

Shared Parental Leave (SPL)

- *In force from 5 April 2015*
- *Applies where the expected week of childbirth is on or after this date. In the case of adoption, applies where child is to be placed for adoption on or after this date*
- *SPL can be taken by both parents at the same time but up to the maximum of 50 weeks*
- *Can cover child's father, mother's husband or civil partner or partner (for births) and secondary adopter for adoptions.*
- *Two weeks compulsory maternity leave/adoption leave must still be taken by mother/primary adopter*
- *Other parent will still be entitled to two weeks ordinary paternity leave but this must be taken prior to any SPL otherwise entitlement is lost.*

Mother

- *Mother must take compulsory maternity leave (2 weeks after birth)*
- *Qualifies if she is in employment for 26/66 weeks before the Expected Week of Childbirth (EWC) and earns more than the lower limit.*
- *Thereafter can take SPL if maternity leave has ended*
- *Ends maternity leave by either:*
 - *Returning to work; or*
 - *Giving a curtailment notice*
- *Amount of SPL is based on the mother's remaining available leave entitlement*

Note: curtailment notice can be revoked in limited circumstances

Father/Partner

- *Father/partner can still take ordinary paternity leave (OPL) - 2 weeks*
- *OPL must be taken before SPL starts or will be lost*
- *Additional paternity leave abolished*
 - *must still be employed when SPL is taken*
 - *must have worked for 26 weeks by the 15th week before EWC*
 - *must give 8 weeks notice of intention to take SPL*
 - *must have main responsibility for caring for the child*
 - *Mother must provide a declaration for father/partner to give their employer agreeing to SPL and confirming her entitlement*
 - *Father/partner must provide a declaration for the mother to give her employer agreeing to SPL and confirming Father/partner's entitlement.*

Time off together

- *Time off together whilst she is still on maternity leave so long as she has given her curtailment notice*
- *Outwith SPL, time off together is possible in the 2 weeks after birth if he takes paternity leave*
- *Or can be off at the same time so long as it does not exceed the 50 weeks of SPL allowance*
 - *Blocks of one week*
 - *Up to 3 notifications*
 - *8 weeks before start"*

Continuous leave notification

- Means a notification for a number of weeks of SPL taken in a single unbroken period of leave
- Can submit up to 3 of these – can't be refused.

Discontinuous leave

- Means asking for a set period of leave over a period of time with breaks between the leave when the employee returns to work e.g. 4 weeks leave over 8 weeks taken week about
- Employer has the right to refuse this – within 14 days
- If refused, employee can withdraw it within 15 days or take the leave in a continuous block.

Pay

- Shared Parental Pay = amount of statutory maternity pay/adoption pay/ maternity allowance remaining at the point the mother curtails maternity leave/adoption leave
- Parents decide how to split it

Miscellaneous

- Keeping in touch days apply
- Terms and Conditions remain in force, except re pay
- Annual leave continues to accrue
- Return to work is to
 - Same job (26 weeks or less leave taken)
 - Similar job (more than 26 weeks taken or SPL + weeks ordinary parental leave)

Adoption

- Previously no right to Shared Adoption Leave or Shared Adoption Pay was available in respect of:
 - Step-parents who adopt step-child
 - Foster parents who adopt foster children
 - Arrangement with surrogate mother (although biological fathers might have a right to paternity leave)
 - Private adoptions
- Options for Foster parents and those entering surrogacy arrangements widened from 5 April 2015
- Contractual arrangements – cannot agree less favourable terms than the statutory minimum provision
- Time off for adoption appointments – from 5 April 2015

Parental leave

- Up to 18 weeks' unpaid parental leave per child for the purpose of caring for the child
- Applies to birth and adoptive parents and anyone with or anticipating parental responsibility – step-parents and foster parents are not normally covered unless they expect to have parental responsibility by adopting the child
- Amended from 5 April 2015 – can take parental leave any time up to the child's 18th birthday for all children.
- Criteria – must be continuously employed for not less than one year and have or expect to have responsibility for a child
- Blocks of one week
- Maximum of four weeks of parental leave can be taken a year.
- Move to new employer- only able to take parental leave for the period not taken.

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