

# Shared Parental Leave Policy

## Policy statement

Defra is committed to being a good modern employer and to offering employees and family friendly employment policies that support business needs. This approach supports employee motivation and work life balance. It also helps retain talented employees.

## Purpose

Shared parental leave (SPL) is a statutory entitlement to flexible parental leave and pay, available to both parents on an equal basis. Legislative provisions to implement SPL are set out in the Children and Families Act 2014 and statutory instruments made under the powers in the Act.

SPL aims to:

- allow working parents to share the care of their children
- enable working fathers to take a more active role in caring for their children
- reduce the gender bias that currently impacts on women's careers.

Where a woman and her partner meet the qualifying conditions for SPL, the woman can end her maternity leave and pay, or commit to ending it at a future date and share the untaken balance of maternity leave and pay as SPL and pay. For adoptive parents, the primary adopter will have to bring their adoption leave period to an end before they or their partner are entitled to SPL.

## Scope

This policy and related procedure apply to all employees who meet the eligibility criteria (length of service and economic activity) for SPL as set out in the Shared Parental Leave Procedure. Each parent will need to qualify for leave and pay in their own right. This policy applies to births where the expected week of childbirth begins on or after 5 April 2015 and to adoptions where a child is matched or placed for adoption on or after 5 April 2015.



## Policy principles

The following principles and values underpin this policy:

- protection – retained protection for pregnant women and mothers immediately before and after childbirth.
- flexibility – increased flexibility for employers and employees giving a choice on how employment and caring is shared between parents.
- simplicity – straightforward procedures, easy to access and manage.
- shared responsibility – a system more balanced between genders that allows negotiation of leave patterns between employer and working parents.

## Further information

Further information and advice about SPL is available in the Shared Parental Leave Procedure, How to guides, Frequently Asked Questions and Glossary.



## Annex A: Shared Parental Leave Glossary

This glossary defines the terminology used in the departmental shared parental leave (SPL) policy and guidance.

Term	Meaning
<b>Adoption agency</b>	An organisation that identifies potential adopters. May be part of a local council or a voluntary adoption agency (VAA). Children from any UK local authority can be placed with adopters approved by a VAA.
<b>Adoption order</b>	A legal document giving parental rights and responsibility for the child to the adopter.
<b>Binding notice to end maternity/adoption leave</b>	Notice given by the mother/primary adopter to end maternity/adoption leave and opt into SPL. This can be revoked up to six weeks following birth.
<b>Binding notice to start SPL</b>	Notice given by an employee confirming their intended SPL pattern. This must be given at least eight weeks before the employee intends to start their period of SPL.
<b>Child</b>	The birth/adopted child in relation to whom an entitlement to SPL arises.
<b>Compulsory maternity period</b>	Leave that must be taken by a birth mother immediately after giving birth. It lasts for two weeks, or four weeks if working in industrial premises.
<b>Concurrent leave</b>	<p>A period of time when both parents are on leave at the same time.</p> <p>The mother/primary adopter can be on maternity/adoption leave and their partner on SPL at the same time, so long as the mother/primary adopter has ended or committed to end their maternity/adoption leave early.</p>
<b>Discontinuous leave</b>	Periods of parental leave which are interspersed with periods of work.



Term	Meaning
<b>Discussion period</b>	A two week period directly after an employee submits their SPL and ShPP Form notifying their employer of their intention to take SPL.
<b>Economic activity test</b>	Part one of a statutory two-stage eligibility test for employees to qualify for SPL and pay.
<b>Expected week of childbirth (EWC)</b>	Expected week of childbirth (EWC) in relation to a child means the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.
<b>Formal change notification</b>	Application by an employee for changes to a proposed SPL pattern using the SPL and ShPP form.
<b>Fostering to adopt</b>	An arrangement where a child is placed with foster parents who are specially trained to foster to adopt 'looked after children'. These foster parents legally adopt the child if the parental rights of the birth parents are terminated.
<b>Individual test</b>	Part two of a statutory two-stage eligibility test for employees to qualify for SPL and pay.
<b>Intended parents (surrogacy)</b>	The person(s) who will parent a child born in a surrogacy situation.
<b>Loan</b>	An arrangement by which an existing civil servant moves to another department or agency for an agreed period of time.
<b>Looked after children</b>	A child in the care of a local authority. This includes those subject to a care order or temporarily classed as looked after on a planned basis for short breaks or respite care.
<b>Maternity Allowance</b>	Allowance paid to employees following birth who are not eligible to receive occupational or statutory maternity pay.



Term	Meaning
<b>Maternity Keeping in Touch (KIT) days</b>	Up to 10 days statutory entitlement during an employee's maternity leave when both the employee and employer can agree to keep in touch.
<b>Mother</b>	This is the birth mother.
<b>Non-binding notice to take SPL</b>	This can be submitted at any time and is notice given by an employee indicating when they would like to take SPL. It is not a formal notice to take leave and employees will still need to give a minimum of eight weeks notice before they actually take leave.
<b>Notice of intention</b>	Written notice from an employee to their employer of their intention to end their maternity/adoption leave at some point in the future and opt into SPL.
<b>Notification periods</b>	Eight week periods from the date when an employee submits a completed SPL and ShPP Form for the first day of their intended period of leave.
<b>Occupational pay</b>	This is an enhanced rate of pay offered by employers over the statutory minimum.
<b>Parent</b>	Genetic mother/father of a child. Also refers to adoptive parents or intended parents in surrogacy arrangements.
<b>Parental order</b>	An order made by the Family Proceedings Court that reassigns legal rights and parental responsibility from a birth mother to intended parents.
<b>Partner</b>	The child's biological father or the mother/primary adopter's partner, who can be their husband/wife, civil partner or partner (of either sex) in an enduring relationship with them and the child.
<b>Placed (adoption)</b>	When a child is legally placed in the care of their adoptive parents.
<b>Primary adopter</b>	The person with whom an adoptive child is placed



Term	Meaning
	and who provides primary care.
<b>Right to revoke</b>	A statutory right for a birth mother to withdraw her notification to opt into SPL within the six week period immediately after the birth of her child.
<b>Secondary adopter</b>	The partner of the primary adopter, who can be their husband/wife, civil partner or partner living in an enduring relationship with the primary adopter and the child.
<b>Secondment</b>	An arrangement by which a civil servant moves from the Civil Service to an external organisation for an agreed time period but remains a Civil Service employee.
<b>SPL in Touch days (SPLIT)</b>	Up to 20 days statutory entitlement for each parent to agree with their employer to keep in touch during SPL. These are optional and in addition to the maternity KIT days.
<b>Statutory Adoption Leave (SAL)</b>	A statutory entitlement to 52 weeks leave for eligible employees. It is made up of: <ul style="list-style-type: none"><li>• 26 weeks of Ordinary Adoption Leave</li><li>• 26 weeks of Additional Adoption Leave</li></ul> Only one of the adoptive parents can take Adoption Leave.
<b>Statutory Adoption Pay (SAP)</b>	The legal minimum an employer is required to pay an eligible employee on SAL. The weekly amount of SAP is at the statutory rate or 90% of the employee's average weekly earnings before tax (whichever is lower).  SAP is payable for 39 weeks.
<b>Statutory Maternity Leave (SML)</b>	A statutory entitlement of 52 weeks leave for eligible employees who give their employer the correct notice. It is made up of:



Term	Meaning
	<ul style="list-style-type: none"><li>• Ordinary Maternity Leave - first 26 weeks</li><li>• Additional Maternity Leave - last 26 weeks.</li></ul>
<b>Statutory Maternity Pay (SMP)</b>	The legal minimum an employer is required to pay an employee on maternity leave. SMP is paid for up to 39 weeks.
<b>Surrogacy arrangement</b>	<p>Where a woman (surrogate mother) carries a child for another person (and their partner) as the result of an agreement prior to conception that the child should be handed over to them after birth.</p> <p>If neither of the couple are genetically related they will not be able to obtain a parental order. They do not acquire legal parenthood or parental responsibility until a relevant order is made. In this instance they would have to apply for an adoption order.</p>
<b>Surrogate mother</b>	Can be the genetic mother (her egg creates the embryo) or woman who has a fertilised embryo of another implanted in her (no genetic connection). She will be the child's legal mother unless or until that situation is altered by a court order.