

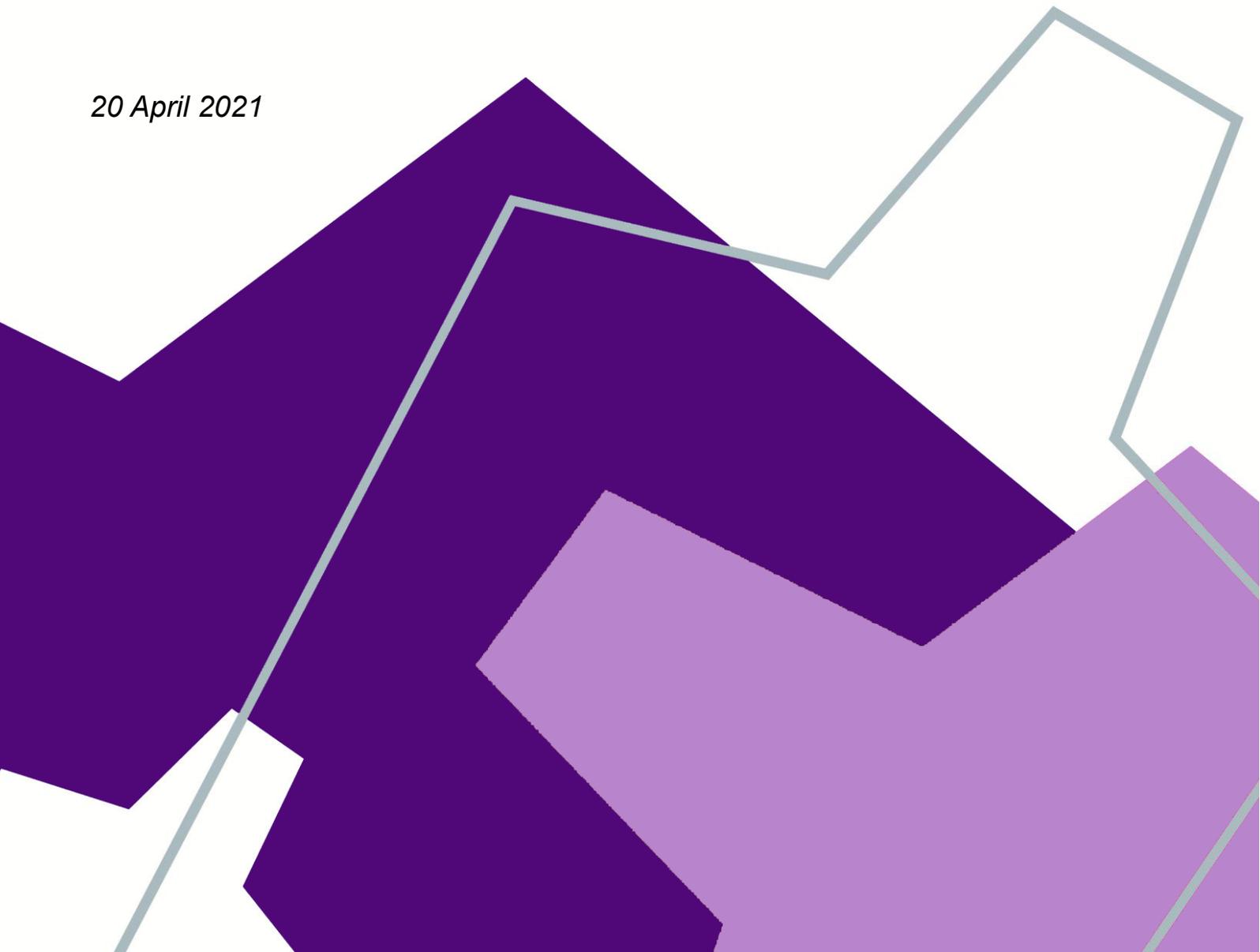


The Scottish Parliament
Pàrlamaid na h-Alba

Shared Parental Leave Policy

Fòrladh Pàrantach Co-roinnte

20 April 2021



Introduction

This policy sets out the Shared Parental Leave (SPL) provisions available to SPS staff.

It is not possible to cover all scenarios which could potentially arise. As such, if your circumstances fall outwith those set out here, you should seek advice from the People and Culture Office (86500).

What is Shared Parental Leave?

SPL is an option which provides you and your partner, as parents, with additional flexibility in the way that you choose to share caring responsibility for your child. Eligible mothers or primary carers can convert up to 50 weeks of their 52 week maternity or adoption leave entitlement to SPL and share this with their partner.

Whilst the birth mother/primary carer must take the first two weeks of maternity/adoption leave, parents can opt in to SPL at any stage thereafter. The child's father or partner of the mother/primary carer may still take two weeks' paid Paternity Leave, provided this is taken prior to SPL commencing. SPL may only be taken after the mother/primary carer has returned to work or has given appropriate notice to reduce their maternity/adoption leave. Leave has to be taken between the baby's birth and first birthday or within one year of the child's adoption.

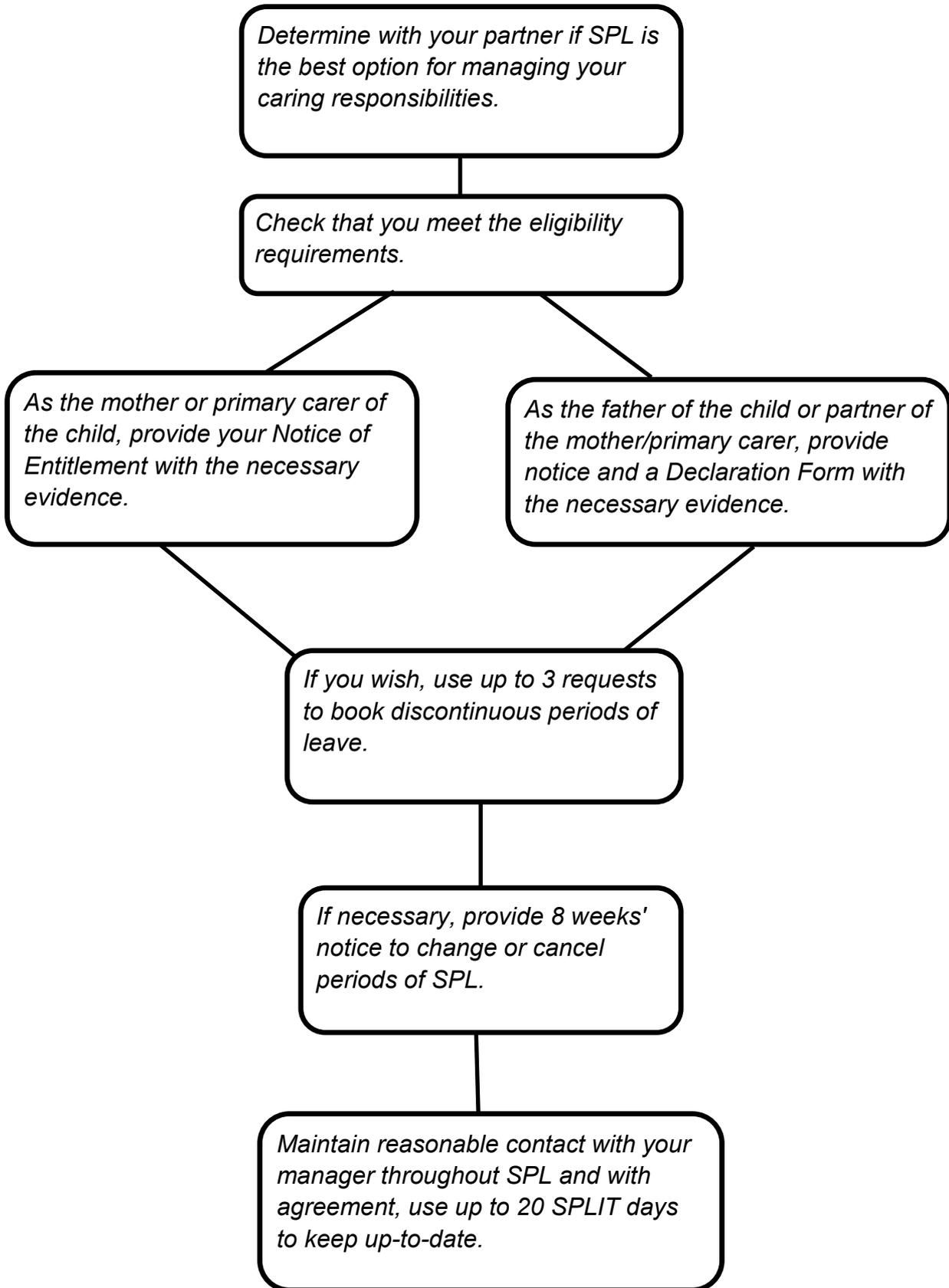
Both parents can take SPL at the same time or the leave can be taken in consecutive blocks. The minimum period of leave which may be taken is one week and leave must be taken in multiples of complete weeks.

It is recommended that you and your partner give serious consideration to your options to determine which arrangements will be most beneficial to your particular circumstances.

Examples:

- Sophie is a member of SPS staff who is expecting a baby with her partner Chris. Sophie decides to take the first 26 weeks of her maternity leave, during which time she will be paid at her normal contractual salary. She then returns to work and converts her remaining maternity leave entitlement to SPL. Chris uses this to take the following 26 weeks off work to care for their child.
- Eleanor and her partner are adopting a child. Eleanor is a member of SPS staff whilst Jamie works elsewhere. Jamie is to be the primary carer of the child and is entitled to adoption leave from his employer. Jamie takes the first two weeks of compulsory adoption leave whilst Eleanor takes time off during this period as Ordinary Paternity Leave. Jamie converts the remaining entitlement to SPL and shares this with Eleanor. They both take the next 20 weeks off at the same time to care for the child. Eleanor returns to work whilst Jamie uses the remaining 10 week entitlement.

Shared Parental Leave Flowchart/Summary



Who is eligible to take SPL?

You will be eligible for SPL and pay if you are:

- The birth mother or father of a child due on or after 5 April 2015, or the birth mother's spouse, civil partner or partner.
- The primary carer of a child placed for adoption on or after 5 April 2015, or the primary carer's spouse, civil partner or partner.

Additionally, **the law requires that each of the following criteria must be satisfied:**

- You and your partner must have the main responsibility for the care of the child and intend to use the leave to care for the child;
- The mother/primary carer of the child must be entitled to statutory maternity or adoption leave, pay or allowance and must have ended or given notice to reduce their maternity or adoption entitlements;
- You must have a minimum of 26 weeks' continuous service at the end of the 15th week before the date your child is due to be born/adopted and average weekly earnings at least equal to the lower earnings limit for national insurance contributions;
- You must remain employed by the SPCB at the start of each period of SPL;
- Your partner must have worked (in an employed or self-employed capacity) for at least 26 weeks in the 66 week period before your child is born or due to be placed with you for adoption. They must have average earnings above the lower earnings limit for national insurance contributions in any 13 of those weeks;
- You must correctly notify the SPCB of your entitlement to SPL and provide evidence as required.

When do I have to provide notice of my intention to take SPL?

If you are the mother/primary carer, you have to give your manager at least 8 weeks' notice of your intention to end your maternity/adoption leave and take SPL.

If you are the child's father or the partner of the mother/primary carer, you should at this stage give notice of your intention to take SPL and complete a declaration form, confirming that notice has been served to your partner's employer.

The forms provided for your use have been designed to ensure that all necessary information is included.

You should be aware that notice to end maternity/adoption leave and take SPL is binding and maternity/adoption leave will end. Notice can only be withdrawn in exceptional circumstances and advice should be sought from the People and Culture Office.

What evidence do I need to provide of my entitlement to SPL?

You must provide:

- A copy of the child's birth certificate or documents from the adoption agency confirming name and address; the date you were notified of the match for adoption; and the date the child is expected to be placed for adoption; **and**
- The name and address of the other parent's employer (or a declaration that they have no employer or are/have been self-employed).

An alleged false claim of entitlement to SPL will be investigated in line with our disciplinary procedures and may result in disciplinary action up to and including dismissal.

How do I change or cancel a period of SPL?

You can change the dates or cancel a period of SPL by notifying your manager (copied to the People and Culture Office) in writing at least 8 weeks before you want the change/cancellation to take effect. If your child is born or placed for adoption earlier or later than expected and you had indicated that you wished to start SPL a certain length of time (but no more than 8 weeks) after the birth/adoption, you should simply notify us in writing of the change at the earliest opportunity.

You should be aware that a notice to change the dates or cancel a period of SPL will count as one of your 3 notices for discontinuous leave unless:

- The variation is at the SPCB's request; or
- The change is a result of your baby being born or placed for adoption earlier or later than expected.

Can I take my SPL over a number of split periods?

If you are eligible for SPL, notice of your intention to take a continuous period of leave will be automatically accepted.

You may, however, make up to 3 requests to take SPL over a number of split periods (discontinuous leave) rather than taking leave in one single continuous block. All such requests will be considered seriously and the SPCB will aim to accommodate you, taking account of both your personal circumstances and business needs. If you are planning to make such a request, you are strongly encouraged to discuss this informally at the earliest opportunity with your manager.

Whilst the SPCB aims to accommodate requests for discontinuous periods of SPL, it does reserve the right to refuse a request if there is a genuine business reason for doing so which cannot reasonably be overcome. If necessary, a further meeting will be held with you to discuss your request. Your manager may propose an alternative arrangement to you which fits better with business needs to see if you are agreeable. You will receive a written response to your request within 14 days. If a pattern of leave cannot be agreed, your leave must be taken in a continuous block.

Examples:

- Joe takes 4 weeks SPL, returns to work for 4 weeks to help complete a high-profile project and then takes her remaining SPL entitlement.
- Alex's wife has the main caring responsibility for their child. She will take 6 months' Maternity Leave and Alex will take 3 months' SPL. Alex discusses the situation with her manager and explains that she would like to take SPL in January and February and come back to work in March (when family members are available to care for the child) so that she can assist with a peak period of work for the office which coincides with year-end processes. She will then take a further period of leave in April. Alex's request is accepted. She has taken account of personal needs and those of the business in planning leave.

What are the provisions for Shared Parental Pay?

The SPCB's contractual provisions on Shared Parental Pay mirror those that would be payable to a birth mother or primary carer in relation to maternity or adoption Leave. If you satisfy the eligibility conditions, click on the following link for the [Shared Parental Pay provisions](#).

Keeping in Touch Arrangements

Reasonable Contact

Your manager will maintain contact with you at regular intervals throughout your SPL. Prior to your period of leave, you should agree with your manager an appropriate method and frequency of contact.

Keeping in Touch

It is important that you have the opportunity to keep in touch with the business and are able to maintain your knowledge and skills during your absence from work. On a voluntary basis, you may, with the agreement of your manager, work up to a maximum of 20 Shared-Parental-Leave-in-Touch (SPLIT) days during your SPL. This is in addition to any KIT days you may have taken during maternity or adoption Leave.

SPLIT days allow you to participate in activities designed to keep you up to date. This might include learning and development activities, meetings and staff days. These days do not need to be worked consecutively and any part of a day worked will be counted as one day.

SPLIT days form part of your SPL period and do not extend it. You will be paid in accordance with your normal contractual salary for work undertaken during SPLIT days. Should you wish to work SPLIT days during your period of SPL you should discuss this in the first instance with your manager to consider what work you might undertake.

Glossary of Terms

[Click here for the Glossary of Terms](#) relating to Shared Parental Leave.

Declaration Forms

- [Declaration Form Father](#)
- [Declaration Form Father - MSP Staff](#)
- [Declaration Form Mother](#)
- [Declaration Form Mother - MSP Staff](#)

Shared Parental Leave Policy (English only)

For further information contact:

HumanResources@parliament.scot

0131 348 6500

