



HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE

Response Date:25/11/2024

2024/1088 - Shared Parental Leave (SPL)

In response to your recent request for information regarding;

- 1. Does your force offer full pay under Shared Parental Leave or do you only allow staff and officers to take ShPP (Govt rate of £184 a week)**
- 2. If you do offer qualifying parents to take SPL and at full pay how long do you offer it for?**
- 3. If your force does offer full pay under SPL was this decision in line with your forces commitment to equal pay and opportunities for your workforce.**

North Wales Police offer Shared Parental Leave in line with the attached Federation leaflet for police officers and the ACAS guidance for police staff – which will answer the above questions.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 22/11/2024

Shared parental leave and pay

1 . How shared parental leave works

Shared parental leave gives more choice in how 2 parents can care for their child.

Eligible parents who are sharing responsibility for a child can get shared parental leave in the first year after:

- the birth of their child
- adopting a child
- getting a parental order if they had the child through surrogacy

How much shared parental leave a parent can get

Eligible parents can get up to 50 weeks of shared parental leave.

How much shared parental leave eligible parents get depends on how much:

- maternity leave the birth parent has taken
- adoption leave the primary adopter has taken

The birth parent or primary adopter can take up to 52 weeks of statutory maternity or adoption leave. They must take a minimum of 2 weeks' leave after the birth or adoption. After this they can end their leave so the remaining can be shared between the 2 parents. This leaves up to 50 weeks of leave to be shared.

For example, if a birth parent stops their maternity leave after 30 weeks, they or their partner could take shared parental leave for the remaining 22 weeks.

It's the same amount even if the parents have:

- more than one baby, for example twins
- more than one child in the same adoption placement

If the birth parent or primary adopter is not entitled to maternity or adoption leave

They will not be eligible to take shared parental leave themselves. However, if they're getting maternity pay, adoption pay or Maternity Allowance, they can 'curtail' (end) this to create shared parental leave or shared parental pay for the other parent.

Ways parents can use shared parental leave

Ways eligible parents could use shared parental leave include:

- the birth parent or primary adopter returns to work early from maternity or adoption leave and takes shared parental leave at a later date

- the birth parent or primary adopter returns to work and their partner takes shared parental leave
- both parents are off at the same time
- both parents share shared parental leave evenly and are off at different times
- both parents return to work at the same time and take shared parental leave at a later date

2. Checking eligibility

To get shared parental leave, there must be 2 parents sharing responsibility for a child.

For either parent to get shared parental leave, 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 'curtail' (end) their maternity or adoption leave early

By law, the birth parent must still take at least 2 weeks' maternity leave (4 weeks if they work in a factory).

The parent who is to take shared parental leave 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 earnings test'

They then have to give their employer [notice of shared parental leave entitlement](#).

Continuity of employment test

The parent who is to take shared parental leave 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 a week before the start of each block of leave they take
- be [legally classed as an employee](#)

Employment and earnings test

The other parent must have:

- worked for at least 26 of 66 weeks before the expected birth date or adoption match date
- earned an average of at least £30 a week in any 13 weeks of those 66 weeks (that's £390 in total)

They must also be legally classed in England, Scotland and Wales as one of the following:

- [an employee](#)
- [a worker](#)
- a 'self-employed earner'

A self-employed earner will not be eligible for shared parental leave or pay. But if they satisfy the employment and earnings test, this could allow their partner to take shared parental leave and pay. This is as long as their partner is not also a self-employed earner.

[Contact HMRC to find out more about self-employed earners.](#)

If both parents are eligible

If both parents are eligible, they can choose how to use shared parental leave between them.

[Check if you're eligible for shared parental leave on GOV.UK](#)

Example of who can take shared parental leave

Sam and Ali are adopting a child and want to use shared parental leave.

Sam has been an employee at a company for 2 years and passes the continuity of employment and employment and earnings tests.

Ali does not pass the continuity of employment test so cannot take shared parental leave. But because Ali passes the employment and earnings test, Sam can take shared parental leave.

Workers who are not eligible for shared parental leave

Workers, including agency, contract and zero-hours workers, are not entitled to shared parental leave but might be able to get [shared parental pay](#).

If the parent stops having responsibility for the child

If the employee taking shared parental leave stops sharing responsibility for the child, they must tell their employer straight away.

Their entitlement to shared parental leave or shared parental pay will end and their employer can require them to return to work.

If it's not practical for the employer to have the employee back at work straight away, they can still be required to be off for any shared parental leave they had booked for up to 8 weeks.

For example, the employer might arrange for someone else to cover the employee's work. In this case, the employee might still have to take that time off as shared parental leave, but will not get shared parental pay.

The employee's protection under the law

During shared parental leave, the employee is still entitled to all of the terms and conditions of their employment contract. This is except for the employee's usual salary and other payments ('remuneration'), as they'll be on shared parental pay.

It's against the law for an employer to treat an employee unfairly because they've taken or intend to take shared parental leave.

[Find out how to raise a problem at work](#)

Related content

[/shared-parental-leave-form-templates](#)

3. Pay

Eligible parents can get up to 37 weeks of statutory shared parental pay.

Employees and workers can claim shared parental pay for any remaining weeks after the birth parent or primary adopter stops their:

- maternity pay
- adoption pay
- Maternity Allowance

The birth parent or primary adopter can take up to 39 weeks of statutory maternity or adoption pay. They must take a minimum of 2 weeks' pay after the birth or adoption. After this they can end their pay so the remaining can be shared between the 2 parents. This leaves up to 37 weeks of pay to be shared.

For example, if a birth parent stops their maternity pay after 30 weeks, they or their partner could get shared parental pay for the remaining 9 weeks.

To claim shared parental pay, the employee or worker must tell their employer in writing, for example a letter or email.

How much shared parental pay is

Statutory shared parental pay is either of the following, whichever is lower:

- £184.03 a week
- 90% of the employee's average weekly earnings

The rate is usually reviewed every year.

To work out how much shared parental pay you're entitled to, you can use the [shared parental leave and pay planning tool on GOV.UK](#).

Checking eligibility for shared parental pay

To get statutory shared parental pay, the parent must:

- pass the [continuity of employment test](#)
- earn at least £123 a week, for 8 weeks before the 15th week of the expected birth or adoption match date

The other parent must meet the [employment and earnings test](#).

Workers, for example agency or zero-hours workers, can be eligible for shared parental pay if they meet the above criteria. They're not usually entitled to shared parental leave, but can take time off to care for the child.

[Check if you're eligible for shared parental pay on GOV.UK](#)

Enhanced shared parental leave and pay

Some employers might offer more than the statutory minimum for shared parental leave.

For example, shared parental leave with 26 weeks' full pay followed by 13 weeks' shared parental pay.

This should be in the employee's [written statement of employment particulars](#) or written in a workplace policy document.

Related content

[/employment-status](#)

4. Planning leave

Parents eligible for shared parental leave can decide how they want to use the leave and pay available to them.

It can help to consider:

- dates they definitely need off
- any work projects or events coming up
- childcare options and availability
- how their work will be covered while they're off

It's a good idea for each parent who plans to take shared parental leave to talk informally with their employer as soon as possible about how and when they'll take the leave. This can help the employer plan how they'll put cover in place.

Example of using shared parental leave

Toni and Sam have had a baby. Toni earns more than Sam and wants to return to work after 2 months. Toni reduces the length of maternity leave to create a shared parental leave entitlement for Sam.

This allows Sam to take more time off after paternity leave to care for their child when Toni goes back to work.

Plan your shared parental leave

To work out how and when you can take shared parental leave, use the [shared parental leave and pay planning tool on GOV.UK](#).

Shared parental leave templates

Download and use:

- [shared parental leave forms and templates for parents](#)
- [shared parental leave templates for employers](#)

Step 1: Ending maternity or adoption entitlement

The birth parent or primary adopter must give their employer notice to end their maternity or adoption leave ('notice of curtailment') to create an entitlement to shared parental leave.

This could be for a date in the future, which will allow the other parent to take shared parental leave while the birth parent or primary adopter is on maternity or adoption leave.

If the parents change their mind

The birth parent or primary adopter cannot restart maternity or adoption leave once they've returned to work.

If they've given a notice of curtailment, they cannot cancel 'revoke' (cancel) it, unless:

- the notice was given before birth, it can be revoked up to 6 weeks after the birth or adoption placement start date
- the other parent dies
- it turns out neither parent was entitled to shared parental leave or shared parental pay

Step 2: Giving notice of entitlement to shared parental leave

To create an entitlement to shared parental leave, the parent must give their employer a 'notice of entitlement'.

The [notice of entitlement form](#) includes information such as:

- how much maternity or adoption entitlement has been used
- how much leave and pay is left over from the maternity or adoption entitlement
- how much leave each parent wants to take
- when they want to take the leave
- the signature of both parents

The parent must also provide a declaration from the other parent that confirms at the time of the birth or adoption placement they:

- share responsibility for the care of the child
- meet the employment and earnings test
- agree to the amount of shared parental leave and shared parental pay given to the employee

When the employer receives notice of entitlement for shared parental leave, they should:

- tell the employee they have received the notice
- take the notice of entitlement as suitable proof

Step 3: Taking the leave

When arranging shared parental leave, the employee must:

- give their employer 8 weeks' notice each time they want to take leave
- take their shared parental leave in blocks of weeks, but it can start on any day, for example if the first day of a week's leave is Tuesday, the last day of leave would be the next Monday
- include the start and end dates of any blocks of leave in the notice

By law, each eligible employee has up to 3 notices they can give their employer to:

- take continuous leave – a full block of time off work
- take discontinuous leave – where blocks of time off work are mixed with time back at work
- change the dates of any booked leave

Employers can agree to more notices if they want to.

Continuous leave

Employees can use up to 3 notices to take continuous leave, depending on how they want to use it.

They do not have to give separate notices, but it can help avoid confusing continuous and discontinuous leave.

Employers cannot refuse notice to take continuous leave.

Example of taking continuous leave

Alex and their partner Jo decide to take 20 weeks of shared parental leave each.

Jo gives their employer 1 notice to take all 20 weeks of their leave in 1 block.

Alex wants to take 3 blocks of certain dates off work over the year. To make sure they get the dates they want, they give their employer 3 continuous leave notices.

They give 1 notice to take 10 weeks of leave from 1 January to 11 March. And then a second notice to take 5 weeks from 1 May to 4 June. They give their third notice to take 5 weeks from 1 August to 4 September.

This makes clear to the employer that Alex's notices are for continuous leave and cannot be refused.

Discontinuous leave

Discontinuous leave can be useful for employees who do not want to take too much time off work in one go.

Employers can refuse notice to take discontinuous leave, for example if it's not suitable for the workplace. They could suggest a different arrangement that's more suitable.

Before deciding on this type of leave, the employee and employer should talk about it first and make sure it will work for both.

Example of discontinuous leave

Bo has 20 weeks of shared parental leave. They have some important projects coming up at work so they agree with their partner to take discontinuous leave.

They give their employer 1 notice to take discontinuous leave. They request to alternate taking 2 weeks off, 2 weeks at work until they've used the 20 weeks' entitlement.

The employer agrees to this arrangement as it keeps Bo up to date with the projects.

If an employer and employee do not agree on discontinuous leave dates

The employer and employee should come to an agreement within 14 calendar days of the employee's notice to take leave.

If they do not reach an agreement, the employee can either:

- withdraw their notice
- take continuous leave instead

If an employee withdraws their notice on or before the 15th calendar day after they originally gave it, it does not count as 1 of their 3 notices to take or vary leave.

If an employee withdraws their notice 15 calendar days after they originally gave it, it counts as a notice to vary leave. This means they'll have used 1 notice to take leave and 1 to vary it, so they have 1 notice left to take leave.

If an employee chooses not to withdraw their notice, it will become a block of continuous leave. The leave can start on either:

- the original leave date they gave (this is what it will default to)
- a new date they give their employer within 19 days of the original leave date – the new date must be at least 8 weeks after the original leave date

The employee should put the option they choose in writing to their employer.

Booking leave before the baby is born

As it's not possible to know the exact date a baby will be born, a parent might want to book shared parental leave based on a number of weeks after the baby is born.

For example, they could tell their employer they want to take 4 weeks of shared parental leave after their maternity leave ends. That way, their employer will be aware the dates could move depending on when the baby is born.

Holiday entitlement

Holiday entitlement builds up as normal during shared parental leave.

Some employees might want to take their holiday between blocks of shared parental leave, so they can take more paid time off.

The employee should try to take their holiday entitlement within the workplace's [holiday year](#) wherever possible. If it's not possible, the employer might allow some holiday to be carried over.

It's a good idea for the employer and employee to talk as early as possible to agree holiday plans.

Step 4: Changing the leave

It's important to remember that each eligible parent has up to 3 times to either:

- change the dates of booked shared parental leave ('notice to vary leave')
- book a block of shared parental leave ('notice to take leave')

Each time the employee cancels or changes booked shared parental leave, it counts as a notice to vary leave, unless the employer agrees otherwise.

To change ('vary') or cancel the dates of any shared parental leave booked, the employee must give their employer:

- 8 weeks' notice
- a 'notice to vary leave'

The employer can ask the employee to change dates of booked shared parental leave. If the employee agrees, this would not count as a notice to vary leave. The employee does not have to agree and must not be treated unfairly if they do not.

If the baby is born early or prematurely

If the baby is born more than 8 weeks early, the parent does not need to give the usual 8 weeks' notice to book or change leave dates.

The parent should give the necessary notices to their employer as soon as they can.

If they're changing shared parental leave dates already booked, it will not count as one of the employee's 3 notices to vary shared parental leave.

Changing the amount each parent takes

Parents who are both entitled to shared parental leave can change the amount of leave each of them will take.

They must both agree and sign each other's notices of entitlement with the updated amount of shared parental leave they're each entitled to.

They should tell their employers as soon as possible.

If the child dies

If the child dies, the parents can still take the shared parental leave they've booked.

They can also either:

- decide to take less shared parental leave
- change discontinuous leave into one block of continuous leave

The employer might ask for 8 weeks' notice before the employee returns to work.

The employee cannot book any new blocks of shared parental leave.

Parents cannot apply for shared parental leave after the death of a child. The birth parent can still get [maternity leave](#) or [adoption leave](#). The partner could still be eligible for statutory [paternity leave](#).

If a parent dies

If a parent is eligible for shared parental leave and the other parent dies, they can:

- still take shared parental leave as planned
- transfer and use any shared parental leave due to be taken by the parent who died

If they want to book another block of shared parental leave or to change dates of booked leave, they do not need to give 8 weeks' notice but should tell the employer as soon as they can.

Even if they've already made 3 notices to book or change shared parental leave, they can make one more.

5. When an employee is on leave

It's a good idea for the employer and employee to keep in contact when the employee is on shared parental leave.

The employer still has legal obligations to the employee while they're off and should let the employee know of any changes or job opportunities.

They should both agree before the employee goes on leave how and when they'll stay in touch.

Shared parental leave in touch (SPLIT) days

The employee and employer can agree on up to 20 shared parental leave in touch (SPLIT) days.

These work in a similar way to keeping in touch (KIT) days with maternity leave.

SPLIT days can be useful for the employee to:

- keep up to date with work
- go to a work-related activity or training session
- work part of a week to help the team
- return from leave in a gradual way, for example taking 2 SPLIT days and working 3 days a week to start with

It's up to the employer and employee to agree:

- whether to use SPLIT days
- how many of the 20 to use
- how much the employee will get paid for them

Pay for SPLIT days still needs to meet the [National Minimum Wage](#).

If an employment contract ends

If a fixed-term contract was due to end anyway, the employer does not have to renew it. But the employer must not use the fact that a parent has taken or intends to take shared parental leave for not continuing a contract.

When a contract ends, the parent's shared parental leave entitlement ends. This is even if they start working for another employer, because they'll no longer meet the [eligibility test](#). The other parent keeps their entitlement, if they had it.

If the contract ends while the employee is on shared parental leave, they could still be entitled to shared parental pay.

Redundancy

There is extra protection for employees who take shared parental leave.

[Find out about redundancy protection for pregnancy and new parents](#)

Returning to work

After shared parental leave, the same rights and processes apply as [returning to work after maternity leave](#).



Leave. However, unpaid family leave cannot be bought back for pension purposes. The Home Office has been asked to address this anomaly.

Additional Maternity/Adoption Support Leave and Shared Parental Leave and Pay

Currently, police regulations and determinations set out officers' entitlements to additional maternity or adoption support leave subject to eligibility requirements. These were based on the statutory additional paternity leave provisions. Members on additional maternity or adoption support leave were also entitled to be paid statutory additional paternity pay subject to eligibility requirements.

Following the publication of the Children and Families Act 2014 statutory additional paternity leave and pay was replaced by Shared Parental Leave and Pay. PNB circular 21/2014 and Home Officer circular 11/2015 sets out the agreement reached to provide officers with an entitlement to shared parental leave. This will require amendments to police regulations and determinations. Officers are already entitled to receive statutory shared parental leave pay subject to eligibility requirements. HOC 11/2015 states that the Home Office intends changing police regulations and determinations to provide for shared parental leave but that in the meantime forces are encouraged to apply the statutory shared parental leave provisions.

What is shared parental leave?

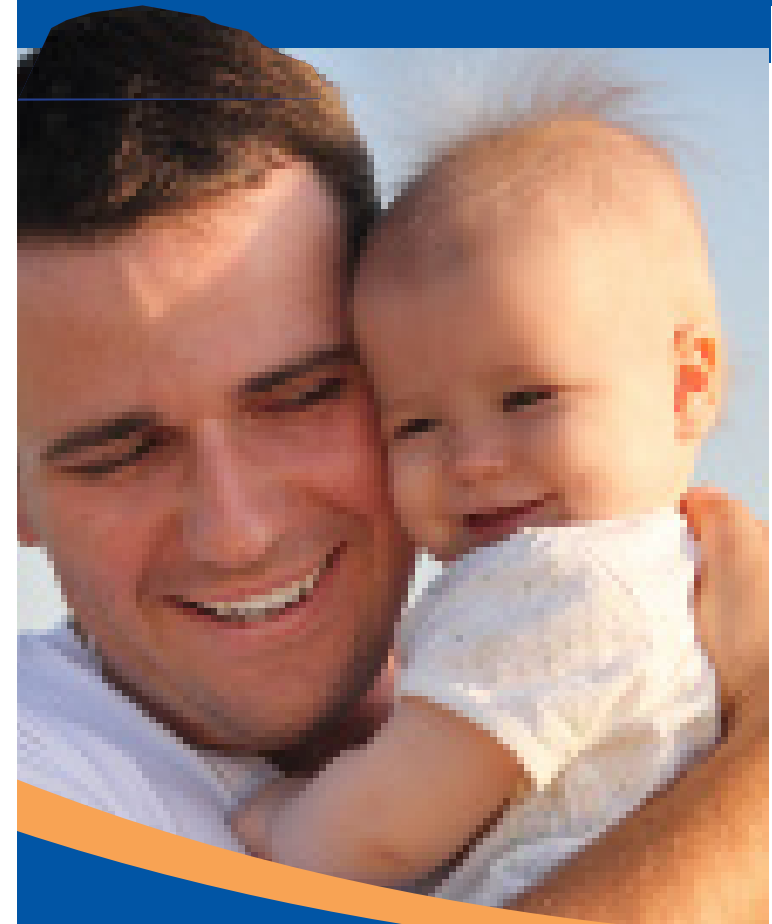
Shared parental leave lets parents share statutory leave and pay in the first year following the birth or adoption of a child. Parents can choose how they allocate shared parental leave between them and whether they wish to take the leave separately or at the same time.

To qualify the officer must share responsibility for the child with either:

- his/her husband, wife, civil partner or joint adopter
- the child's other parent
- his/her partner (if they live with the officer and the child)

Shared parental leave and pay is also available to intended parents in a surrogacy arrangement and prospective parents in the fostering to adopt system. Further details of the statutory provisions can be found at <https://www.gov.uk/shared-parental-leave-and-pay/overview>

A separate advice leaflet will be produced when the amendments have been made to police regulations and determinations.



Maternity and Adoption Support Leave

ADVICE FOR FATHERS AND PARTNERS

This leaflet sets out the entitlements of police officers who, in the case of Maternity Support Leave, are either a child's father, the partner of an expectant mother or the nominated carer of an expectant mother, and in the case of Adoption Support Leave they would be the second parent in a couple adopting a child.

What is Maternity or Adoption Support Leave?

Maternity Support Leave or Adoption Support Leave is leave that can be taken at or around the time of birth or adoption to care for the child and/or support the child's mother or the main adopter in caring for the child.

How much leave am I entitled to?

Officers are entitled to two weeks' leave at or around the time of the birth or adoption. The two weeks do not have to be taken together. Each period of a week can be taken separately. Note: there are no service requirements for Maternity or Adoption Support Leave.

What pay am I entitled to?

Officers receive their normal rate of pay for the first week of their Maternity or Adoption Support Leave, offset by the statutory paternity pay rate for that week. If they work part time their pay is calculated by reference to your appropriate factor. Officers with 26 weeks' continuous service at the end of the 15th week before the expected week of confinement, or the week in which the adopter is matched with a child for adoption, are entitled



to be paid for the second week at the statutory paternity pay rate.

Exigencies of duty

The granting of Maternity or Adoption Support Leave is subject to the exigencies of duty.

Recall to duty

An officer on Maternity or Adoption Support Leave can be recalled to duty at any time but only for exceptional reasons such as court attendance or a disciplinary hearing. Attendance at court as a police witness is treated as duty time and they will receive the daily rate of pay for each day on duty but lose statutory paternity pay for that week.

Police regulations and determinations are silent on what should happen to Maternity or Adoption Support Leave should an officer be recalled to duty. It is PFEW's view that the leave period should be extended or reallocated accordingly.

Reckonable service

All paid leave taken as Maternity or Adoption Support Leave counts as pensionable service, reckonable for incremental pay and leave purposes and for inclusion in any probationary period. Under the Police Pension Scheme 2015 members can buy-back for pension purposes time spent on unpaid family leave. This includes unpaid Maternity Support Leave or Adoption Support