Code of Ethics](#) (DP)
- [Standards of Professional Behaviour](#)
- [People Portfolio](#)

College of Policing

- [National Decision Model](#)
- [Authorised Professional Practice \(APP\)](#)

Other

- Equality Impact Assessment

12.0 Version History

Version: 1.0
Date: 07/09/2021
Reason for Amendments: Initial document
Amended by: Strategy & Policy Lead – Employee Relations
Approved by: Board
Date Approved: 19/08/2021
Quality Assured: Legitimacy Team

Version: 2.0
Date: 31/05/2024
Reason for Amendments: A Fit for purpose review has been completed, with key changes being:-

- Clarification within the step by step on the specific forms that require completion depending on the scenario,
- The inclusion of a process summary flowchart within the step by step as Appendices, for both the mother / primary adopter and the partner,
- Reference to a new 'Form 8' which will apply when only the partner intends to take SPL,
- Clarification within the step by step on the management of discontinuous leave requests.
- Following full organisational consultation, the existing Temporary Family Friendly Hours provision has been reviewed and amended, to add clarification and aid a shared understanding across the Alliance.

- Following advice from ICT, a minor amendment has been made in respect of IT access, in that the line manager will arrange for access to be retained, for use of Force systems on a Shared Parental Leave in Touch Day, as appropriate.

Amended by: Strategy & Policy Lead – Employee Relations
Approved by: Strategic People Board
Date Approved: 29/05/2024
Quality Assured: Legitimacy Team

13.0 Governance

Present Portfolio Holder: Alliance Head of People (HR Operations)
Present Document Owner: Alliance Head of Employee Relations
Present Owning Department: Alliance People Portfolio

Name of Board: Strategic People Board
Chief Officer Approving: Assistant Chief Officer Devon and Cornwall
Date Approved: 19/08/2021

Business Board member approving (Devon & Cornwall only when not contentious or novel): n/a
Date approved: n/a

End of Document