

Human Resources  
Goireasan Daonna

---

# Shared Parental Leave Guidance

# Contents

## Clàr-innse

<b>Introduction</b>	<b>3</b>
<b>Guidance</b>	<b>3</b>
Scope	4
Eligibility	5
How and when can SPL be taken?	6
Shared Parental Leave Pay (ShPP)	7
Shared Parental Leave in Touch (SPLIT) Days	9
Annual leave	9
How to apply for SPL	9
Changing Shared Parental Leave arrangements	10
Rights during Shared Parental Leave	11
<b>Quick Links</b>	<b>11</b>

# Introduction

Shared Parental Leave (SPL) enables eligible parents to choose how to share time taken off work to care for their child during the first year of birth or adoption.

This flexible system allows mothers to take shared parental leave at any point after the first two weeks of giving birth. Mothers and Partners will then be able to share the remaining 50 weeks statutory maternity leave between them, by taking the leave in turns, in different blocks, or at the same time.

Example: A mother could end her maternity leave after 12 weeks, leaving 40 weeks (of the total 52 weeks entitlement) available for SPL. If both the mother and her partner are eligible, they can share the 40 weeks. They can take the leave at the same time or separately.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement of up to 18 weeks unpaid leave. The Council provides separate guidance on [Ordinary Parental Leave](#).

# Guidance

## Definitions

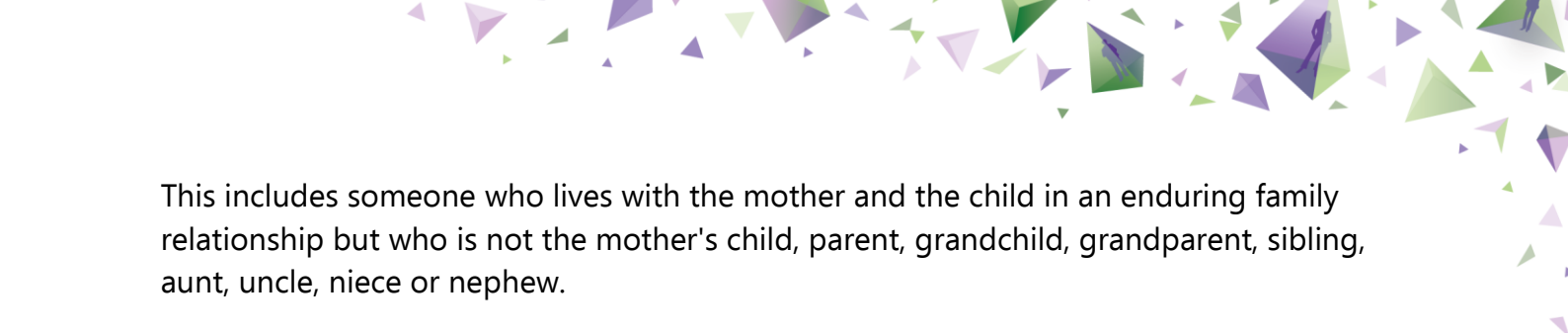
The following definitions are used in this guidance:

**Mother** is the mother or expectant mother of the child.

**Adopter / legal parent** has equivalent rights as a Mother.

**Partner** is the father of the child, or the person who, at the date of the child's birth, is:

- married to the mother
- the civil partner of the mother
- the partner of the mother.



This includes someone who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

**Expected week of childbirth** refers to the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

**Employee** refers to the Highland Council employee who is applying for Shared Parental Leave or Pay.

**Continuity test** is a requirement for the employee to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date

**Employment and earnings test** is a requirement for the employee's partner to have worked for at least 26 weeks in the 66 weeks leading up to the child's expected due date/matching date and have earned an average of at least £390 across any 13 of the 66 weeks.

## Scope

This guidance applies to all employees of the Council regardless of whether they are the mother/ adopter, or the partner (with the exception of Teachers, who should refer to the national conditions of service - [Part 2, Section 7 Family Leave](#)).

If it is the mother/adopter who is employed by the Council, their partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to their **own employer**, which may have its own Shared Parental Leave policy in place, if they want to take a period of shared parental leave.

Similarly, if it is the partner who is employed by the Council, the mother must (where relevant) submit any notifications to take shared parental leave to her own employer.

The mother/adopter and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

# Shared Parental Leave (SPL)

## Eligibility

Shared Parental **Leave** (SPL) can only be used by two people:

- the mother/adopter and one of the following:
- the father of the child (in the case of birth) or
- the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Employees seeking to take SPL must satisfy each of the following criteria:

- The **mother/adopter** of the child must be/have been entitled to statutory maternity/adoption leave or, if not, they must be/have been entitled to statutory maternity/adoption pay or maternity allowance. Notice must have been given to reduce or end (curtail) any maternity/adoption entitlements.
- The **employee** must still be working for the Council at the start of each period of SPL.
- The **employee** must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date.
- The **employee's partner** must meet the 'employment and earnings test' requiring them, in the 66 weeks leading up to the child's expected due date/matching date, to have worked for at least 26 weeks and earned an average of at least £390 across any 13 of the 66 weeks.
- The **employee** must comply with notice requirements including, where necessary, a declaration that their partner meets the employment and income requirement which allow them to get shared parental leave.

The partner's employment and earnings test applies regardless of where they work. Parents do not need to work for the same organisation to qualify for Shared Parental Leave or Shared Parental Pay.

Where only one parent is eligible for shared parental leave, the leave cannot be shared with their partner. Shared parental leave could still be used however, by the eligible parent, to book their leave in separate blocks.

## How and when can SPL be taken?

A mother must take a minimum of 2 weeks maternity leave following the birth of her child. If an employee is eligible and they or their partner end maternity or adoption leave and pay (or maternity allowance) early, then they can:

- take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as shared parental leave
- take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as statutory shared parental pay (SSP).

Employees may also be entitled to take up to 2 weeks paternity leave following the birth or adoption placement of their child. This can be taken before or after a block of Shared Parental Leave. See the [Paternity Provisions guidance](#) for more information.

Shared parental leave must be taken between the baby's birth and first birthday (or within 1 year of adoption).

An employee taking shared parental leave can split their leave into up to 3 separate blocks instead of taking it all in one go, even if they aren't sharing the leave with their partner.

SPL can only be taken in complete weeks but may begin on any day of the week. The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive SPP.

Links to template letters can be found further on in this guidance.

If both parents are taking shared parental leave, they can take their leave at the same time as each other or at different times. Please note that if taken at the same time, the leave will reduce accordingly.

**Example:** If both parents take 6 weeks SPL at the same time the total amount of SPL available will reduce by 12 weeks.

## Continuous leave notifications

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the Council has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

## Discontinuous leave notifications

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

The Council will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is not agreed, the employee can either:

- withdraw it within 15 days of giving it, (requests that have been withdrawn in these circumstances do not count towards the limit on the number of requests for leave that an employee can make). or
- take the leave in a single continuous block. (This would count as one request).

For shared parental leave to start, the mother or adopter must do one of the following:

- end their maternity leave or adoption leave by returning to work
- give 'binding notice' to their employer of the date when they will end their maternity leave or adoption leave
- end maternity pay or maternity allowance.

**Example:** A mother and her partner are both eligible for SPL. The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives appropriate notice. Since the mother has given binding notice, her partner can start SPL as soon as the baby has been born (as long as they've given at least 8 weeks' notice).

## Shared Parental Leave Pay (ShPP)

### Eligibility

Eligible employees may be entitled to take up to 37 weeks of Statutory Shared Parental **Pay** (ShPP) while taking Shared Parental Leave (SPL). The number of weeks available will depend on how much statutory maternity/adoption pay or maternity allowance the mother/adopter has used before curtailing it.

ShPP may be payable during some or all of SPL, depending on the length and timing of leave.

To qualify for ShPP, the employee:

- must be eligible for SPL (26 weeks' continuous service by the end of the 15th week before the expected week of childbirth or placement)
- share responsibility for the child  
must have earned at least the Lower Earnings Limit (LEL) on average in the 8 weeks before the qualifying week.

Statutory Shared Parental Pay is paid at the lower of:

- 90% of the employee's average weekly earnings, or
- £194.32 per week (from 6 April 2026)

If an employee has 26 weeks' or more continuous service by their qualifying week, they will be entitled to 39 weeks paid leave, as follows:

- first 6 weeks at 9/10ths pay, including ShPP
- following 12 weeks at half pay plus ShPP
- following 21 weeks at ShPP,
- any further SPL at no pay (up to a maximum of 13 weeks).

If an employee intends to claim ShPP, they must give notice which must include:

- how much ShPP both parents are entitled to take
- how much ShPP each parent intends to take
- when they expect to take ShPP
- a declaration from the employee's partner confirming their agreement to the employee claiming their amount of ShPP.

**Example:** If the mother takes maternity leave for 30 weeks, then the father takes a period of shared parental leave of 12 weeks, then the mother takes a period of shared parental leave of 10 weeks; the mother would be paid statutory maternity pay (SMP) for 30 weeks and the father would be paid statutory shared parental pay (SSPP) for the first nine weeks of his leave period (provided that they meet all the relevant eligibility requirements).

## Pension Benefit

Any unpaid period during an employee's shared parental leave will not count in the calculation of her future pension benefits unless they agree to pay the appropriate contributions.

On the employee's return to work, the Pension Section of the Finance Department will contact the employee.

## Shared Parental Leave in Touch (SPLIT) Days

The council reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or, to update them on developments at work during their absence.

During shared parental leave an employee is allowed up to 20 days at work with normal pay – known as “shared parental leave in touch days” – without bringing the leave period to an end.

Normal pay will be inclusive of any shared parental pay payable to the employee. These days do not need to be consecutive and can be used for training, or any other activity that enables the employee to keep in touch with their place of employment.

An employee does not have a right to attend work during shared parental leave and the Council has no right to require an employee to attend work during shared parental leave. Therefore, a decision as to whether or not SPLIT days will take place is a matter to be decided between an employee and their line manager.

## Annual leave

Shared Parental Leave is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holidays should, wherever possible, be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

## How to apply for SPL

If an employee wishes to take Shared Parental Leave they must provide written notice of their entitlement to SPL and ShPP, to their line manager, including:

- their partner's name
- maternity leave start and end dates
- the total amount of SPL and ShPP available
- how much they and their partner intend to take
- that they're sharing childcare responsibility with their partner.

[Appendix 2 - Notice of Entitlement and Intention to take Shared Parental Leave – Mother](#)

[Appendix 4 - Notice of entitlement and intention to take Shared Parental Leave – Father](#)

It must also include a signed declaration from the partner stating:

- their name, address and National Insurance number
- that they satisfy the qualifying requirements to take SPL and SPP
- that they agree to sharing SPL and SPP.

[Appendix 3 - Father's/partner's declaration to accompany mother's notice of entitlement](#)

[Appendix 5 - Mother's declaration to accompany father's notice of entitlement](#)

Any notice to book Shared Parental Leave must be given at least eight weeks before the leave is due to start.

[Appendix 6 - Request for Shared Parental Leave](#)

## Changing Shared Parental Leave arrangements

An employee is entitled to cancel or request a variation of leave that has already been requested. At least 8 weeks' notice is required prior to the change.

[Appendix 7 - Request to vary or cancel Shared Parental Leave](#)

## Revocation of maternity leave curtailment notice

The mother can withdraw her notice curtailing her maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:

- it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given
- the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died.

[Appendix 1 – Maternity Leave Curtailment Notice](#)

## Rights during Shared Parental Leave

During shared parental leave, all terms and conditions of the employee's contract, except normal pay, will continue. Salary will be amended in line with Shared Parental Pay if the employee is eligible for it. This means that, while sums payable by way of salary will change, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

## Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

[HR Microsite](#)

[Family Friendly Policies page](#)

[Appendix 1 – Maternity Leave Curtailment Notice](#)

[Appendix 2 - Notice of Entitlement and Intention to take Shared Parental Leave – Mother](#)

[Appendix 4 - Notice of entitlement and intention to take Shared Parental Leave – Father](#)

[Appendix 3 - Father's/partner's declaration to accompany mother's notice of entitlement](#)

[Appendix 5 - Mother's declaration to accompany father's notice of entitlement](#)

[Appendix 6 - Request for Shared Parental Leave](#)

[Appendix 7 - Request to vary or cancel Shared Parental Leave](#)



myjobscotland