

**Cyngor Cymuned  
Trefriw  
Community Council**

**SHARED PARENTAL LEAVE  
POLICY**

This policy was adopted at a meeting on  
17<sup>th</sup> January 2023  
and will be reviewed in January 2026  
or sooner should legislation dictate

Trefriw Community Council (TCC) offers statutory shared parental pay and leave to qualifying employees as per the relevant UK employment law. See also the TCC Adoption policy if this situation applies to you.

These entitlements can be found online at: <https://www.gov.uk/shared-parental-leave-and-pay/print>

**A Welsh (Cymraeg) version is available at:** <https://www.gov.uk/absenoldeb-a-thal-ar-y-cyd-i-rieni>

## 1. How it works

You and your partner may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if you're:

- having a baby
- using a surrogate to have a baby
- adopting a child
- fostering a child who you're planning to adopt

You can share up to 50 weeks of leave and up to 37 weeks of pay between you.

You need to share the pay and leave in the first year after your child is born or placed with your family.

You can use SPL to take leave in blocks separated by periods of work, or take it all in one go. You can also choose to be off work together or to stagger the leave and pay.

To get SPL and ShPP, you and your partner need to:

- meet the eligibility criteria - there's different [criteria for birth parents](#) and [criteria for adoptive parents or parents using a surrogate](#)
- [give notice to your employers](#)
- give up some of your maternity or adoption leave and pay

### Giving up maternity and adoption leave and pay

To get SPL and ShPP you or your partner has to:

- take less than the 52 weeks of maternity or adoption leave and use the rest as SPL
- take less than the 39 weeks of maternity or adoption pay (or Maternity Allowance) and use the rest as ShPP

For example, if you're the mother and you've taken 22 weeks of Maternity Leave and Statutory Maternity Pay, you can share 30 weeks of SPL and 17 weeks of ShPP with your partner.

## 2. Eligibility for birth parents

To be eligible for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP), both parents must:

- share responsibility for the child at birth
- meet work and pay criteria - these are different depending on which parent wants to use the shared parental leave and pay

You're not eligible if you started sharing responsibility for the child after it was born.

The eligibility criteria are different [if you're adoptive parents or parents using a surrogate](#).

You can [check if you can get SPL and ShPP](#). You'll need to know:

- your child's due date or birth date
- your and your partner's [employment status](#) and earnings
- if you and your partner can get [Statutory Maternity Pay](#) or [Statutory Paternity Pay](#)

#### If both parents want to share the SPL and ShPP

Both parents must meet the same eligibility criteria to get SPL and ShPP. You must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until you start your SPL

To be eligible for SPL, you must be 'employees' (not 'workers') - check your [employment status](#). If either of you is a 'worker' you might be able to share ShPP but not SPL.

To be eligible for ShPP, you must each earn on average at least £123 a week. If you usually earn an average of £123 or more a week each, and you only earned less in some weeks because you were on furlough under the Coronavirus Job Retention Scheme (CJRS), you may still be eligible.

#### If the mother's partner wants to take the SPL and ShPP

For the mother's partner to take SPL and ShPP, both the mother and the mother's partner must meet some eligibility requirements.

The mother must:

- have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)
- have earned at least £390 in total across any 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)

The mother's partner must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until they start their SPL

To be eligible for SPL, the partner must be an 'employee' (not a 'worker') - check their [employment status](#). If the partner is a 'worker', they might be able to get ShPP but not SPL.

To be eligible for ShPP, the partner must earn on average at least £123 a week.

If either the mother or their partner earned less than the amount needed because they were on furlough under the Coronavirus Job Retention Scheme, they may still be eligible.

#### If the mother wants to take the SPL and ShPP

For the mother to take SPL and ShPP, both the mother's partner and the mother must meet some eligibility criteria.

The mother's partner must:

- have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)

The mother must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until they start their SPL

To be eligible for SPL, the mother must be an 'employee' (not a 'worker') - check their [employment status](#). If the mother is a 'worker', they might be able to get ShPP but not SPL.

To be eligible for ShPP, the mother must earn on average at least £123 a week. If either the mother or their partner earned less than the amount needed because they were on furlough under the Coronavirus Job Retention Scheme, they may still be eligible.

### **3. Eligibility for adopters or parents using a surrogate**

To be eligible for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP), both adoptive parents or both parents using a surrogate must share responsibility for the child from:

- the child's due date or birth date if you're using a surrogate
- the date the child is placed with you, if you're adopting or fostering to adopt

Both parents must also meet the work and earnings criteria. The criteria are different depending on which one of you wants to use the shared parental leave and pay

The eligibility criteria are different [if you're birth parents](#).

You can [check if you can get SPL and ShPP](#). You'll need to know:

- your child's due date or birth date if you're using a surrogate, or the match date if you're adopting or fostering to adopt
- your and your partner's [employment status](#) and earnings
- if you and your partner can get [Statutory Adoption Pay](#) or [Statutory Paternity Pay](#)

#### If both parents want to share the SPL and ShPP

Both parents must meet the same eligibility criteria.

To be eligible for SPL and ShPP, you must stay with the same employer until you start your SPL. You must be employed continuously by them for at least 26 weeks, by either:

- the end of the week you or your partner are matched with a child if you're adopting
- the end of the 15th week before the due date if you're using a surrogate

To be eligible for SPL, you must be 'employees' (not 'workers') - check your [employment status](#). If either of you is a 'worker', you might be able to share ShPP but not SPL.

To be eligible for ShPP, you must each earn on average at least £123 a week. If you usually earn an average of £123 or more a week each, and you only earned less in some weeks because you were on furlough under the Coronavirus Job Retention Scheme (CJRS), you may still be eligible.

#### If only one of the parents wants to take the SPL and ShPP

Both parents must meet some eligibility criteria.

#### Criteria for the parent taking SPL and ShPP

The parent who wants to take the leave and pay must stay with the same employer until they start their SPL.

They must also have been employed continuously by the same employer for at least 26 weeks, by either:

- the end of the week you or your partner are matched with a child if you're adopting
- the end of the 15th week before the due date if you're using a surrogate

To be eligible for SPL, they must be an 'employee' (not a 'worker') - check their [employment status](#). If they are a 'worker', they might be able to get ShPP but not SPL.

To be eligible for ShPP, they must earn on average at least £123 each a week. If they earned less than the amount needed because they were on furlough under the Coronavirus Job Retention Scheme, they may still be eligible.

#### Criteria for the other parent

The other parent must:

- have been working for at least 26 weeks out of the 66 weeks before the week the child was placed with you (the 26 weeks do not need to be in a row)
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)

If they earned less than the amount needed because they were on furlough under the Coronavirus Job Retention Scheme, they may still be eligible.

#### **4. What you'll get**

You can share up to 50 weeks of leave and up to 37 weeks of pay between you.

The actual amount depends on how much maternity or adoption leave and pay (or Maternity Allowance) you or your partner take. If you or your partner are eligible then you can:

- take less than the 52 weeks of maternity or adoption leave and use the rest as Shared Parental Leave (SPL)
- take less than the 39 weeks of maternity or adoption pay (or Maternity Allowance) and use the rest as Statutory Shared Parental Pay (ShPP)

You can [check when you and your partner can take your leave and how much statutory pay you'll get](#) using the Shared Parental Leave and Pay planning tool.

#### How much pay you'll get

ShPP is paid at the rate of £156.66 a week or 90% of your average weekly earnings, whichever is lower.

This is the same as [Statutory Maternity Pay \(SMP\)](#) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

#### Example

A woman decides to start her maternity leave 4 weeks before the due date and gives notice that she'll start SPL from 10 weeks after the birth (taking a total of 14 weeks maternity leave). She normally earns £200 a week.

She's paid £180 (90% of her average weekly earnings) as SMP for the first 6 weeks of maternity leave, then £156.66 a week for the next 8 weeks. Once she goes onto SPL, she's still paid £156.66 a week.

#### **5. When you can start**

You can only start Shared Parental Leave (SPL) or Shared Parental Pay (ShPP) once the child has been born or placed with your family for adoption.

You can [check when you and your partner can start your leave](#) using the Shared Parental Leave and Pay planning tool.

### For SPL to start

The mother (or the person getting adoption leave) must either:

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

You can start SPL while your partner is still on maternity or adoption leave as long as they've given binding notice to end it.

You can give binding notice and say when you plan to [take your SPL](#) at the same time.

A mother cannot return to work before the end of the compulsory 2 weeks of maternity leave following the birth (4 weeks if they work in a factory). If you're adopting, the person claiming adoption pay must take at least 2 weeks of adoption leave.

### If the mother or adopter does not get maternity or adoption leave

The mother or adopter must end any maternity pay, adoption pay or Maternity Allowance so that they or their partner can get SPL.

### For ShPP to start

The mother (or the person getting adoption pay) must give their employer binding notice of the date when they plan to end any maternity or adoption pay.

If they get Maternity Allowance, they must give notice to Jobcentre Plus instead.

They cannot restart maternity pay, Maternity Allowance or adoption pay once it's ended.

You can start ShPP while your partner is still on maternity pay, adoption pay or Maternity Allowance as long as they've given binding notice to end it.

You can give binding notice and say when you plan to [take your ShPP](#) at the same time.

### Change the decision to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early. They must let their employer know.

They can only change the decision if both:

- the planned end date has not passed
- they have not already returned to work

One of the following must also apply:

- you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
- the mother or adopter's partner has died
- the mother tells their employer less than 6 weeks after the birth (and they gave their employer notice before the birth)

## **6. Booking blocks of leave**

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

If your partner is also eligible for SPL, you can take up to 3 blocks of leave each. You can take leave at different times or both at the same time.

You can take more than 3 blocks of leave if your employer agrees.

You must tell your employer about your plans for leave when you [apply for SPL](#). You can change these plans later but you must give your employer at least 8 weeks' notice before you want to begin a block of leave.

You can [check when you and your partner can take your leave](#) using the Shared Parental Leave and Pay planning tool.

## Splitting blocks of leave

If your employer agrees, you can split blocks into shorter periods of at least a week.

## Example

A mother finishes her maternity leave at the end of October and takes the rest of her leave as SPL. She shares it with her partner, who's also eligible. They each take the whole of November as their first blocks of SPL. The partner then returns to work.

The mother also returns to work in December. She gives her employer notice that she'll go on leave again in February - this is her second block of SPL. Her employer agrees to a work pattern of 2 weeks on, 2 weeks off during the block.

## Shared Parental Leave in touch (SPLIT) days

You and your partner can each work up to 20 days while you're 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 to those on maternity or adoption leave.

KIT and SPLIT days are optional - both you and your employer must agree to them.

## **7. Applying for leave and pay**

To get Shared Parental Leave (SPL) or Shared Parental Pay (ShPP) you must:

- follow the rules for [starting SPL and ShPP](#)
- give your employer at least 8 weeks' written notice of your leave dates

You can use [Shared Parental Leave forms and templates](#) created by Acas to:

- give your employer notice that you plan to take SPL and ShPP
- give your employer notice of when the mother or adopter is going to end their maternity or adoption leave, and when they'll stop getting maternity or adoption pay
- book your leave dates

If your employer has their own forms you can use those instead.

You can change your mind later about how much SPL or ShPP you plan to take and when you want to take it. You must give notice of any changes at least 8 weeks before the start of any leave.

**You might not get SPL or ShPP if you do not include all the required information.**

## Giving more information

Your employer can ask you for more information within 14 days of you applying for SPL or ShPP. They can ask 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 your partner's employer or a declaration that your partner has no employer

If you're adopting or fostering a child you're planning to adopt, your employer can ask for the:

- name and address of the adoption agency or local authority
- date you were matched with the child
- date the child will start to live with you
- name and address of your partner's employer or a declaration that your partner has no employer

You must give this information within 14 days of being asked for it.